



ADMINISTRATIVE REFORMS COMMISSION
GOVERNMENT OF KERALA

SIXTH REPORT

Welfare to Rights II

IMPLEMENTATION OF SELECT LEGISLATIONS
REVIEW PHASE II

.....
Fisherfolk
Scheduled Castes and Scheduled Tribes
Slum and Colony Dwellers
Street Dwellers
.....

OCTOBER 2020

In Partnership With
Research Institute, Rajagiri college of Social Sciences, Kochi

Foreword

Previous reports of the Fourth Administrative Reforms Commission highlighted adoption of progressive policies by successive governments in Kerala. The model of governance adopted by the state improved the standard of living of the people and created an environment conducive to reduction of inequalities across diverse groups. However, certain sections of the society still remain vulnerable and marginalised. Moreover, the model itself needs a makeover to tackle second generation problems and to adapt to emerging challenges and rising aspirations of the people. Third Report of the Commission, 'Welfare to Rights' studied selected legislations for ensuring rights and welfare of Children, Women, Senior Citizens, Persons with Disabilities, Mental Healthcare and Migrant Labourers and submitted recommendations to the government. Sixth Report of the Commission, 'Welfare to Rights - Phase II' is a continuation of the 3rd report and includes study of select legislations / policies for Fisherfolk, Scheduled Castes and Scheduled Tribes, Slum and Colony Dwellers and Street Dwellers - sections of the society which continue to experience the persistence of social group differentials. They face discrimination in almost all facets of life and continue to encounter barriers in accessing their rights.

Kerala has made great strides in reducing overall poverty. But statistics on poverty shows that there is disparity across various social and economic groups. Poverty is concentrated more among traditional fisherfolk, Scheduled Castes and Scheduled Tribes and other marginalised sections of society. Inhabitants of colonies and slums face deprivations that those outside may never encounter. Street dwellers occupy lives on the fringes of society. There are several contrary arguments about this state of affairs. Lack of awareness about legislations and policies to ensure their welfare and rights, absence of assets, barriers in accessing good quality education despite reservation and monetary support, lack of facilities and access to healthcare services limited employment opportunities are a few of the reasons for their continued backwardness.

A developmental model which ensures inclusiveness, which is participatory and open to inputs from the people in decision making is essential for bringing these groups into the mainstream. Several studies have shown that adoption of participatory decision making and inclusion of vulnerable communities in the decision-making process accelerate redistribution of resources and universalisation of benefits leading to dismantling of barriers faced by these

groups. To overcome historical divides and disadvantages based on caste and community they need initial hand holding by the state. Providing a level playing field to the marginalised communities will enable them to be part of the decision-making elite. They need to be empowered to attain better quality of life while retaining their identity, culture and right to privacy and choice enjoyed by other sections of society.

Fisherfolk and Scheduled Castes and Scheduled Tribes have the benefit of legal framework. Their disadvantages arise from issues in implementation and lack of dynamism of the state machinery. Most of the inhabitants in colonies belong to the Scheduled castes and can access all rights and benefits available to the community. Slum dwellers lack access to most basic facilities, but they are also covered by few legislations and policies.

Out of the four sections, it is the street dwellers who are the most vulnerable and need special attention. They have no collective or personal identity, none to represent them and most often are not able to recognise and express their own needs in a concrete way. They are forced to lead a life of humiliation, alienation, and insecurity.

It is a reflection of lack of concern of the governance system and the faceless nature of their existence that no legislation exists for ensuring rights of street dwellers. The pandemic that has gripped the state highlights stark reality of the life of these marginalised and vulnerable communities.

Recommendations in this report aim at the holistic development of the communities included in the study. Issues dealt with are not new and the government itself has taken several initiatives to address many of them. ARC's intent is to assist the government in focusing on some of the major issues within a specific timeframe, to enable these communities to absorb the benefits deriving from a resilient society developing at a fast pace.

Findings of this report need to be followed up. I hope the Government will absorb the spirit of the report and move forward with adoption of systems to remove barriers faced by these communities enabling them to access all the rights and privileges available to them as citizens.



V.S. Achuthanandan

04.09.2020

Thiruvananthapuram

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Contents

Abbreviations

List of Tables

List of Figures

Introduction	1
Fisherfolk.....	5
Scheduled Castes and Scheduled Tribes.....	29
Slum and Colony Dwellers	63
Street Dwellers.....	83
Epilogue.....	97
Appendices.....	99

Appendices

Executive Summary : Seminar, Thiruvananthapuram	i
Executive Summary : Public Hearing, Kasaragod	xiii
Executive Summary : Public Hearing, Wayanad	xviii

Abbreviations

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AAY.....	Antyodaya Anna Yojana
AWC.....	Anganwadi Centre
CMFRI.....	Central Marine Fisheries Research Institute
CSS.....	Centrally Sponsored Schemes
DDU GKY	Deen Dayal Upadhyaya Grameena Koushal Yojana
DLC.....	District Level Committee
ECCE.....	Early Child Care and Education
EWS	Early Warning Systems
FGDs	Focus Group Discussions
GoI.....	Government of India
GoK.....	Government of Kerala
GRFTH School.....	Government Regional Fisheries Technical High School
GRT.....	Gross Registered Tonnes
ICDS	Integrated Child Development Services
JSS.....	Jan Sikshan Sansthan
KELSA	Kerala State Legal Services Authority
KFWS.....	Kerala Fishermen Welfare Societies
KILA.....	Kerala Institute of Local Administration
KWA.....	Kerala Water Authority
LSGI.....	Local Self Government Institution
MGNREGS	Gandhi National Rural Employment Guarantee Scheme
MSW	Master of Social Work
NCEUS.....	National Commission for Enterprises in the Unorganised Sector
NDRF	National Disaster Response Force
NEET	National Eligibility cum Entrance Test
NRLM	National Rural Livelihood Mission
NSS	National Service Scheme
NULM	National Urban Livelihoods Mission
PCR.....	Protection of Civil Rights
PDS.....	Public Distribution System
PESA.....	Panchayats (Extension to the Scheduled Areas)
PHC	Primary Health Centre
PoA.....	Prevention of Atrocities
PTAs.....	Parent Teacher Associations
PVTG.....	Particularly Vulnerable Tribal Group

RAY	Rajiv Awas Yojana
SAF	Society for Assistance to Fisherwomen
SCA	Special Central Assistance
SC	Scheduled Caste
SCSP	Scheduled Caste Sub Plan
SD	Street Dwellers
SDLC	Sub-Divisional Level Committee
SLMC	State Level Monitoring Committee
ST	Scheduled Tribe
WCP	Women Component Plan
WHO	World Health Organisation

List of Tables

Table 1.1	Fisherfolk Population (Marine) 2018-19	05
Table 1.2	Fisherfolk Population (Inland) 2018-19	06
Table 1.3	Fishermen Welfare Scheme 2018-19	09
Table 1.4	Number of Active Fishermen and Allied Workers 2018-19	14
Table 1.5	Fishermen Co-op. Societies under Fisheries Dept affiliated to MATSYAFED 2018-19	14
Table 1.6	Allied Workers Welfare Scheme 2018-19	15
Table 1.7	Matsya Suraksha Scheme (Compensation Insurance) for Allied Workers 2018-19	15
Table 1.8	The District-wise Savings cum Relief Schemes 2018	16
Table 2.1	Protection of Civil Rights Act, 1955 for Crimes against SCs in Kerala	32
Table 2.2	Status of Cases against SC registered as per PCR Act during 2018	33
Table 2.3	Status of PoA Cases 2018	38
Table 2.4	Outlay and Expenditure of Pooled Fund	46
Table 2.5	Outlay and Expenditure under Critical Gap Filling Scheme (Corpus Fund)	46
Table 2.6	Enrolment of SC students	47
Table 2.7	Details of Scheduled Castes/Scheduled Tribes Employees in Government Services	49
Table 3.1	Percentage Distribution of Area and Population in Slums in 1996	66
Table 3.2	Statutory Towns and Towns reporting Slums, with Population	67
Table 3.3	Slum Population in Kerala	67

List of Figures

Figure 2.1	Cases Reported in Kerala as per PoA Act 1989 During 2014 -18	37
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Introduction

*“Let the future say of our generation that we sent forth mighty currents of hope,
and that we worked together to heal the world.”*

JEFFREY SACHS

Background

Well organised and efficient administrative system is essential for proper functioning of any organisation and especially so for Governments. Any system, however satisfactory its functioning, needs to be dynamic, open, and responsive to changes happening in the society. It is in this regard that the Administrative Reforms Commission (ARC) is constituted with the mandate to review the structure and functioning of the administrative machinery of the state and suggest measures for improving its responsiveness, efficiency, and effectiveness as required for rights-based service delivery. The present ARC constituted under the chairmanship of Sri. V. S. Achuthanandan is the fourth one since formation of Kerala state.

Development model adapted / adopted by Kerala improved and extended basic education, introduced better health care, implemented land reforms, and ensured access to better social security through labour laws, welfare schemes and pensions to the destitute and marginalised sections of society. Adoption of the inclusive policies enabled the state to achieve total literacy, highest life expectancy, highest sex ratio, and low infant and maternal mortality rate among states of India. Results of Sample Registration System show consistent reduction in fertility and mortality rates in the state which are the lowest in the country. However, it remains a fact that many among the vulnerable and marginalised groups in the state are not able to access benefits of these progressive and inclusive policies. Access to quality education, health care, housing etc., remain a distant dream to many among them. Their participation in decision making remains at the fringes of mainstream even after fifty years of planned development and affirmative action and protection and rights given to them in the constitution and various legislations. Some of them, like houseless/street dwellers and those living in slums are outside the formal system and are unable to access their rights or the welfare measures implemented by governments.

Based on the Terms of Reference the Commission has taken up review of select legislations for the protection and development of vulnerable groups in two phases. First report, ‘Welfare to Rights - Review of Select Legislations’ was submitted to the Government in October 2018.

Legislations covered in that report concerned Children, Women, Senior Citizens, Persons with Disabilities, Mental Healthcare and Migrant Labourers. The present report is the outcome of the study taken up in the second phase on Fisherfolk, Scheduled Castes and Scheduled Tribes, Slum and Colony Dwellers and Street Dwellers.

Objectives

Objectives of the study include review of implementation of select legislations related to vulnerable and marginalised communities in Kerala viz. Fisherfolk, Scheduled Castes and Scheduled Tribes, Slum and Colony Dwellers and Street Dwellers and submit recommendations to Government of Kerala for formulation of policies and programmes to ensure inclusivity and equal access to benefits and opportunities to marginalised communities.

Methodology

Administrative Reforms Commission adopted several measures for conduct of the study. Concept note prepared in consultation with stakeholders and experts in each area formed the basis of the study and fixed its contours. A committee of experts was formed to assist ARC in the preparation of the report. State level stakeholder seminar was organised to get a wider perspective on the issues faced by the selected groups and interventions required. (Appendix-1)

ARC conducted public hearings at Kasaragod on “Coastal Areas and Fishermen” and at Wayanad on “Problems and Hopes of Scheduled Tribes”. The public hearings brought to light various issues faced by the communities under study. (Appendices - 2 & 3). ARC held Focus Group Discussions (FGDs), Personal Interviews and conducted Case Studies to elicit data from the respective communities. Guidelines for focus group discussions with the communities, interview guide for key personnel and case study format for typical cases, are the tools used in this regard.

Secondary data from various sources including departments of Crime Records Bureau, Kerala Fishermen’s Welfare Fund Board, SC/ST Development Department, Social Justice Dept. etc. and other electronic / online sources were used for reviewing implementation of legislations taken up for the study. Questionnaires were used for obtaining relevant data from concerned agencies and government departments. The data received is used to present the status of implementation of the legislations/schemes under review. The Commission also made its own reviews based on available data on specific aspects and research publications of relevance. Assistance of Rajagiri College of Social Sciences, Kalamassery was taken for field research, analysis of data, relevant inputs and for putting together the report.

Report Format

The report is presented in four chapters excluding introductory chapter and epilogue; Chapter 1- Fisherfolk, Chapter 2 - Scheduled Castes and Scheduled Tribes, Chapter 3 - Slum and Colony Dwellers and Chapter 4 - Street Dwellers. Each chapter has an introduction providing brief information on the respective communities, review of selected legislations, its implementation, issues and challenges faced by them and suggestions/recommendations. Legislation is yet to be formulated for certain sections of the selected group, for e.g., the street dwellers. Overview of existing policies/ draft bills concerning them is also presented in the Report. General recommendations derived from focus group discussions, analysis of primary data, review of secondary data, outcome of stakeholder consultations and inputs from members of the expert committee are included in the report.



Fisherfolk

CHAPTER 1

1.1. Introduction

Kerala occupies 10% of the total coastal area of India and stands 8th in coastal population in the country. The state is also endowed with many inland water sources. Majority of the fisherfolk live in the coastal area, spread across 222 fishing villages. Kerala has 113 inland fisherfolk villages. Total population of fisherfolk, including inland fisherfolk, is 10,39,175. Of this around eight lakh persons are dependent on marine fisheries for their livelihood. (Table - 1.1 & 1.2) Kerala has been the leading marine state in India in capitalising coastal resources but has lost its momentum to other states. Fisherfolk in the state continues to be a marginalised community amidst a marine wealth of about three-fourth of fish resources in the country.

Table 1.1: Fisherfolk Population (Marine) 2018-19

Sl No	District	Male	Female	Children	Total
1	Kasaragod	17,800	16,393	9,817	44,010
2	Kannur	19,551	10,129	8,727	38,407
3	Wayanad	0	0	0	0
4	Kozhikode	39,571	34,282	26,168	1,00,021
5	Malappuram	36,244	28,889	26,086	91,219
6	Palakkad	0	0	0	0
7	Thrissur	21,023	21,589	14,200	56,812
8	Ernakulam	29,123	27,267	17,226	73,616
9	Idukki	0	0	0	0
10	Kottayam	0	0	0	0
11	Alappuzha	53,335	48,721	28,370	1,30,426
12	Pathanamthitta	0	0	0	0
13	Kollam	40,500	33,648	20,271	94,419
14	Thiruvananthapuram	64,212	56,673	50,350	1,71,235
Kerala Total		3,21,359	2,77,591	2,01,215	8,00,165

Source : Fisheries Department

Table 1.2 : Fisherfolk Population (Inland) 2018-19

Sl No	District	Male	Female	Children	Total
1	Kasaragod	418	398	188	1,004
2	Kannur	2,461	2,602	1,390	6,453
3	Wayanad	78	84	76	238
4	Kozhikode	4,242	4,462	3,461	12,165
5	Malappuram	1,836	1,602	864	4,302
6	Palakkad	876	867	885	2,628
7	Thrissur	8,041	7,367	4,669	20,077
8	Ernakulam	24,060	23,556	17,156	64,772
9	Idukki	272	272	173	717
10	Kottayam	9,993	9,470	5,848	25,311
11	Alappuzha	25,381	24,302	13,177	62,860
12	Pathanamthitta	946	822	383	2,151
13	Kollam	13,716	12,917	8,262	34,895
14	Thiruvananthapuram	453	528	453	1,434
Kerala Total		92,774	89,250	56,986	2,39,010

Source : Fisheries Department

1.2. The following legislations related to fisheries sector were selected for review

- Kerala Marine Fishing Regulation Act, 1980
- Kerala Fishermen Welfare Fund Act, 1985
- Kerala Fishermen Welfare Fund (Amendment) Act, 1999
- Kerala Inland Fisheries and Aquaculture Act 2010

1.2.1. Kerala Marine Fishing Regulation Act, 1980

1.2.1.1. Overview of the Act

The Act intends to safeguard interests of traditional fisherfolk and fishing resources in the state. There are conflicts of interest between the operators of mechanised boats and trawlers, and traditional fishermen using non-mechanised boats. The act aims at maintaining law and order in the sea through regulating fishing by the fishing vessels in the sea along the coast of the state. This is the first Act in the state exclusively for regulating marine fishery and is applicable throughout the state.

The Act stresses the need for safeguarding fish resources and encouraging sustainable practices in marine fishing. Key provisions of the Act include appointing authorised officers, regulating, restricting or prohibiting certain practices in marine fishing, issuing licenses to fishing vessels, registering vessels and monitoring and ensuring implementation of the act. It also makes provisions for searching vessels, disposing seized fish and imposition of penalties.

1.2.1.2. Implementation of the Act

Based on the act government has issued orders concerning the following:

- Prohibition of fishing gears like purse seine, ring seine, pelagic trawl and mid-water trawl in all seasons and by all types of boats in the entire territorial waters of Kerala.
- Prohibition of bottom trawling by mechanised vessels from sunset to sunrise in territorial waters of Kerala.
- Prohibition of bottom trawls using cod-ends with mesh size less than 35 mm and prohibition of vessels of 25 Gross Registered Tonnes (GRT) and above engaging in fishing in the territorial waters. (Mechanised vessels below 25 GRT are permitted to operate only beyond 40 meters depth-line from Kollengode to Paravoor and beyond 20 mt depth-line between Paravur and Manjeswaram).
- Prohibition of trawling in the territorial waters during the south-west monsoon season is also monitored through competent mechanisms.

1.2.1.3. Issues

Protection of coastal areas along with sustainable maintenance of fishery resources continues to be an issue. Constructions that damage the ecosystem is a growing concern in the coastal area. Ownership/trusteeship of coastal land including the newly created beach lands continues as a contentious issue. Social security/ alternative avenues for earning livelihood during off season/trawling ban and presence of trawlers without required approvals are issues that remain largely unaddressed.

1.2.1.4. Recommendations

- i. Kerala implements a trawling ban during south west monsoon season and other measures to arrest depletion of marine fish. Fishing during this season by illegal trawlers in the deep waters is of concern to the fisherfolk and needs to be addressed through strict implementation of provisions of the Act and proper monitoring mechanisms.
- ii. Data on cases filed against illegal trawlers needs to be published and societies of fisherfolk shall be given access to the information. Government needs to ensure transparency and participatory approach in implementation of the Act.

- iii. Trawling ban will be a permanent feature as it is an essential measure to arrest depletion of fish. But it is also a season of poverty among fisher folk as their access to fishing is limited to a large extent. Government extends support to fisherfolk and ensures cost free supply of ration articles. But the trawling ban season continues to be one of deprivation to the fisherfolk. The present scenario of curbs for containment of COVID-19 pandemic may worsen the situation. The intention of the Act includes safeguarding interests of the traditional fisherfolk. Hence, ARC recommends that Government needs to undertake a comprehensive study of the difficulties of fisherfolk during trawling ban and other situations like the spread of contagious diseases and include provisions in the Act to support fisherfolk during the period they are prevented from engaging in fishing.
- iv. Loss of life of a breadwinner seriously affects the life of any household. Insurance schemes that are beneficial to the community need to be devised. Government shall take initiative in this regard. Apart from insurance cover, skill training to family members and opportunities for employment also need to be ensured.
- v. Weather alerts, frequency of which is on the increase prohibit the fisher folk from venturing into the sea for fishing and result in loss of livelihood. ARC recommends that Government needs to amend the Act to incorporate provision for supply of ration articles and other essential articles to the affected families during all such occasions.

1.2.2. Kerala Fishermen Welfare Fund Act, 1985

1.2.2.1 Overview of the Act

Kerala has rich marine resources and more than eight lakh people are engaged in fishing and related occupations. However, around 90 percent of them have exceptionally low income and many of them find it difficult to earn enough from fishing and related activities to ensure a sustainable livelihood.

The Kerala Fishermen Welfare Fund Act provides for the constitution of a welfare fund for promoting welfare of fisher folk in the State. Government framed 'Kerala Fishermen's Welfare Fund' scheme for the establishment of a fund under the Act for the welfare of fishermen and the fund is administered by a Board.

As per the Act, the fund is to be utilised for

- Distress relief of fisherfolk during natural calamities
- Financial assistance to fisherfolk who suffer from permanent or temporary disablement
- Providing loans and grants to fishermen to meet expenses for marriage of their children or expenses in connection with diseases or death of dependents

Apart from this, the fund is also to be used for the fisherfolk and their families for promoting education, vocational training and part-time employment. Administration of the fund also focuses on establishment of social education centres (including reading rooms and libraries) and sports, games and medical facilities. Provision of nutritious food to the children of fisher folk is another objective of the Act.

The fund provides for financial assistance to fisherfolk whose houses and fishing equipment are lost/damaged or for any other loss/damage due to natural calamities. The act also provides for extending financial assistance to fisher folk during old age. Thus, the Act paves foundation for financial inclusion of fisher folk.

Table 1.3 : Fishermen Welfare Scheme 2018-19

SI No	Particulars	Amount
1	Death of Fishermen	97,84,000
2	Fatal disease	90,68,639
3	Old age Pension	80,56,09,498
4	Widow pension	
5	Marriage Assistance	3,55,81,500
6	Special Sanction	1,71,500
7	Death of Dependents	29,400
8	Maternity Assistance	21,750
9	Temporary disability	4,500
10	Sterilization Operation	4,000
11	Chairman's Relief Fund	2,28,000
12	SSLC cash Award	39,28,145
13	Plus -2- Cash Award	4,85,000
14	Invalid Pension	0
15	Death while/ after fishing	25,45,000
16	Insurance Compensation for uncovered period	0
17	Group insurance Premium	11,15,15,886
18	Craft insurance premium	0
Other Schemes		
1	Sports promotion to Schools/individuals	2,99,000
2	Special tuition assistance to schools for SSLC	0
3	Biometric ID card Survey	0
4	Thanal Scheme	14,04,83,000
Matsya Suraksha Scheme Compensation (Insurance Compensation)		
1	Death/Missing	5,47,79,000
2	Permanent Total / Permanent Partial Disability	13,52,184
3	Funeral expense	2,250
4	Education Fund for two children of deceased	25,000
5	Hospitalization expenses for accident cases	17,51,750
6	Craft insurance compensation	0
Welfare Schemes Total		1,17,76,69,002

Source : Kerala Fishermen's Welfare Fund Board

1.2.2.2. Implementation of the Act

Numerous welfare schemes are implemented by the government through the Kerala Fishermen Welfare Fund Board. Table 1.3 depicts the schemes implemented by the Board during 2018 - 19. As part of the fishermen welfare services 39 dispensaries and 4 mobile dispensaries function in the state (up to 2018-19). For the promotion of school education, 10 fisheries schools (Government Regional Fisheries Technical Higher Secondary Schools and Vocational Higher Secondary Schools- GRFTH Schools and VHS) are running in the state.

1.2.2.3. Issues

Irregularities in the provisions for membership in the Kerala Fishermen Welfare Fund is a serious issue as they violate even basic rights of fisherfolk to get assistance in overcoming their deprivation. The 'Kerala Fishermen Welfare Fund Act-1985' does not define 'fisherman'. According to the Act, 'fisherman' means a fisherman as defined in Kerala Fishermen Welfare Societies (KFWS) Act 1980 and says that every fisherman who is a member of the Fishermen Welfare Society constituted under KFWS Act shall be a member of the fund. KFWS Act defines fisherman as "any person who is mainly engaged in fishing operations for his livelihood" and a member of fishermen society formed under the Act as the "fisherman who permanently resides in a fisheries village or carries on fishing operations from or within a fisheries village". This enables a person living in a fisherfolk village to become a member of the society by virtue of residence. The act empowers the Fisheries Officer who is now an officer of 'Matsyafed', to maintain a membership register based on the rules framed under the Act and prepare and publish a list of fishermen who are deemed to be members of the society as on the first day of September of each year. It is brought to the attention of the Commission that at present societies under the KFWS Act are defunct.

The Matsyafed officer prepares the list based on experience with the Matsyafed Societies which functions as a producer cooperative. Most of the fisherfolk who are not boat owners and work in the boats of others are not members of any Matsyafed society. Such systems and procedures for admission of members to the fund lack transparency resulting in issuing membership to ineligible persons and denial of membership to eligible traditional fisherfolk. All social security schemes and education assistance for children of fisherfolk are based on the definition of fishermen and membership in the society.

- i. Stakeholders in the sector represented before the Commission that retirement benefits to members of the fund is not adequate. Cases of denying benefits to the deserving were also reported.
- ii. Delay is often reported in remittance of contribution to the fund by members. This affects liquidity of the fund and prompts disbursement of benefits.

- iii. Persons in the fishing sector who are from outside traditional fishing communities most often possess the latest equipment and trawlers. Unable to face competition from them with traditional means of fishing, many of the traditional fisherfolk are constrained to become workers in fishing boats of non-traditional fishers and in the bargain lose control over their livelihood options. This trend is on the increase in Kerala coastal region and needs to be addressed
- iv. Human development indices of fisherfolk are comparatively lower than the state average. They also lack basic facilities like housing, toilets, drinking water and waste management systems. Government has taken up various measures to improve their standard of living and bring it on a par with the state average. However, these attempts have not succeeded fully in removing/eliminating many of the roadblocks faced by the fisherfolk to overcome their limitations and difficulties in accessing services provided by the government.
- v. Hospitals, schools and service centres are set up in the coastal areas for the benefit of the fisherfolk. It is seen that there is a lack of clarity in the definitions, norms/procedures for setting up these facilities resulting in denial of intended/expected benefits to the community.
- vi. The Fund has focused on setting up common facilities like libraries and reading rooms for improving literacy of the fisherfolk. Closure of educational institutions amidst the spread of COVID-19 has necessitated facilities for participating in online classes. Non-availability of required facilities will result in denial of opportunities even in the limited sphere of education the children can access.

1.2.2.4 Recommendations

- i. KFWF Act shall be amended to include definition of 'fisherfolk' as was done for including 'allied workers', removing the necessity for basing eligibility for membership to the Fund on another Act.
- ii. Government may consider giving LSGIs the responsibility of preparing a list of persons eligible for membership which may prevent denial of membership to genuine fisherfolk.
- iii. Government needs to consider replacing the term 'fishermen' with 'fisherfolk' to make the Act more inclusive and gender sensitive.
- iv. ARC recommends that administrators of the Fund shall take urgent action to identify and remove ineligible persons from membership of the Fund, within a short period. The Board shall also put in place an efficient and transparent system for admitting members to the Fund and ensure that ineligible persons are not given membership in the fund, in future. It is also imperative to include all eligible fisherfolk as members and encourage participatory decision making in the welfare Boards and welfare societies.

- v. User friendly mechanisms for prompt collection of contribution of members to the fund and dues need to be established. Technology based solutions need to be put in place for collection of contribution to ensure robustness and transparency in the interventions of the Board and enable the Board to be more inclusive and proactive.
- vi. Retirement benefits need to be extended to all fisherfolk who have membership in the welfare fund. Government needs to revamp the scheme to ensure that at the time of retirement, the members are given an amount that is double the total contribution made by them.
- vii. Technical and human development supports need to be provided to the traditional fisherfolk to meet challenges from organised groups and non-traditional fishers. The welfare fund board needs to take the initiative to create a level playing field for traditional fisherfolk through providing skills and financial support to manage and survive the challenges evolving from changes in the sector.
- viii. ARC recommends that government shall adopt a dynamic approach and take immediate steps to overhaul existing welfare and programmes to suit the changing needs of the fisherfolk and bring the human development indices of the traditional fisherfolk on a par with that of the general population of the state. The schemes and programmes need to set realistic targets and ensure that the targets are achieved. Government shall adopt systems to assess the outcome of schemes and programmes and make necessary changes in them in consultation with the stakeholders.
- ix. Clarity in definition and norms and transparent procedures need to be in place for setting up facilities including hospitals, schools and other service centres (number / 1000 people) in the coastal area and this need to be part of the Act. This is essential to ensure that the beneficiaries are able to avail intended services from these facilities
- x. Kerala Fishermen's Welfare Fund needs to include specific provisions for using the fund for promoting education, vocational training and part-time employment of fisherfolk and their families. The fund should also be utilised to set up more community education centres like libraries and reading rooms along the coastal regions and provide facilities for online education.

1.2.3 Kerala Fishermen Welfare Fund (Amendment) Act, 1999

1.2.3.1 Overview of the Act

This Act extends the welfare schemes under the Kerala Fishermen Welfare Fund Act of 1985 to allied workers who are engaged in fishery related activities, by including them within the provisions of the Act.

Benefits under the welfare fund are extended to people engaged in various fishery related activities so that all persons in the fisheries sector can benefit from provisions of the

Welfare Fund for fisherfolk. Allied workers as defined in the Act are persons who are not defined as 'fishermen' in the previous Act and include beach workers, small scale fish distributors, fish curers, peeling workers and small scale processing plant workers, who are not members and are not eligible to get membership in any other statutory welfare scheme. By including beach workers under the welfare fund schemes, people who engage in unloading fish from fishing crafts, transportation of fish to auction sites or icing site, transportation of fish to curing sites, sorting fish at the landing sites, unloading and crushing of ice, packing, loading fish to vehicles, cleaning auction halls and mending and repairing fishing nets are also entitled to get financial and pension benefits.

'Small scale distributors' include auto-carrier distributors, cycle load vendors, drivers and cleaners engaged in transporting fish on a permanent basis, head load vendors, including vendors who sell fish in temporary camps, mini lorry and moped load distributors. Allied workers are represented in the Board through provision of the Act; "five representatives of the fishermen to be nominated by Government, of whom two shall be from the allied workers."

Based on provisions of the Act, "The Allied Workers' Welfare Scheme" is formed exclusively for allied workers, under the Welfare Fund for Fisherfolk. Every allied worker is admitted as a member of the fund and has to contribute to the Fund every month at the rate fixed by Government from time to time and become stakeholders of the welfare schemes as detailed in the Act.

1.2.3.2 Implementation of the Act

The Number of Active Fisherfolk and Allied Workers is given in Table 1.4

The number of Fishermen Co-operative Societies under Fisheries Department affiliated to Matsyafed up to 2018 -19 is 652 (General 531 and Women 121). District - wise number of Fishermen Cooperative Societies is given in Table 1.5.

Government implemented welfare schemes for the allied workers under the fund and the total amount provided through 'allied workers welfare schemes' and associated schemes is Rs. 4,31,92,422 in the year 2018-19. Details of the schemes and amount spent are given in Table 1.6.

Schemes under the 'Matsya Suraksha Scheme Compensation (Insurance Compensation) are given in Table 1.7.

Savings Cum Relief Schemes which indicate various schemes for the welfare of the fisher folk in the year 2018-19 are given in Table 1.8.

1.2.3.3. Issues

- i. Admission of ineligible persons to the fund is a major issue resulting in denial of membership to those who are eligible to be members and needs to be addressed.

Table 1.4 : Number of Active Fisherfolk and Allied Workers (2018-19)

No	District	Active Fishermen			Allied Workers			Total		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
1	Kasaragod	7,846	2,914	10,760	293	685	978	8,139	3,599	11,738
2	Kannur	6,466	330	6,796	1,336	1,068	2,404	7,802	1,398	9,200
3	Wayanad	24	3	27	446	0	446	470	3	473
4	Kozhikode	23,498	470	23,968	3,372	7,767	11,139	26,870	8,237	35,107
5	Malappuram	36,806	161	36,967	2,235	989	3,224	39,041	1,150	40,191
6	Palakkad	508	0	508	377	0	377	885	0	885
7	Thrissur	6,458	92	6,550	1,004	1,683	2,687	7,462	1,775	9,237
8	Ernakulam	23,731	2,126	25,857	2,710	13,436	16,146	26,441	15,562	42,003
9	Idukki	203	12	215	105	0	105	308	12	320
10	Kottayam	4,873	353	5,226	235	434	669	5,108	787	5,895
11	Alappuzha	41,135	2,986	44,121	1,859	24,915	26,774	42,994	27,901	70,895
12	Pathanamthitta	220	12	232	244	3	247	464	15	479
13	Kollam	23,990	3,714	27,704	1,933	15,079	17,012	25,923	18,793	44,716
14	Thiruvananthapuram	37,300	16,723	54,023	579	2,383	2,962	37,879	19,106	56,985
Kerala Total		2,13,058	29,896	2,42,954	16,728	68,442	85,170	2,29,786	98,338	3,28,124

Source : Fisheries Department

- ii. There is underemployment among the allied workers. It remains a fact that earnings from their work may not be sufficient to ensure a better quality of life.

1.2.3.4. Recommendations

- i. ARC recommends that government needs to introduce an effective mechanism for identifying ineligible members and remove them from membership of the fund. Transparent procedure for identification of allied workers based on the nature of their work

Table 1.5 : Fishermen Co-operative Societies under Fisheries Department affiliated to MATSYAFED (2018-19)

Sl No	District	General	Women	Total
1	Kasaragod	24	5	29
2	Kannur	19	5	24
3	Kozhikode	67	5	72
4	Malappuram	47	19	66
5	Thrissur	37	4	41
6	Ernakulam	83	20	103
7	Kottayam	19	9	28
8	Alappuzha	102	26	128
9	Kollam	70	12	82
10	Thiruvananthapuram	63	16	79

Source : Fisheries Department

in the sector shall be done at the earliest to ensure that all eligible persons become members and avail benefits of the schemes intended for them.

- ii. Government through the welfare fund needs to introduce skill development programmes for members of the fund and also promote household level entrepreneurial activities related to fisheries to open up more opportunities for employment generation and income generating activities for year-round sustenance and improved financial security. Imparting new skills and upgradation of existing skills will bring in more employment opportunities to the fisher folk and reduce underemployment, resulting in better utilisation of human resources.
- iii. Government needs to consider including provisions to enable utilisation of the fund for providing/ improving availability of drinking water, waste management system, ensuring social hygiene and healthcare and introduce compensatory support against hike in cost of living and livelihood amenities.

Table 1.6 : Allied Workers Welfare Scheme (2018-19)

Sl No	District	General
1	Death of Fishermen	14,36,000
2	Fatal disease	7,18,895
3	Old age Pension	46,37,866
4	Marriage Assistance	42,83,000,
5	Special Sanction	12,000
6	Maternity Assistance	3,000
7	Sterilization Operation	0
8	SSLC cash Award	12,56,820

Source : Kerala Fishermen's Welfare Fund Board

Table 1.7 : Matsya Suraksha Scheme (Compensation Insurance) for Allied Workers (2018-19)

Sl No	District	General
1	Death/Missing	1,500,000
2	Funeral expense	0
3	Education Fund for two children of deceased	10,000
4	Hospitalization expenses for accident cases	130,216
Total		1,640,216

Source : Fisheries Department

1.2.4. Kerala Inland Fisheries and Aquaculture Act 2010

1.2.4.1 Overview of the Act

The Act codified and brought in amendments to existing laws relating to the inland fishery sector. It provides for sustainable development, management, conservation, propagation, protection, exploitation and utilisation of the inland fishery sector in the State. It aims to promote social fisheries and regulate responsible aquaculture activities to ensure protection of livelihood and traditional rights of fishermen. It also aims to ensure availability of nutritious fish and food security to the people.

1.2.4.2 Implementation of the Act

Department of Fisheries is empowered under the act to give technical advice and support to the Local Self Government Institutions (LSGIs) in fishery related activities. Government can,

under the Act, notify areas as 'aquaculture areas' and make rules for utilisation, restriction, regulation and control of fisheries related activities in these areas. Government may limit, restrict, or prohibit catching of any species of fish in the manner and for the period as may be prescribed to protect resources and ensure sustainability.

LSGIs are vested with the authority for granting license for fishing in the water bodies under the jurisdiction adhering to the recommendations of Fisheries Department.

Provisions of this act aims at ensuring conservation of fish in selected water bodies through regulating construction of weirs or artificial bunds, regulating dimensions and size of fishing devices, minimum required size or weight of fish that can be caught, pollution of water bodies, destruction of special species and collecting and storing certain species. Destruction of fish by using explosives or poison or electricity is banned under the act.

Restriction on aquaculture activities include requirement of compulsory certificate from the competent authority, use of species specified by Government, regulating use of medicines and pesticides, prohibiting high intensity aquaculture leading to degradation of environment and use of ecologically sensitive areas for fishery.

The rules also prohibit indiscriminate fish farming without assessing carrying capacity of inland water sources. The act provides for certification of fish seeds used for aquaculture and advocates the need of certification to engage in aquaculture activities to ensure sustainable and eco-friendly practices.

Government can declare any public water body or other suitable area as 'aquaculture area' exclusively for aquaculture related activities. Provisions of the Act are not applicable to coastal areas as defined in the 'Coastal Aquaculture Authority Act, 2005'.

Table 1.8 : The District-wise Savings cum Relief Schemes (2018)

Sl No	District	Marine	Inland
1	Thiruvananthapuram	35,373	0
2	Kollam	28,267	2,950
3	Pathanamthitta	0	125
4	Alappuzha	35,819	7,848
5	Kottayam	0	3,316
6	Idukki	0	141
7	Ernakulam	15,896	6,424
8	Thrissur	4,998	647
9	Palakkad	0	275
10	Malappuram	19,037	357
11	Kozhikode	20,130	709
12	Wayanad	0	0
13	Kannur	3,805	1,040
14	Kasaragod	8,324	336
Kerala Total		1,71,649	2,41,68

Source : Fisheries Department

1.2.4.3. Issues

- i. Kerala is blessed with plenty of water resources. These include about 5.43 lakh hectares of inland water bodies, 3092 kilometres of rivers and canals, 2.40 lakh hectares of brackish water, 0.30 lakh hectares of tanks and ponds and around 2.5 lakh hectares of flood plains and tracts of land left dry by receding water (derelict waters). This bounty of inland water sources remains underutilised and development of inland fisheries sector in Kerala is behind that of most states in India. Aquaculture and development of inland fisheries remain at the nascent stage in the state despite initiatives taken by the government through Fisheries departments and initiatives of LSGIs.
- ii. Research on indigenous inland fisheries and training to inland fisherfolk and others who want to take up aquaculture as a profession need to be more effective to attract more people into the sector. Most of the officials in the Department of Fisheries are not trained in the latest developments in the sector and hence are not able to provide the information or training desired by those who take up aquaculture/fish farming.
- iii. Role of LSGIs in development of inland fisheries is limited. Development of the sector requires active involvement of LSGIs.
- iv. Fish seedlings of limited species are available from fish farms of government. Most often these are of species which are not popular among the people and do not form part of traditional food habits leading to difficulties in marketing the fish produced.

1.2.4.4 Recommendations

- i. The department officials shall be given intensive training in disseminating information on aquaculture and development of inland fisheries and exposed to modern practices in inland fish farming. They need to be imparted skills required to advice persons interested in aquaculture and inland fisheries. Tailor made schemes for promotion of aquaculture in private ponds of different sizes and locations need to be developed.
- ii. Many persons who are first timers in the field will require farm advice on water quality in aquaculture areas, handling of predators including snakes, turtles and other fish. At present there is no effective system for providing on farm service or even accurate/required information by prospective farmers or fisherfolk. Government needs to take urgent measures to bridge this gap if aquaculture is to be promoted in the state as a viable economic activity and meet the growing demand for fish.
- iii. The size of fish seedlings sold from government fish farms are also of concern to fish farmers as their mortality rate is extremely high. Government needs to take steps to grow the seedlings to the size of fish fingerlings (12-15 centimetres) before selling to the farmers/prospective entrepreneurs. A scheme for growing seedlings provided by nurseries into fingerlings needs to be devised. This can be implemented in partnership with farmers/entrepreneurs

- iv. Role of LSGIs in aquaculture and inland fisheries development needs to be more effective and user friendly. A person within the precincts of an LSGI shall be able to get all necessary information, advice and required hand holding from the LSGI itself. LSGIs need to play a more effective role and better use of the responsibilities entrusted to them under the Act to ensure success of ventures in the sector.
- v. Department of fisheries needs to include more species and taper off/limit production of fish of species that are not popular in Kerala (e.g. Rohu, Catla etc.) and instead grow and market fish seeds/fingerlings of species more popular with the people (e.g. Pearl spot and other indigenous varieties).

These legislations ensure protection of rights of the fisher folk but there are gaps in addressing challenges from natural disasters, rehabilitation, coastal degradation and loss of livelihood etc. Lack of basic amenities, access to quality education and issues related to livelihood, difficulty in accessing healthcare facilities, gender related issues are some of the other issues faced by fisher folk.

1.3. Issues

1.3.1. Basic Amenities

Major issues of the fisher folk concerning basic amenities relate to land, housing, drinking water, sanitation and transportation. Proximity of their homes to the sea exposes them to the danger of rough seas and floods that can damage/destroy their homes.

1.3.1.1. Land and Housing

Majority of the fisher folk do not own land or do not possess legal documents (Pattayam) for the land they live in. In addition, many of them have no legal right on their house and no legal protection from dispossession. Absence of reliable statistics on the number of landless and houseless fisherfolk accentuates the problem. Restrictions based on the Coastal Zone Regulation Act have added to the problem.

1.3.1.2. Water and Sanitation

Scarcity of safe drinking water is a grave issue in the coastal areas due to the nearness of saline water and high ferrous content of ground water. Most of the coastal areas face severe issues in maintaining proper sanitation owing to their geographical position and absence of toilets with septic tanks. During monsoon, the issues worsen due to water logging. Congested housing conditions and nature of soil makes it difficult to construct sanitary toilet facilities by the fisherfolk themselves along coastal villages. Lack of proper sanitation facilities has a severe adverse effect on the health of people in coastal areas, especially women.

1.3.2. Marine Pollution

Aquatic ecosystem is under serious threat due to increasing marine pollution. Huge quantities of plastic waste are generated along the coastal regions of the state by activities related to fishing. Increasing marine pollution (especially from plastic) has led to reduction in fish output in turn affecting livelihood of fisherfolk. Fish and most marine organisms that take in water through their gills are increasingly at risk of ingesting microscopic plastic debris. (Daniel, D. B., Thomas S. N., & Thomson K. T. (2020). Assessment of fishing-related plastic debris along the beaches in Kerala Coast, India. (Marine Pollution Bulletin, Volume 150, January 2020,110696.) Domestic sewage, industrial waste, pesticides from agricultural fields drained by canals and rivers, radioactive waste and oil from submarines and oil tankers are other chief pollutants of the sea. Sewage reduces oxygen content of the water. Similarly, most of the industrial effluents, especially those from chemical industries, react with these elements in sea-water and produce new compounds and new environmental conditions. (source: Cultural Survival, Inc.)

1.3.3. Education

Infrastructural facilities of many of the fisheries schools in the state are inadequate and not of good quality. Present system of admission often works against the children from fisherfolk communities as the number of seats in a school reserved for the community is not adequate to meet demand from the community. This forces children to seek admission in schools away from their homes and leads to discontinuation of studies in many cases. Funds allocated are most often inadequate to ensure quality of instruction. Shortage of teachers, inability to make education life centered in content and strategies especially in the context of a fishery environment even as new educational philosophies endorse such adaptations, poor infrastructure, absence of required facilities for skill development and inadequate hostel facilities for boys and girls are other major issues related to education of children. Family environment, alcohol and drug addiction, inability of parents in giving proper guidance and lack of awareness about courses and career opportunities add to educational challenges faced by fisherfolk. Educating and empowering the new generation of fishing community is essential for finding a fundamental solution to these problems.

Absence of ocean and ocean related subjects in the school and college curriculum is a disadvantage faced by students from the fisherfolk community. Fisherfolks' indigenous knowledge on fishing, disaster signals, weather forecasts etc. are also not adequately utilised or even recognised as of any importance in education.

1.3.4. Healthcare and Insurance

Empirical studies have shown that prevalence of diseases is observed as highest in coastal villages of Kerala. Dumping of plastic waste and untreated effluents including hazardous

chemicals into the sea by the public and industrial establishments pollute the seashores and pose serious threat to fish and fisherfolk who live near the coast. This also affects food security of the people.

Health care centres in coastal areas that cater to the fisherfolk face several challenges including lack of equipment, good quality infra-structural facilities and trained personnel. Distance to referral hospitals, inadequacy of ambulances, irregularity / absence of health check-up and absence of insurance coverage, are few other issues faced by fisher folk. Health check-up conducted by the health department in some of the coastal areas revealed that illnesses such as cancer show an increasing trend in the coastal areas. Hygiene in fish processing plants in the private sector is also not at the desired level. Fisherfolk, because of the nature of their work which requires experience and also because of necessities of livelihood and sustenance, work up to an age till health permits them. But insurance cover is not extended to fisher folk who work beyond the age of 60 years.

A study conducted by the Central Marine Fisheries Research Institute (CMFRI) shows that insurance coverage is underutilised in the fisheries sector compared to other sub sectors of agriculture. Apart from accident risks of marine fishermen, other major risks in the fisheries sector such as loss and damage to fishing vessels and gear and damage to coastal assets of fishermen are covered only in a limited scale across the country, including Kerala. It is found that lack of awareness among the fishing community about the need and benefits of insurance schemes is one of the major reasons behind this situation.

1.3.5. Employment

Employment opportunities are scarce even for the small number of persons with higher education. Lack of awareness about job opportunities, job market, difficulty in seeking courses that enable them to be employable and absence of timely/required support/ assistance from agencies and institutions are instrumental in creating such a scenario. Young persons who go for higher education do not get jobs to suit their qualification and are seen to be incapable of pursuing their traditional occupation of fishing and earn their livelihood as they are not trained in it. This may be an issue affecting other sections of society also as skill training and employability are still not given sufficient attention in the education system.

1.3.6. Occupation

Livelihood and employment issues include irregular employment, limited possession of land and holdings by the fisherfolk, role of middlemen, growing influence of large traders in the market system and increasing competition. Some of these challenges have persisted for many years. Many challenges are emerging in the field. There is a decrease in marine/inland fish resources as climate change/global warming push fishes to migrate to deep sea. This in turn results in increased deep sea fishing and increase in cost of production which affects their

income. Diminishing land/ seashore due to erosion, loss of access to sea due to constructions, depletion in fish stock leading to increased competition among fishers for survival, are also issues. Dependence on middlemen, absence of proper refrigeration facilities and lack of required technical support for repair of fishing crafts and gears etc. also affects the fisherfolk life.

1.3.7. Gender Issues

Majority of women among fisherfolk are engaged in allied activities linked to fishing. Many work in fishing harbours and fish landing centres. But there is a total absence of facilities for these women. Most of the harbours and landing centres do not have waiting rooms and comfort stations for women. There is also a lack of initiatives and social capital development programmes of 'Kudumbashree' or any other women empowerment programmes to enable value addition, diversification and improved marketing in the sector. Many of the women among fisherfolk are underemployed and few of them remain idle for want of opportunities for gainful employment and inability to access skill development programmes. Micro enterprises and livelihood opportunities are needed for the economic empowerment of women in the fisher community for which skill up-gradation is essential.

It is mandatory for local bodies to set apart 10 percent of their budget for Women Component Plan (WCP). Local bodies have the freedom to formulate location and need specific projects based on the felt needs of women. Basic concept underlying WCP is that women development is not only providing income and employment

A Success Trajectory

A thirty-five-year-old Assistant Professor recalls his travel from the sea shores of Kollam to his current position. He was yet another member of the fisherfolk community facing all the hardships in the open sea till his father made a difference to their life by purchasing a small engine boat.

Though it improved his family's earning capacity it didn't end the challenges in their life. New challenges in the form of big traders, dealers and fish merchant companies who started competing with and exploiting traditional fisherfolk emerged. But the fishermen welfare society and local church came to his rescue enabling him to pursue studies.

He testifies that these agencies play a vital role in emancipating the fisherfolk from exploitation, drug abuse and other factors of backwardness. He feels the reservation policy is inadequate as the competition for a limited number of seats for higher studies makes it very tough. However, he managed to complete his education parallel to his life as a fisherman through government scholarship and support from the church and his father.

The monsoon season is a time of poverty and high risk for the fisherfolk families. Many of his friends could not even apply for higher studies. But the support of his family, especially the support of his father in the midst of adverse experiences instilled in him strong conviction to excel in studies. "I was destined to be a fisherman, but my father was a great inspiration which enabled me the choice to be in another orbit of profession", he says. After securing Masters in Business Administration and eligibility to teach in colleges/ universities, he is currently teaching future businessmen in the post graduate department of Business Administration in a reputed college.

opportunities but also better health, education, physical environment, human dignity and freedom. Constructing gender friendly toilets and breastfeeding rooms for lactating mothers in markets and places where population density is higher and formulation of innovative projects with the help of Kudumbashree, neighborhood groups, other groups and cooperative societies are recommended in WCP projects. Marketing units can be set up to facilitate selling products of small-scale enterprises and labour banks. But various studies on WCP highlight lack of awareness and knowledge among the stakeholders about the objectives and potential of WCP.

Society for Assistance to Fisherwomen (SAF -an agency established to enable the overall development and empowerment of fisherwomen in the State) extends financial, technological, and managerial support to fisherwomen to organise group activities, start micro enterprises and run businesses in a sustainable manner.

1.3.8. Disaster Mitigation and Early Warning Systems

Absence of proper disaster mitigation and early warning systems is an area of concern and it is essential to address these issues in the backdrop of global warming, unpredictable weather and changing climatic conditions. Natural calamities deprive fisherfolk of their area of habitation, houses and most often source of livelihood. In many disaster situations, most of the affected do not get the benefits as intended for their relief and rehabilitation and this seriously affects their lives.

Promotion of responsible and sustainable fisheries needs to be given high priority as part of disaster mitigation and in addressing the vulnerabilities of the fishing communities.

1.3.9. Other Issues

Other key concerns include indifference of authorised banks towards the fisherfolk and resultant difficulties in getting bank loans which nurture their dependence on middlemen even today. Most of the fisherfolk families own a maximum of three cents of land. But banks insist on five cents of land as collateral for sanctioning loans.

Absence of mechanisms to ensure quality standards in implementation of schemes for fisherfolk under poverty alleviation programmes is another issue faced by them. Public Distribution system is effective, but complaints are raised about the quality of provisions supplied. These issues would have been addressed to a large extent through the measures introduced by the Civil Supplies department to ensure quality and quantity of ration articles supplied.

1.4. Recommendations

Schemes/programmes for holistic development of the fisherfolk will require implementation of provisions of different acts and convergence of multiple schemes.

1.4.1. Basic Amenities

1.4.1.1. Housing

- i. Due focus needs to be given to the fisherfolk in the housing programmes/ schemes of the state to reduce/eliminate homeless people among fisherfolk.
- ii. As availability of land near their area of employment is scarce and therefore more expensive it needs to be ensured that there should be provision of sufficient funds for housing projects. Government needs to ensure that yearly shifting of fisherfolk to camps is avoided, providing houses away from the vicinity of erosion prone areas.

1.4.2. Education

- I. ARC recommends that government needs to institute scholarships for deserving students to pursue higher education of best quality including education overseas. This is necessary as education loans from banks are often difficult to access and they have no other avenues to raise money. Scholarships can help the youth to overcome these limitations.
- II. Hostel facilities for girls and boys are essential for educational mainstreaming of fisherfolk and prevent dropouts from the higher education system.
- III. Government needs to consider inclusion of topics on ocean and allied aspects in the curriculum of schools and colleges to create awareness among students. This will enable students from the fisherfolk community to access life centred education.
- IV. ARC recommends that the government shall institutionalise the use of indigenous knowledge of the fisherfolk in ocean related matters and promote research in this area. It is ideal to have a judicious mix of formal education system and conventional education system for enabling them to catch up with the modern world.
- V. Covid19 pandemic interrupted regular functioning of educational institutions. Online classes have almost replaced them at least for the time being. This requires that facilities for accessing the alternative system needs to be improved in the fisherfolk clusters. There needs to be enough facilities and equipment to access online classes, not only as an interim arrangement but as a precondition for education hereafter. These facilities shall be provided at individual/household and community levels.

1.4.3. Employment

- I. Skill development to enable the youth and those capable of working to enable them to be employable throughout the year needs to be taken up on priority. Local Self Government Institutions shall take initiative and develop innovative programmes to enable the educated youth to benefit from emerging opportunities.

- II. While Kerala witnessed the worst floods in a century in 2018, hundreds of fishermen volunteered in rescue operations risking their life and were hailed as heroes/ coastal warriors of Kerala. The fishermen who had no formal training in saving lives or disaster management reached remote places where National Disaster Response Force (NDRF) and Naval boats could not reach, with the guidance of local people and government officials. Recognising their role, the state government decided to recruit 200 of the fishermen as coastal warden in the police department. Over 3000 youth applied for the job, of which 180 were selected through a rigorous selection process and were given training in survival skills, saving lives in the seas, and guarding the coast. Government has also taken steps to train members from the community at Mumbai Maritime Training Institute, to put their skills to better use, especially in times of crisis.(Source : Bobins Abraham , it News, Updated on Jul 04, 2019, 11:48 IST). ARC recommends that government should develop a scheme for upgrading the native skills of fisherfolk in management of water linked disasters to provide them more employment opportunities.
- III. Water sports based tourism is rapidly gaining popularity in Kerala. The state offers plenty of opportunities for nurturing water sports. Tapping the potential of long seacoast and network of backwaters, canals and rivers, water related sports including Canoeing, Kayaking, Sailing, water-skiing, white water rafting, wind surfing etc. can be promoted in Kerala. Professional training in these sports can provide employment avenues for the fisherfolk. Integration of water sports with tourism into fishing communities can bring economic and social benefits to the community. Protecting a community's culture and identity needs to be ensured while promoting tourism related activities.

1.4.4. Occupation

- I. During trawling ban and days when it is risky to venture out into the sea for fishing, financial and other assistance needs to be provided by the government to fisherfolk in order to support and maintain their day to day living.
- II. Necessary measures shall be taken to provide sufficient safety equipment, life jacket, modern communication facilities and other health care equipment to the eligible fisherfolk during fishing operations.
- III. Basic infrastructural facilities, cold storage, refrigerated transport etc. shall be provided to the small scale fisherfolk at low cost credit through marketing societies which would enable them to maintain better quality and obtain higher prices for them.

1.4.5. Water and Sanitation

- I. Safe drinking water is an essential requirement for any community. Living near the sea makes availability of potable drinking water more difficult. Government needs to implement schemes to ensure availability of safe drinking water that meets quality standards, throughout the year.

- II. As sanitation problems are found to be complex in high density coastal settlements, it would be ideal to provide individual sanitary latrines wherever feasible and community latrines where individual latrines are not feasible, by integrating various central and state government schemes.

1.4.6. Healthcare

- I. Facilities for health care in the coastal areas need to be improved. ARC recommends setting up quality health care centres in the coastal areas. Existing facilities need to be converted into model centres with all necessary equipment and trained personnel.
- II. Government, with the support of local bodies, needs to conduct camps for creating awareness on healthcare services and benefits of various health insurance schemes, at fixed intervals.

1.4.7. Gender Issues

- I. Stakeholders of WCP (especially Elected Representatives and Officials) need to be sensitised and trained on WCP, its functions, project implementation methods and other key aspects for achievement of WCP goals and addressing women related issues.
- II. Coastal Community Volunteers appointed by 'Kudumbashree' can play an active role in solving issues like insufficient capital, exploitation by middlemen, health issues, lack of education, etc., faced by the coastal women by supporting them to start micro enterprises, meet educational needs of their children and help them to pay back their debt.
- III. In General, women friendly (free of abuses and harassments) harbours and workplaces need to be created, and this may require educating both men and women. There needs to be programmes/provisions to ensure gender equity and equality in workplaces.
- IV. Women among the fisherfolk shall be provided with skills and opportunities to engage in livelihood activities like making value added products from fisheries, marketing and developing entrepreneurial ideas. Capacity development and skill development programmes need to be imparted through the fisheries department and can extend to all persons in the community.
- V. Activities of Society for Assistance to Fisherwomen (SAF) need to be scaled up to extend assistance to more women

1.4.8. Waste Management System

- I. One of the challenging factors that fasten degradation of the coastal region is poor management of waste. An effective waste management system to dispose of waste including fish waste from the fish handling areas- landing areas, peeling sheds, and markets, need to be in place. Dumping of waste viz. plastic and effluents from factories into the sea needs to be prevented. Intensive civic training, strict monitoring and punitive measures are to be taken to resolve these issues on a priority basis.

1.4.9. Marine Pollution

- I. LSGIs need to evolve a participatory system for collecting damaged fishing nets and other gear from fishermen. All stakeholders need to be associated with the activity.
- II. Penal action, including levying hefty fines needs to be taken against violators for preventing indiscriminate dumping of toxic materials, industrial effluents, and sewage into the sea. This shall also be done with the participation of people and civil society.
- III. Industries need to be responsible for proper management of the waste they generate and need to ensure that only treated water is let into the drainage system from their premises. The sewage system of industrial firms and factories should not lead to sea and water bodies. An effective mechanism for monitoring disposal of solid and liquid waste from industrial units needs to be set up.
- IV. Pollution control certificates similar to emission control certificates for road transport vehicles need to be enforced for fishing vessels. Universities may be incentivised for Research and Development of energy efficient and eco-friendly engine designs. The issue may also be brought to the attention of the Government of India.

1.4.10. Disaster Management System

- I. Effective Early Warning Systems (EWS) during disasters is a long-awaited requirement of the fisherfolk to mitigate effects of natural disasters. ARC recommends that government needs to scale up its efforts in this area and formulate disaster mitigation plans, ensure availability of lifeboats and associated equipment in sufficient numbers, ready at all times considering specific requirements of fishing communities.
- II. Coastal protection and elimination of sea erosion needs to be taken up as a priority eliminating technologies that adversely affect the ecology of the coastal region and causes negative results in the long run. Constructions that damage the ecosystem and livelihood of the fisherfolk need to be prohibited.
- III. Lessons learned from disaster impact and response need to be systematically analysed and used to improve future interventions and for preventive action.

1.4.11. Banking and Insurance

- I. Banks are usually indifferent to needs of fisherfolk, as they do not have adequate land in possession or any other means for providing collateral security for loan. Government needs to address this issue urgently if its efforts at mainstreaming the lives of fisherfolk are to be successful. This may be done either through promotion of loans from cooperative institutions to those who need it or through adoption of banking policies suitable for fisher folk. Awareness about the need for timely repayment also needs to be imparted to the fisherfolk.

- II. Loss of life of a breadwinner seriously affects the life of any household. Insurance schemes that are beneficial to the community need to be devised. Government shall take initiative in this regard. Apart from insurance cover, skill training to family members of the deceased and opportunities for employment also need to be ensured.

1.4.12. Public Distribution System

- I. Assurance of quality of articles distributed through the Public Distribution System (PDS) is a necessity. The system seems to be effective, but the quality of the provisions distributed through PDS need to be ensured through a robust monitoring mechanism.

1.4.13. Comprehensive Social Security Schemes

- I. Comprehensive social security scheme that covers all fisherfolk in the state needs to be implemented. It may include all the schemes currently implemented, e.g. insurance schemes, reservation benefits, subsidies, special recruitments, and rehabilitation (special) packages in a single package.
- II. Women need to be given paid maternity leave in their workplaces and human development strategies like capacity building, livelihood development programmes, and social capital development initiatives need to be implemented.

1.4.14. Awareness Generation on Rights of / Schemes for Fisher Folk

- I. Educating fisher folk on provisions of various Acts / Policies is a necessity – a crucial necessity, for their inclusive development and for inclusion of all eligible persons in the schemes and programmes implemented by government. Awareness creation may be done through groups of stakeholders, non- governmental organisations working in the area and by LSGIs.

1.4.15. e-Literacy

- I. Fisherfolk need to be empowered to avail services online. End to end technology solutions need to be developed for remittance of dues, availing benefits, and accessing information. e-Literacy will enable their inclusive development

1.4.16. Co-operative Societies

The Kerala Fishermen Welfare Societies Act 1980 provides for “organisation of fisheries villages and to constitute fishermen welfare societies for such villages with a view to develop the economic, social and cultural life of fishermen community in Kerala”.

These societies have immense potential to transform the lives of the fisherfolk if they function efficiently and effectively. But they are dormant at present.

- I. ARC recommends that the government needs to study how effective these societies can be made in realising their mandate. Government shall clearly specify their interventional areas in view of the fast-paced changes happening all around. In post COVID scenario these societies may be rejuvenated and equipped to take an active role in economic and social sustenance of the fisherfolk.
- II. The societies need to effectively intervene in the functioning of the fish auction centres. Fish auctions at fish markets often lead to conflicts. Government needs to study if the fish auctions can be done by fishermen co-operative societies.
- III. If it is found by the study that their existence is superfluous these societies may be merged with societies affiliated to Matsyafed.

1.4.17. Use of Technologies and Capacity Building

- I. Modern technologies need to be introduced to the fisherfolk through the co-operative societies or through the Fisheries Department and they need to be encouraged to adopt these technologies. Government needs to extend corresponding levels of capacity development/ training needed to fisherfolk. This could go beyond fishing to processing, storing, value added production and transportation.

1.4.18. Monitoring and Evaluation

- I. Government needs to ensure that an efficient and effective monitoring and evaluation system is in place for periodical review of legislations, schemes, projects implemented for fisherfolk and take remedial steps.
- II. Government has taken several initiatives for overall development of the fisherfolk including establishment of cooperative federation, welfare fund for the benefit of fisherfolk and those engaged in allied activities, development of inland fisheries and aquaculture, developmental schemes for the benefit of fisherfolk etc. ARC recommends that the government shall take steps to study relevance, effectiveness, and inclusiveness of all these initiatives and institutions and their interventions in improving quality of life of the fisherfolk and mainstreaming of the community. This needs to be done within a fixed timeframe- maximum of six months.

Requirement for specific and targeted projects and programmes for the fisherfolk is immense. Economic status of fisherfolk, especially the traditional fisherfolk deteriorates each day and they continue to remain a marginalised community. Government needs to take concrete and systematic action, with active participation of fisherfolk, to reduce socio-economic disparity that exists between the fisherfolk and other communities in Kerala. It needs to plan programmes that are more inclusive and implement them with the active participation of the fisherfolk.



Scheduled Caste and Scheduled Tribes

CHAPTER 2

2.1 Introduction

Articles 46, 330, 332, 335, 338, 338A and 339 of the Constitution of India ensure the rights, welfare and development of Scheduled Castes and Scheduled Tribes. Articles 341 and 342 define Scheduled Castes and Scheduled Tribes. People from Scheduled Castes (SCs) and Scheduled Tribes (STs) were socially excluded in the country and faced discrimination on the basis of their lowest position in the caste system. This led to their exclusion from many services available to the general population including access to health services, quality education and many of the economic activities.

The share of Scheduled Castes in the population of India in 2011 is 16.6 per cent, and of Scheduled Tribes is 8.6 per cent. Together they constitute a quarter of the population of India. Government of India enacted progressive legislations, programmes and schemes for the development and empowerment of the SCs and STs based on the constitutional provisions. Despite all the guarantees and security provided by the Constitution of India SCs and STs continue to be among the most disadvantaged socio-economic groups in India.

2.1.1. Scheduled Castes

A person is considered to be a member of a Scheduled Caste if she belongs to a caste declared to be a Scheduled Caste for the area where she is resident under Article 341 of the Constitution. The term Scheduled Caste was first incorporated into the Govt. of India Act of 1935. Purpose of classification of castes as Scheduled Castes is to safeguard the interest of those who suffer from caste discrimination and to provide for them special concessions to help them catch up with the rest of the population in the process of development

The population of Scheduled Castes in Kerala as per 2011 census is 30,39,573 persons constituting 9.10 per cent of the total population. 57.17 percent of the Scheduled Caste population in the state are in the districts of Palakkad (13.29%), Thiruvananthapuram (12.27%), Kollam (10.80%), Thrissur (10.67%) and Malappuram (10.14%). Communities such as Vedar, Nayadi, Kalladi, Arundhathiar / Chakkiliar are identified as vulnerable communities among Scheduled Castes and their population is concentrated in Palakkad, Malappuram, Kollam, and Idukki districts. They constitute 3.65 per cent of the SC population

in the State. Settlement pattern of SCs in the state is different from that of other parts of the country. Majority of them live scattered among the general population.

Government of India and the state government have implemented many programmes for the development and mainstreaming of Scheduled castes. Govt. of Kerala earmarks funds for Scheduled Caste Sub Plan (SCSP) from State Plan outlay in proportion to the percentage of population of Scheduled Castes. The fund is mainly spent through LSGIs and SC Development Department. SC Development Department implements Centrally Sponsored Schemes and schemes/projects included in State plan. Govt. of India provides Special Central Assistance (SCA) to States to fill the gaps which are not met from the Central, State and Local body plans. The aim of SCA is to assist SC families for taking up viable income generating activities¹.

2.1.2. Scheduled Tribes

Article 366 (25) of Constitution of India defines Scheduled Tribes as “such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this constitution”. Scheduled Tribes (ST) in Kerala, due to their settlement pattern, cultural practices and traditional identities are consolidated in clusters and are concentrated in interior forest and adjoining areas and are overwhelmingly rural. As per the Census 2011, ST population of Kerala is 4,84,839 persons constituting 1.45 per cent of the total population (3.338 crore). District-wise, the highest concentration of STs is in Wayanad (31.24%), followed by Idukki (11.51%), Palakkad (10.10%) and Kasaragod (10.08%). These four districts together account for 62.93 per cent of STs in the State.

Govt. of India introduced Tribal Sub Plan (TSP) during 5th Five Year Plan (1974-75), to give special care to Scheduled Tribes. As per the TSP strategy, the State allocates an amount which is more than proportional to the tribal population (1.45%) in the State. Major sources of funds for tribal developments in the state are

- I. State Plan allocation
- II. Funds under TSP components of Centrally Sponsored Schemes (CSS)
- III. Special Central Assistance to Tribal Sub Plan (SCA to TSP), grant under Article 275 (1) of the Constitution, other allocations for schemes implemented by Ministry of Tribal Affairs and
- IV. Institutional finance.

2.2. Review of Legislations

Administrative Reforms Commission (ARC) reviewed implementation of the following legislations related to the Scheduled Caste and Scheduled Tribes.

1 : State Planning Board. (2017). Economic Review 2016. Retrieved January 23, 2020, from http://spb.kerala.gov.in/EconomicReview2016/web/chapter04_14.php

- A. Protection of Civil Rights Act, 1955 and Rules, 1977
- B. Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Rules, 1995.
- C. The ST and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- D. Panchayats (Extension to the Scheduled Areas) (PESA) Act, 1996

2.2.1 Protection of Civil Rights (PCR) Act, 1955 and Rules, 1977

2.2.1.1 Overview of the Act and Rules

‘Untouchability (Offences) Act’ enacted and notified on 08.05.1955 in pursuance of Article 17 of the Constitution was amended and renamed in 1976 as the “Protection of Civil Rights Act, 1955”. The Act provides punishment for preaching and practice of untouchability. It defines ‘Civil Rights’ as any right accruing to a person by reason of the abolition of untouchability through Article 17 of the Constitution. Responsibility for implementation of the Act primarily rests with State Governments / Union Territory Administrations.

Sections 3 - 7A define actions considered as offences and sections 8-11 of the Act lay down punishment for the offences.

Section 15 A of the Act enjoins on Central and State Governments to

- i. Take measures to provide ‘adequate facilities, including legal aid, to the persons subjected to any disability arising out of untouchability and enable them to avail their rights, appoint officers for initiating/exercising supervision over prosecution for contravention of provisions of the Act, setting up of special courts for the trial of offences under the Act, forming Committees at appropriate levels, as the State Government decides, to assist the State Government in formulating or implementing these measures, provide for periodic survey of the implementation of the provisions of the Act, to suggest measures for effective implementation of the Act, identify areas where persons are under any disability arising out of untouchability and adoption of measures to ensure removal of such disability from such areas.
- ii. Government of India is mandated by the Act to take necessary steps for coordinating activities carried out by the State Governments under the Act.
- iii. Government of India shall, every year, place on the Table of each House of Parliament, a report on the measures taken by itself and by the State Governments in pursuance of the provisions of Section 15A².

‘Protection of Civil Rights Rules, 1977’, is a subordinate legislation under the section of Civil Rights Act, 1955’ for implementation of provisions of the Act.

2.2.1.2. Implementation

Status of functioning of the mechanisms for implementation and monitoring of the Protection of Civil Rights (PCR) Act, 1955, in Kerala during the year 2017 is as follows:

Table 2.1 Protection of Civil Rights Act, 1955 for Crimes against SCs in Kerala

Sl No	Year	2014	2015	2016	2017	2018
1	Cases of Crimes against SC	0	1	0	1	0
2	Cases of Crimes against ST	0	0	0	0	0

Source : State Crime Records Bureau

The state has set up 'State Level Vigilance and Monitoring Committee' chaired by the Chief Minister and District Level Monitoring Committees chaired by District Magistrate in each district to review implementation of the Act. Special Cell (State Level SC/ST Protection Cell) at State Police Headquarters under the supervision of Inspector General of Police monitors cases under the PCR Act. Special Courts have been set up in the districts of Kollam (Kottarakkara), Palakkad (Mannarkkad), Wayanad (Mananthavady) and Malappuram (Manjeri). In the remaining districts, Sessions Courts are designated as Special Courts for trial of cases under the PCR Act. The state has not so far established Special Police Stations for registration of offences against SCs and STs. Legal aid is given to persons belonging to SC/ST and incentive for inter-caste marriage under the Centrally Sponsored Scheme if one of the spouses belongs to the Scheduled Caste. The Scheduled Caste Development Department undertakes awareness campaigns at Gram/Block/District/Municipality/Corporation level to create awareness about PCR Act among the public, especially Scheduled Castes. The state has not identified any area as untouchability prone. Periodic surveys are conducted by the state government for assessing effectiveness of implementation of the Act.

Action taken by Police and Courts in cases registered under PCR Act

Cases reported under PCR Act 1955 (Table No. 2.1)

- i. Negligible number of cases are registered in the state during the years 2014-2018. Only one case each was registered for offences under the Act against SCs during the years 2015 and 2017 and no cases during the years 2014, 2016 and 2018.
- ii. No case was registered in the state under PCR Act during the last 5 years on offences against STs.

2 : Ministry of Social Justice and Empowerment. (2018). Report - The Protection of Civil Rights Act, 1955 for the year 2017. Retrieved 1 27, 2020, from <http://socialjustice.nic.in/writereaddata/UploadFile/arpcr08.pdf>

2.2.1.2.1. Status of Reported Cases

No charge sheets were filed in 2018 for crimes against SCs and STs (Table No. 2.2) as no cases were reported during 2018 and no cases were pending for investigation from previous years.

- i. 2 cases concerning Scheduled Castes pending for trial from the previous year are still pending at the end of the year.
- ii. No cases concerning STs are pending for trial.

Table 2.2 : Status of Cases against SC registered as per PCR Act during 2018

Sl No	District	No. of Cases SCs	No. of Cases STs
1	Reported during the year 2018	0	0
2	Charge sheeted	0	0
3	Final reports submitted	0	0
4	Pending for investigation at end of the year	0	0
5	Pending for trial from previous year	2	0
6	Disposed by Courts	0	0
7	Convicted / acquitted	0	0
8	Compounded/ withdrawn	0	0
9	Pending for trial at the end of the year	2	0

Source : State Crime Records Bureau

2.2.1.3. Recommendations

- i. Lack of awareness about their rights and privileges remain one of the major reasons for the backwardness of the scheduled communities. Despite prevalence of discrimination, both apparent and discreet, against Scheduled Castes and Scheduled Tribes in the state, cases registered under PCR Act during the last 5 years is only 2 in the case of SCs and none for STs. These figures clearly show the lack of awareness of people about the Act or their fear to register complaints. ARC recommends that the government along with LSGIs and the civil society needs to conduct campaigns at specific intervals to create awareness among the SC/ST communities about rights guaranteed to them by the Constitution of India, and on legislations like Civil Rights Act and Prevention of Atrocities Act enacted to protect these rights. These awareness programmes will also help members of these communities to file complaints to protect their rights and to desist from filing frivolous complaints diluting the efficacy of rights.
- ii. Once a case is registered under the Act, government needs to ensure speedy trial of the case. Two cases registered during 2015 and 2017 under the Act are still pending for trial.

- iii. Ostracisation, especially from the family, is likely to take place in the case of intercaste marriage. Therefore, income sealing for financial assistance may be removed/ if not enhanced substantially to encourage intercaste marriage. Also, column No. 8 in the application form for financial assistance, for furnishing details of proposed utilisation, needs to be removed. To expedite the process of creating a casteless and egalitarian society, government needs to take concrete steps in addition to financial assistance to encourage inter-caste marriages. Programmes to ensure social and cultural integration needs to be implemented by the government.

2.2.2. SC/ST (Prevention of Atrocities) Act, 1989 and Rules 1995

2.2.2.1. Overview

Protection of Civil Rights Act safeguards Scheduled Castes and Scheduled Tribes from untouchability but not from other atrocities they face because of their identity. For ensuring them protection from such atrocities 'The Prevention of Atrocities (PoA) Act, 1989' was enacted and enforced on 31.01.1990 and was amended as the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Rules for its implementation were made in 1995. Main provisions of the PoA Act :

- i. Section 3 of the Act defines offences and prescribes punishment for the offences.
- ii. Section 4 is on punishment for wilful neglect of duties by non-SC/ST public servants
- iii. Section 14 provides for establishment of exclusive special courts for one or more districts, specifying court of session to be a special court for speedy trial of offences under the Act, powers of these courts to take cognisance of offences under the Act, duty of the state government to establish adequate number of courts to ensure that cases under the Act are disposed of within a period of two months as far as possible.
- iv. Section 15 provides for appointment of Special Public Prosecutors exclusively for conduct of cases in the Special Courts.
- v. Section 15A is on rights of victims and witnesses. Section 17 provides for preventive action by the law and order machinery and
- vi. Section 21 (2) is on measures to be taken by state governments for effective implementation of the Act.

2.2.2.1.1. Duties of Central and State Governments

It is the responsibility of Government of India (GoI) to frame rules for implementation of the Act. Based on the rules framed by GoI, state governments need to take measures required for effective implementation of the Act. These include provision for adequate facilities including legal aid to the persons subjected to atrocities, travelling and

maintenance expenses to witnesses and victims of atrocities, economic and social rehabilitation of the victims, appointment of officers for supervision over prosecutions, setting up of committees at appropriate levels as the State Government may think fit to assist government in formulation/ implementation of these measures, periodic survey of implementation of the provisions of the Act, identification of areas where members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities, and adoption of measures to ensure safety for such members.

The Act enjoins on Government of India (GOI) to take necessary steps to coordinate measures taken by the state governments under sub-section (1) and is mandated to place on the table of each House of Parliament, every year, report on measures taken by GOI and the state governments in pursuance of the provisions of this section.

The rules mandate the state governments to take precautionary and preventive measures to prevent atrocities against SCs/STs. These measures include

- a. identification of areas where the government has reason to believe that atrocity may take place or there is apprehension of reoccurrence of an offence under the Act.
- b. order the District Magistrate and Superintendent of Police or any other officer to visit the identified area and review law and order situation.
- c. if deem necessary, cancel arm licenses of the persons who are not members of SCs or STs, their near relations, servants or employees and family friends in the identified area and deposit such arms in the government armoury.
- d. seize all illegal fire-arms and prohibit illegal manufacture of fire-arms.
- e. ensure safety of person and property, if deemed necessary, provide arms licenses to members of SCs and STs.
- f. constitution of high power state-level committee, district and divisional level committees or other committees as deemed proper and necessary for assisting the government in implementation of the provisions of the Act.
- g. setting up a vigilance and monitoring committee to suggest effective measures to implement provisions of the Act.
- h. setting up awareness centres and organising workshops in the identified area or at some other place, to educate persons belonging to SC and ST about their rights and the protection available to them under provisions of various central/state enactments or rules, regulations and schemes framed thereunder.
- i. encourage NGOs for establishing and maintaining awareness centres and organise workshops and provide necessary financial and other assistance.
- j. deploy a special police force in the identified area.

- k. by the end of every quarter, review the law and order situation, functioning of different committees, performance of Special Public Prosecutors, Investigating Officers and other officers responsible for implementing provisions of the Act and the cases registered under the Act.

2.2.2.1.2 State-level Vigilance and Monitoring Committee

The state government is enjoined to constitute 'high power Vigilance and Monitoring Committee' of not more than 25 members chaired by the Chief Minister at the state level and Vigilance and Monitoring Committees in each district chaired by the District Magistrates.

The state level committee shall meet at least twice in a calendar year and the district level committees once in three months to review the implementation of the Act, relief and rehabilitation facilities provided to the victims, prosecution of cases and for the examination of roles of different officers/agencies responsible for implementing provisions of the Act and reports received by the state government/ district administration.

2.2.2.1.3. District Level Vigilance and Monitoring Committee

The state government is mandated to forward a report to GoI about the measures taken for implementing provisions of the Act, every year, before the 31st of March.

2.2.2.2 Implementation

The State Government has constituted state / district level Vigilance and Monitoring Committees for implementation of the provisions of the Act and rules.

State Level SC and ST Protection Cell is functioning under the supervision of the Additional Director General of Police for monitoring conduct of cases under the Act. It also monitors cases registered under the PoA Act as well as petitions by members of Scheduled Castes and Scheduled Tribes.

Principal Secretary, Scheduled Tribes Development Department, Govt. of Kerala has been appointed as the Nodal Officer for implementation of the Act. Special Officers are appointed in the districts of Kasaragod and Thiruvananthapuram (Rural).

State government has identified Kasaragod and Thiruvananthapuram (Rural) districts as atrocity prone areas.

Govt. of Kerala has designated district Session Courts as Special Courts. The State has not set up exclusive Special Courts. Special Public Prosecutors have been specified for conducting cases in the designated Special Courts. Investigation and filing of the charge sheet were done within 60 days in 127 cases, but in 401 cases it was done only after 60

days. 2 victims of atrocities were provided relief and rehabilitation within seven days, while 152 victims were provided it later than seven days. Of the 245 cases which ended in acquittal appeal was filed in nine cases.

3 Mobile Squads have been set up in Kasaragod, Wayanad and Palakkad districts.

The state government has conducted awareness and sensitisation programmes for police officers and officials of other concerned departments. Legal aid is given to persons who apply for it. Government also meets maintenance and transport expenses of victims and witnesses. Social and economic rehabilitation of the victims are also taken up by the government.

ARC reviewed the status of crimes against SCs and STs reported in Kerala as per PoA Act during 2014-2018. Cases reported, charge sheeted, disposed of by courts, convicted / acquitted, and pending for trial were examined.

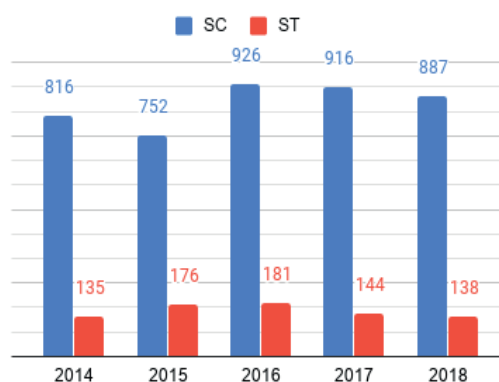
Data for the period 2014-2018 (Figure No.2.1) shows that the highest number of cases for SCs and STs -926 and 188 respectively were reported in 2016. This was followed by 916 cases of SCs in 2017 and 887 cases in 2018. Though there is a decrease in the number of reported cases of SCs in the year 2015 (752), compared to 2014 (816), it increased to 926 cases in 2016. For STs, the number of reported cases shows marginal increase from 135 in 2014 to 176 in 2015 and 181 in 2016. However, the next two years show a decrease in the number of reported cases.

2.2.2.2.1 Status of Cases

1583 cases concerning SCs were under investigation in 2018 (Table No. 2.3) including 696 cases from 2017. Of these 608 cases were charge-sheeted by the police and 220 cases were disposed of by Courts. Only 24 persons were convicted in the cases disposed while 220 persons were acquitted. 2594 cases are pending for trial at the end of the year.

As for the status of PoA cases relating to STs, 283 reported cases were under investigation during the year 2018. Of this 145 were from 2017. 175 cases out of the 283 were charge sheeted and 74 cases disposed of by Courts. 6 persons were convicted, and 75 persons acquitted. 448 cases are pending for trial at the end of the year.

Figure 2.1 : Cases Reported in Kerala as per PoA Act, 1989 during 2014 – 2018



2.2.2.3. Recommendations

- i. It can be seen from available data that the conviction rate of cases under the Act is quite low. ARC recommends the government to take appropriate action for fool proof investigation, thoroughness in preparation of charge sheet and proper conduct of case to ensure conviction. Large numbers of acquittals will lead to loss of confidence of the victims in the legal system and increase in atrocities towards them. Police personnel need to be given training to improve investigating skills. Additional Public Prosecutors need to be appointed to improve the conviction rate.

- ii. Panel of advocates under the Act needs to be formed at Taluk / Panchayat level to provide legal assistance and help to victims of atrocities and proper defence of cases.

Table : 2.3 Status of PoA Cases - 2018

Sl No	Year	SC	ST
1	Pending for investigation from previous year	696	145
2	Reported during the year	887	138
3	Charge sheeted	608	175
4	Disposed by Courts	220	74

Source : State Crime Records Bureau

- iii. 'Justice delayed is justice denied' has become a cliché. But in the case of SCs and STs it is all the more true as failure/ delay of the system to protect them from atrocities increases their vulnerability. Speedy investigation and filing of charge sheets are to be ensured for protection of their rights. Delay at any stage leaves them open to intimidation/ inducements. For the year 2018, of the 1583 cases concerning SCs, only 608 cases and out of 283 cases of STs only 175 were charge-sheeted. During 2017, investigation and filing of the charge sheet was done within 60 days in the case of 127 cases but in 401 cases it was done after 60 days. Monitoring systems need to be made more effective and special attention of concerned officials needs to be ensured in the conduct of cases under PoA.
- iv. Necessary steps to speed up trial of PoA cases need to be taken. At the end of 2018, 2594 cases concerning SCs and 448 cases of STS are pending for trial.
- v. Government needs to ensure that victims of atrocities are provided with relief and rehabilitation within seven days, as envisaged. In 2017 only 2 of the victims received compensation within the stipulated time.

2.2.3. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

2.2.3.1. Overview of the Act

Scheduled Tribes and other forest dwellers have been living in forests from time immemorial. They have a close knit and integral link with the forests. Their existence and livelihood are dependent on the forests. This ensures that they remain protectors of forests

which they consider as their home. But their customary rights over the land they live in are often not recognised by the land and forest laws of the country.

Indian forests are governed mainly by the Indian Forest Act, 1927, which empowers government to declare any area as reserved forest, protected forest or village forest, and the Wild Life (Protection) Act, 1972 which gives authority to constitute any area as a 'protected area' – wildlife sanctuary, national park, tiger reserve or community conservation area. Rights of people living in such areas or are dependent on such areas for their livelihood need to be settled based on the validity of their claims. If they have valid claims, they should either be allowed to continue in the area claimed/valid as their settlement or compensation is given for resettlement.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is an important regulation concerning forest dwellers and is meant to ensure their rights to land and resources, denied by continuance of colonial forest laws even after the country became independent. Forest rights on ancestral lands and their habitat were not adequately recognised during consolidation of state forests during colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the survival and sustainability of the forest ecosystem. It has become necessary to address the long-standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions . This Act³ passed by Government of India to restore the rights of forest-dwelling scheduled tribes and other traditional forest dwellers to control and use natural resources is considered as a legislative landmark in the history of forest laws in India⁴ .

Rights of Scheduled Tribes and traditional forest dwellers, which include individual and community rights, under section 3 (1) of the Act are:

- i. 'Right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers.
- ii. Community rights such as nistar, by whatever name called, including those used in erstwhile princely states, zamindari or such intermediary regimes.
- iii. Right of ownership, access to collect, use, and dispose of minor forest produce (includes all non-timber forest produce of plant origin) which has been traditionally collected within or outside village boundaries.

3 : Ministry of Tribal Affairs. (2014). Forest Rights Act 2006, Acts, Rules and Guidelines. Retrieved from <https://tribal.nic.in/FRA/data/FRARulesBook.pdf>

4 : Ursula Münster, S. V. (2012, May 12). In the Jungle of Law Adivasi Rights and Implementation of Forest Rights Act in Kerala. Economic & Political Weekly, 19, pp. 38-45.

- iv. Other community rights of uses of entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities.
- v. Rights including community tenures of habitat and habitation for primitive tribal groups and pre-agriculture communities.
- vi. Rights in or over disputed lands under any nomenclature in any State where claims are disputed.
- vii. Rights for conversion of Pattas or leases or grants issued by any local council or any State Govt. on forest lands to titles.
- viii. Rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forest, whether recorded, notified or not into revenue villages.
- ix. Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.
- x. Rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State.
- xi. Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity.
- xii. Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses-1 to 11, but excluding the traditional right of hunting or trapping extracting a part of the body of any species of wild animal.

2.2.3.1.1 Procedure to vest Forest Rights

Section 6(1) of the Act provides for the Gramasabha or village authority as the authority to initiate the process for determining nature and extent of individual or community forest rights by receiving claims. After verification of claims the Gramasabha/village assembly passes a resolution to recommend valid claims to the Sub Divisional Level Committee. The committee also hears appeal petitions from persons aggrieved by the resolution of the Gramasabha.

Sub-Divisional Level Committee (SDLC) examines the resolution passed by Gramasabha, the record of forest rights and forwards it to the District Level Committee (DLC) for final decision. Any person aggrieved by the decision of the SDLC can petition the District Level Committee (DLC). Decision of the DLC on the record of forest rights shall be final and binding.

State government is to constitute State Level Monitoring Committee (SLMC) to monitor the process of recognition and vesting of forest rights and submit to the nodal agency, returns and reports as required by that agency.

SDLC, DLC and SLMC consists of officers of the Departments of Revenue, Forest and Tribal Affairs and three members of Panchayati Raj Institutions at the appropriate level appointed by respective Panchayati Raj Institution, of whom two shall be Scheduled Tribe members and at least one shall be a woman, as may be prescribed.

2.2.3.2. Implementation of the Act

Government of Kerala has appointed the Scheduled Tribes Development department as the nodal agency to coordinate implementation of the Act and have formed SDLCs, DLCs and SLMC. Sub Divisional Level Committees are entrusted with the task of creating awareness among forest dwellers about the objectives of the Act and procedures under the Act and rules. Concerned officials are given necessary training. The state has also constituted Forest Rights Committees under rule 3. The committees are constituted by Gramasabha in its first meeting by electing members from them.

37,535 (36,140 individual and 1395 community) claims were received and 24,599 individual titles and 33,018.22 acres of land were distributed to the landless tribes or other forest dwellers in Kerala. Out of 37,535 claims filed, 32,488 were disposed and 7,889 rejected. That is, 86.55 per cent of the claims received were disposed of. Highest disposal in this regard is in the states of Uttar Pradesh (99.85%), West Bengal (99.74%), and Chhattisgarh (99.39%). National average of disposal is 87.72 per cent.

Percentage of titles distributed over the number of claims received is high in the state - 65.54 per cent. Only Odisha stands above Kerala in this regard with 69.14 per cent. National average is 46.35 per cent.

Data shows that of the 37,535 claims filed at Gramasabha 32,962 claims were recommended to SDLC and of these SDLC recommended 26,894 claims to District Level Committees who approved 25,683 claims and distributed 24,599 titles and 13,362 acres of forest land.

2.2.3.3. Issues

- i. Government has taken several steps to implement the Act. But ground level realities show that a lot more space is left to be covered for the STs and other forest dwellers to get benefits intended by the Act.
- ii. The Act recognises rights of tribal people “to protect, regenerate, or conserve, or manage any community forest resource, which they have been traditionally protecting and conserving”. There is lack of coordination between the Departments of Forest,

Tribal Welfare and Revenue in determining traditional rights of Scheduled Tribes and reluctance to recognise 'Community Forest Rights'.

- iii. Conflicts arise with other land laws while the Act is implemented, and steps are not taken to resolve these conflicts for speedy implementation of the Act.
- iv. Most of the provisions of the Act are implemented ignoring the spirit of the Act. Evictions are carried out in the name of resettlement and protection of Adivasis, mostly without their informed consent. Conditions for resettlement in the Act puts the onus on the government to show that tribal is 'irreversibly harming wildlife and coexistence is not possible'. Laws are often blatantly disregarded even in Kerala, for forceful implementation of resettlement.
- v. Once they are evicted forcefully, based on consent obtained under duress or willingly, all their rights- secure livelihood, protection of culture, freedom to practice their religion etc., are violated as the forest is their home, the foundation of their identity, livelihood and gives them a sense of belonging.
- vi. Innumerable schemes are formulated for welfare and development of these marginalised groups. But effective implementation of these schemes have failed as can be seen from the disadvantages they continue to face.
- vii. Most of the legislations for rights and welfare of STs ignore cultural aspects of their life and their customs. Enabling them to overcome poverty and other deprivations along with protection of their culture/customs remain unaddressed. An example is forcing STs into monetary transactions ignoring the fact that their culture is accustomed to barter system. Compulsion to move to transactions based on money impacts them adversely. Many among STs are cheated/swindled because of their inability in mastering the system, which itself keeps moving to cashless transactions and digital payment systems. STs find it difficult to keep pace with the changes.
- viii. Lack of awareness of their rights is widespread and many of their rights remain unrecognised by officials in the name of protection of forests.

2.2.3.4. Recommendations

- i. Government needs to ensure that forest-dwelling Scheduled Tribes and other traditional forest dwellers are able to exercise the title, user, relief and development, and forest management rights given to them under section 3(1) of the Act. ARC recommends that the state government needs to give more focused attention to implementation of the Forest Rights Act, 2006 in its letter and spirit to ensure that rights given to them by the legislature are not denied to them by the executive. Regular monitoring of implementation through committees at different levels shall be enforced.

- ii. Clarity of the documents issued to prove title needs to be ensured by government and giving of 'pattayam' instead of 'possession certificate', with conditions on selling, alienation, or giving on lease/rent etc. need to be considered. The document shall have clarity about extent of land, location and boundaries and a map which confirms exactness of these factors. The maps must be GPS enabled. It can be seen that some possession certificates contain only rough sketches.
- iii. Resettlement of Scheduled Tribes living in the interior forests and traditional forest dwellers as part of their rehabilitation from Tiger Reserves, wild life sanctuaries for protection of their life and property shall be done only as per provisions of the Act, on the basis of their willingness and informed consent. Right to collect and sell minor forest produce needs to be restored to Scheduled Tribes from the 'Vana Samrakshana Samithi', as in many cases they do not function in the best interest of the STs. Government needs to consider giving the tribes and forest dwellers the freedom to collect minor forest produce from the whole forest area, where they reside.
- iv. Restoration of the land lost by Scheduled Tribes needs to be done in a time bound manner. Precautions against deceiving STs, including forging of agreements, consents and signatures needs to be taken. Signing of any document by the STs shall be done before reliable witnesses. They shall be assisted to take informed decisions. The purpose for which their consent is given needs to be made clear to them, whether it is implementation of a right or giving up certain privileges for alternative benefits. Entire process of transaction needs to be digitally recorded / video graphed and properly maintained to prevent malpractices.

It is a globally recognised fact that the most effective way to lower incidence of poaching, wildfires and encroachment is to recognise land rights of tribal communities.

2.2.4. Panchayats (Extension to the Scheduled Areas) (PESA) Act, 1996

2.2.4.1. Overview of the Act

In response to the recommendations of Bhuria Committee Report, 1995, Parliament enacted Panchayats (Extension to the Scheduled Areas) (PESA) Act, 1996 to provide for extension of the provisions of Part IX of the Constitution relating to Panchayats to the Scheduled Areas (areas where ST population is more than 50 percent) as referred to in Clause (1) of Article 244 of the Constitution or ensuring self-governance through traditional Gramasabha for people living in the Scheduled Areas of India.

At present, Scheduled areas exist in 10 States viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana. The Ministry of Panchayati Raj is the nodal Ministry for implementation of the provisions of PESA in the States.

2.2.4.1.1. Significant Characteristics of the PESA Act

- a. Every village shall have its own Gramasabha and is “competent” to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources, and customary mode of dispute resolution [Sec 4(d)].
- b. Gramasabha has mandatory executive functions such as, approve plans, programmes and projects for social and economic development, before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level, [Sec 4(e) (i)], identify persons as beneficiaries under poverty alleviation and other programmes [Sec 4(e) (ii)] and issue certificate of utilisation of funds by the Panchayat for the plans, programmes and projects referred to in clause 4(e) above [Sec 4(f)]
- c. The Gramasabha/Panchayat at the appropriate level shall be consulted before land is acquired in the Scheduled areas for development projects and before resettlement and rehabilitation of persons affected by such projects [Sec. 4(i)], planning and management of minor water bodies [Sec. 4(j)], and mandatory recommendations for prospecting licenses, mining lease/concessions for minor minerals [Sec. 4(k), (l)]
- d. Powers are endowed on the Gramasabha/ Panchayat at appropriate level to regulate sale/consumption of intoxicants [Sec. 4 (m) (i)], ownership of minor forest produce [Sec. 4 (m)(v)], prevent alienation of land and restoration of alienated land [Sec. 4(m) (iii)], manage village markets [Sec.4 (m)(iv)], exercise control over money lending to STs [Sec.4 (m)(v)], control over institutions and functionaries in all social sectors, and control over local plans and resources for such plans including tribal sub-plans.

2.2.4.2. Implementation of the Act

For many years Adivasi leaders and activists have been demanding implementation of PESA Act in the state to protect traditional rights of the STs over their land, livelihood, and resources. But their demand and aspiration remain unfulfilled, though it is often reported that the state government is considering implementation of the Act.

2.2.4.3. Recommendation

- i. ARC recommends to government to consider implementing the Panchayats (Extension to the Scheduled Areas) (PESA) Act, 1996 in the Gram Panchayats of Attappady and other tribal dominated panchayats in Palakkad district on pilot basis and later extent it to panchayats in Wayanad, Idukki and Kannur districts. Implementation of the Act will assist in protection of the rights of Scheduled Tribes in the forests where they are residing since aeon.

2.3. Other Issues and Challenges

2.3.1. Scheduled Castes

Majority of SC population in Kerala live scattered among the general population. However, a study by Kerala Institute of Local Administration (KILA) shows that there are 26,198 areas / colonies in the state inhabited by Scheduled Castes, of which 416 colonies have more than 50 families dwelling in its limits. Despite continued efforts of government, people belonging to Scheduled Castes, especially those living in colonies still face various issues and challenges. Major issues relate to basic amenities, education of children, employment, food security, access to health care, gender issues, financial insecurity, and economic exploitation.

2.3.1.1. Basic Amenities

Among basic amenities, housing is the most prominent issue of the SC communities in the state. As per Census 2011 report, 43.07 percent SC families are living in houses with inadequate facilities and 11.12 percent live in dilapidated houses. Though the community gets financial assistance for house construction through various schemes, many of these houses remain partially complete, mainly due to financial incapability of the beneficiaries. Adding to the problem, many families in the community are landless, lessening the possibility to get aid for housing as existing housing projects are mainly oriented towards people who own land or other resources for house construction. For the houses that require maintenance, there are provisions for financial support but the demand for financial support far exceeds funds which the department is able to set apart for it. Only a fraction of beneficiaries are able to get financial assistance for renovating their houses. As for financial aid for construction of new houses, it is available in different phases and if there is delay in getting the subsequent instalments of aid the house construction gets frozen at that stage. In spite of implementation of many schemes for housing, many SC families still do not own houses or live in poorly maintained/dilapidated houses. The LIFE Mission project of Government of Kerala is a hope for many of the homeless/landless families in the community. Many have availed houses through this project. Shortage of potable water is another

According to the estimates of the LIFE Mission, there are 75,355 houseless people from the Scheduled Castes in Kerala. Among them, 20,796 families own land and rest of them are landless. Housing assistance of ₹4.00 lakh per family was given to 9,526 families who own land. Of this 3,122 families completed construction. Mission offers two options to the landless- 1. assistance to purchase 3 cents of habitable land (₹2.25 lakh in Gram Panchayaths, ₹4.5 lakh in Municipalities, and ₹6.00 lakh in Municipal Corporation), 2 dwelling units constructed by the Mission in 28 towers across the State. The Mission has completed work of 4,154 incomplete houses sanctioned earlier under various Central and State housing schemes. (Economic Review 2019).

major area of concern especially in some of the SC colonies. In the dry season, they have to walk long distances to collect water. SC families living outside colonies have better access to drinking water. Water supply schemes are implemented by Kerala Water Authority (KWA) and local bodies for the benefit of the SCs living in the colonies, but it is not sufficient to meet their needs. Water is supplied through tanker lorries in some areas, but most of the time, the supply is irregular or insufficient. Jal Jeevan Mission rolled out recently by the government is expected to ensure piped drinking water in all SC households in the colonies and outside within the project period i.e. 2024.

Corpus Fund for Critical Gap Filling and Pooled Fund under SCP can be used for water supply schemes, construction of road and protection wall, electricity connection, and drainage etc. Utilisation of these funds is low. In 2018-19 expenditure is 57.45% for Corpus Fund and 0% for Pooled Fund. (Table 2.4 and 2.5)

2.3.1.2. Education

Education is a good indicator of the development of a society and has a prominent role in bringing the marginalised communities into the mainstream. Educational status of Scheduled Castes in the state is significantly better than that of many states in India. However, compared to the general community, SC students are educationally backward. Pass percentage of SC students in SSLC examination continues to be lower than that of general category students. Though, there are issues prevailing in drop outs

at primary / secondary level, most of the children complete 10th level of education (Table 2.6). Higher education is still a major area of concern for this weaker section of the society. Most often, they face constraints in accessing professional and technical education. NEET (National Eligibility cum Entrance Test) for undergraduate medical courses and dental

Table 2.4 : Outlay and Expenditure of Pooled Fund (Rs. in lakh)

Year	SCSP		Percentage of Expenditure
	Outlay	Expenditure	
2014-15	1000	524.77	52.48
2015-16	500	442.16	88.43
2016-17	500	513.34	102.67
2017-18	100	97.74	97.74
2018-19	100	0.00	0.00
2019-20 (As on 30.09.19)	100.00	0.00	0.00

Source : Economic Review 2019

Table 2.5 : Outlay and Expenditure under Critical Gap Filling Scheme (Corpus Fund) (Rs. in lakhs)

Year	SCSP		Percentage of Expenditure
	Outlay	Expenditure	
2014-15	12300	12722.00	103.43
2015-16	20761	13601.24	65.51
2016-17	24523	22848.01	93.17
2017-18	7888	8205.40	104.02
2018-19	10000	5745.47	57.45
2019-20 (As on 30.09.19)	10000	902.82	9.03

Source : Economic Review 2019

Table 2.6 Enrolment of SC students

No	District	Government. School			Private Aided School			Private Un-Aided School			Total SC		
		Enrol-ment	Drop out	%Drop out	Enrol-ment	Drop out	%Drop out	Enrol-ment	Drop out	%Drop out	Enrol-ment	Drop out	%Drop out
1	Thiruvananthapuram	24746	30	0.12	16571	11	0.07	3157	13	0.41	44474	54	0.12
2	Kollam	18847	17	0.09	23179	8	0.03	2112	4	0.19	44138	29	0.07
3	Pathanamthitta	6686	4	0.06	11435	0	0.00	809	0	0.00	18930	4	0.02
4	Alappuzha	8476	0	0.00	13664	1	0.01	755	0	0.00	22895	1	0.00
5	Kottayam	4642	4	0.09	13398	15	0.11	611	0	0.00	18651	19	0.10
6	Idukki	6196	30	0.48	6784	25	0.37	1010	1	0.10	13990	56	0.40
7	Ernakulam	8521	19	0.22	18016	26	0.14	2455	4	0.16	28992	49	0.17
8	Thrissur	11848	9	0.08	31242	49	0.16	1505	0	0.00	44595	58	0.13
9	Palakkad	21325	8	0.04	32470	28	0.09	1699	0	0.00	55494	36	0.06
10	Malappuram	21843	29	0.13	24819	44	0.18	1096	0	0.00	47758	73	0.15
11	Kozhikode	9128	1	0.01	15308	11	0.07	767	0	0.00	25203	12	0.05
12	Wayanad	2545	6	0.24	1998	2	0.10	175	0	0.00	4718	8	0.17
13	Kannur	3423	19	0.56	6137	3	0.05	190	0	0.00	9750	22	0.23
14	Kasaragod	3981	19	0.48	3340	14	0.42	144	0	0.00	7465	33	0.44
Kerala Total		152207	195	0.13	218361	237	0.11	16485	22	0.13	387053	454	0.12

Source : Economic Review 2019

courses) results 2019 shows that no student from the community figured in the top 50 ranks showing limitations in the quality of education they can acquire. This leads to denial of a level playing field in competitive examinations. Majority of the SC students end their education at secondary or higher secondary level itself. Those who pursue graduation and post-graduation studies are limited. Apart from barriers in accessing quality education, absence of proper direction and guidance is a major hurdle in this regard. In addition, though there is reservation for SC students in higher education, many still face hurdles in getting admission for plus two/graduation in government and aided schools and colleges. Moreover, as these students are mostly from financially backward families their opportunity to get higher education from private institutions is abysmal. Scholarships given for various courses are not adequate to meet educational needs. Educational backwardness of parents is also a reason for their poor performance in education.

Scheduled Caste Development Department runs 85 Nursery schools, 9 Model Residential Schools, 44 Industrial Training Institutes, 87 Pre-matric hostels, 17 Post-matric hostels, 4 Pre-examination Training Centres, a community college at Vadakkancherry and a Medical College at Palakkad. The department also implements schemes for improving pre-matric/post-matric studies, technical education and runs Model Residential Schools and Self-Financing Colleges. These institutions suffer from lack of adequate infrastructure and funds. Pooled Fund or Corpus Fund for critical Gap Filling may be made available to these institutions for addressing the infrastructural issues.

Educational assistance such as lump sum grants, stipends, pre-matric and post-matric scholarships, book grants, merit awards, gold medals, apprenticeship, remedial coaching for students in the subjects they are weak, medical/ engineering entrance coaching, tuition facilities in Model Residential Schools, and assistance for studying in other States and in other countries are also provided to the students. (Economic Review, 2019, Kerala State Planning Board).

2.3.1.3. Employment

As per data from 2011 census, 33.7 per cent of total working population of SCs are agricultural labourers and 61.9 percent are categorised as 'other workers' which include employment in the unorganised sector. Share of SCs in the 'household industry' is 2.8 percent and only 1.7 percent are 'cultivators'. It can be observed that most of the persons from SC community are working in agricultural or non-agricultural sectors in the unorganised sector. Lack of awareness of students as well as their parents on career development is a major impediment in attaining jobs in higher positions/government services. At the same time, there exists a dichotomy of non-availability of applicants for recruitment through PSC despite high unemployment rates among educated SC youth. As per Rule 14(a) of the Kerala State and Subordinate Service Rules 1958, 10 percent representation (8 percent for Scheduled Castes, 2 percent for Scheduled Tribes) is reserved to Scheduled Castes and Scheduled Tribes in Gazetted, Non-Gazetted and Last Grade categories in the Government departments. A report of January 1, 2019 based on an annual review of 53 departments and agencies out of 86 departments and agencies of government shows the

total representation of Scheduled Castes and Scheduled Tribes in public service as 10.38 per cent. Of this, 7.92 per cent are from Scheduled Castes' (Table 2.7) This highlights the fact that very few from SC communities are able to compete with the general population and secure employment under the general quota.

Aspiring for private sector employment remains an uphill task for SCs. Figures for self-employment scheme 2018-19 shows a dismal picture. Only 297 SC youth benefited from Self Employment Scheme and the total amount sanctioned was 227.89 lakhs.

2.3.1.4. Food Security

There are many projects and programmes to ensure nutritious food for Scheduled Castes, but many among them, especially those living in SC colonies are malnourished and anaemic. Due to their poor financial condition, they are not able to access nutritious food. There are occasions when the food they get from the public distribution system and schemes of government are sold to meet other unavoidable expenses. Average size of land holdings of the SCs is comparatively smaller than that of the general population, preventing them from producing food for their consumption.

2.3.1.5. Healthcare

Another area of concern is the lack of availability and accessibility of health care facilities to the SC community living in colonies. Distance to the Government hospitals / Primary Health Centres

Table 2.7 : Details of Scheduled Castes/Scheduled Tribes Employees in Government Service as on 01.01.2015, 01.01.2016, 01.01.2017, 01.01.2018 and 01.01.2019

No	Category	2015 (78/81)			2016 (74/81)			2017 (70/81)			2018 (66/85)			2019 (53/86)		
		Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST
1	1.Gazatted	44078	4361	876	43189	4264	892	43189	4318	926	41098	4093	909	35447	3581	767
2	2.Non-Gazatted (Excluding Last Grade)	258912	23544	5685	253939	22851	5629	252789	23016	5400	250300	23124	5496	226322	15551	4962
3	3.Last Grade	39501	4596	1785	38302	4594	1738	37422	4360	1744	35264	4528	1656	32013	4130	1500
	Total	342491	32501	8346	335430	31709	8259	333400	31694	8070	326662	31745	8061	293782	23262	7229

Source : Economic Review, 2019

(PHCs) is a major barrier in availing health care services by the people in some SC colonies. As cited in the Kerala Development Report, there are 5428 SC colonies in the state where PHCs are situated at a distance of 25 km or more from the colonies. This is a grievous problem during health emergencies. Sometimes, patients are to be physically carried to the medical facilities due to lack of transportation facilities as many of the SC habitats are situated at remote places and lack infrastructural facilities.

2.3.1.6. Gender Issues

Level of education of girls in the SC communities are better than that of the boys though many of them continue to drop out after 10th or 12th. Even if they acquire degrees and professional education, employment opportunities remain slim compelling them to opt for marriage at a younger age. Many of them are victims of domestic violence and abuse.

2.3.1.7. Other Issues

Caste Certificate is a basic requirement of the community for getting almost every service from the government. But people find it hard to get it on time resulting in the denial

A life beset with Poverty, ill health, and insalubrious living Environment...

This is the story of a 45-year-old man who lives in an SC colony in a rural area in Kozhikode District. His family comprises of his wife, two children and his elder sister who is a spinster. He is the only breadwinner in the family and his elder sister makes mats and earns a negligible income.

Though good in studies he had to drop out of school while he was in 7th standard, due to the sudden demise of his father. The entire burden of family including the huge debt left by his father fell on him. He could earn daily around Rs. 500/- and meet all expenses of his family till he was diagnosed three years back with genital cancer, reducing his family to abject poverty.

His illness is under remission now. But he is not able to go for work regularly as his health does not permit to do work requiring physical exertion. SC promoter helped his children to get educational scholarship under the Ayyankali Memorial Scholarship Scheme. Free medical care and aid of 'Karunya' Scheme is also available, bringing relief to the family to a large extent. But limited transport facility and issues of accessibility still remain as barriers driving him to borrow money to meet miscellaneous expenses including transportation costs. His case throws light on the disadvantageous life of many of the SCs.

The life of many among the Scheduled Castes is a life beset with poverty, ill health, insalubrious living environment sans proper drinking water, hygiene, and sanitation facilities. There is a plethora of government schemes. However, any scheme is beneficial only if it is implemented effectively and efficiently and is accessible. Timeliness is of paramount importance.

According to the recent Nobel Prize winner of Economics Abhijit Banerjee, policies and programmes need to be based on the evidence of the situations in which the poor live their lives. Financial and 'nudge' interventions made at strategic points of life can make an enormous difference in the future economic status of poor people. From the example of this youth it can be seen how medical help through Karunya and scholarships for studies of children could redeem the life of his family and how allocations for health and education prove to be a boon for the poor. On the other hand, it also shows that the absence of good governance prevents timely interventions forcing poor people to live in half finished houses and face barriers in accessing health services

It remains a paradox that 70 years of planned/focused development have not succeeded in mainstreaming the scheduled communities, rather they have been further ghettoized.

of the service. Compulsion to share space in the absence of alternative solutions, crowding of dwellings, limited or absence of space for recreation, financial insecurity, absence of savings are some of the other reasons that deteriorate their living conditions.

2.3.2. Scheduled Tribes

Government has invested substantial sums through various schemes for development on tribal hamlets of Kerala for the overall development of the Scheduled Tribes, but the condition of this marginalised community continues to be deplorable. They face many issues and challenges related to basic amenities, education of children, occupation, living conditions / standard of living, gender equality, economic exploitation, food security and health care, and substance abuse.

2.3.2.1. Basic Amenities

Basic amenities, land, housing and drinking water are prominent issues of tribal communities in the state. Scheduled Tribes are mainly forest dwellers with customary rights over the land inside the forests where they live. But implementation of forest laws has rendered many of them landless. Land alienation and absence of title deeds for land are major issues faced by them. Due to land alienation, the number of landless families among tribes have increased during the last few years. In addition, many of them have no title to the land where they live or are living in land with joint deeds in the name of hamlet or colony. Another key issue related to basic amenities is poor quality of housing. Though the Scheduled Tribes get financial assistance from various schemes for construction of houses, many houses remain incomplete. Reasons for low rate of completion differ from family to family and include insufficient grant amount, issues related to transportation of raw materials to the hamlets in remote locations, design unsuitable to the requirement of the tribes and inefficiency of agencies entrusted with the house construction. However, with the introduction of the LIFE Mission project all the housing schemes are brought under one scheme. LIFE Mission provides assistance for construction of new houses, unfinished houses and for repair of old and dilapidated houses. Another major issue faced by members of the community who live in hamlets is transportation. There are many tribal hamlets facing problems related to transportation resulting in the non-fulfilment of their basic needs including accessibility to health care facilities.

2.3.2.2. Education

As per the Census 2011, 32.71 percent of the tribal population in the state of Kerala is illiterate. The data depicts the extent of deprivation of this community in a literate state like Kerala. Though, there is remarkable progress in reduction of dropout rate of school students from ST community, still they stand far behind the general community in the state. Kerala achieved the lowest dropout rate of school students, 0.22 per cent (Economic Survey-2017) among Indian States during 2016-17. But the dropout rate among ST students was 2.27 per cent.

The low pass percentage of secondary and higher secondary students in Wayanad district is also to be read along with the above data. It is also noticed that tribal students, who take admission in schools in the month of June discontinue their education after a few days or months. Absence of proper care and less accountability shown by a few of the teachers along with absence of a tribal friendly environment in the schools are noticed as major reasons for this. Lack of awareness / apathy of parents, distance to educational institutions, lack of motivation and absence of role models in the locality are seen as barriers for children from ST community to access better education. In addition, those who decide to join the education system are not able to get admission to nearby schools and other educational institutions despite existence of policies of reservation in admission. As in the case of SC students, access to higher education especially professional and technical education seems difficult for the community. Lower enrolment and higher dropout rates in higher education are key issues for the ST students. Absence of sufficient hostel facilities is pointed out as a major barrier in this regard. Lack of awareness and motivation for higher studies, deficiency in career guidance and special coaching that provides a level playing field to overcome the disabilities etc. are found as the major reasons behind the same. The dropout rate in higher education sector including professional courses is high among ST students. According to a report of KILA, 7 students left without completing MBBS, 129 Engineering, 403 other Professional courses, 197 diploma courses, 276 post-graduation, 3775 graduation, 10,596 plus two education.

2.3.2.3. Employment

Work participation rate of Scheduled Tribes is higher in the state than of the general community. Many of them are working in the agriculture sector as labourers or cultivators. The recent trend among the general population of shift to employment in the service sector is not reflected in the tribal community. Majority of the tribal population who are employed in the non-agricultural sector are in the unorganised sector. Few are in the organised sector especially in government jobs with the support of the reservation system. While recruiting personnel to the police department, the government considers the claim of only the tribes living in the forests and ignores those living in the colonies. Another issue in this regard is that there are categories among the tribes who are more marginalised than others. For example, the 'Paniya' tribe continues to live on the fringes of society without many of the schemes reaching them. It may not be judicious to give equal proportion of reservation to all categories. Measuring all tribes with the same yardstick leads to further marginalisation of the more vulnerable among them.

2.3.2.4. Healthcare

Health indicators of many among the tribal communities are far behind that of the general community. Poverty, non-availability of potable water, insalubrious living conditions are some of the reasons for this. Malnutrition is widely prevalent among the tribal population

affecting the health of children and women adversely. Though, the functioning of ICDS is appreciable wherever it is present, there are several tribal hamlets which do not have access to its services or any other healthcare service. Deficiency in regular visits by health personnel is a serious problem observed in this regard. Another issue is reluctance of many among the ST community to access services from hospitals. There are also barriers in accessing food resulting from issues of transportation into interior areas. Non-availability and thus non-utilisation of nutritious food by pregnant and lactating mothers is an important reason for malnutrition. Delay in disbursement of financial assistance for tribal mothers after delivery is also found to be an issue in this regard.

2.3.2.5. Gender Issues

The status of women in a society is a significant indicator of the level of social development of the society. Domestic violence accentuated by alcoholism and drug use is a common issue faced by women in the tribal hamlets. Sexual exploitation, increase in POSCO cases and child marriage are other major gender issues in the tribal hamlets. Cultural and social differences of the tribal community from that of the general community make them vulnerable to exploitation from outsiders leading to ostracisation of the victim by the community. The problems faced by unwed mothers and destitute women are acute. Lack of awareness and lack of education are the major reasons for the same.

2.3.2.6. Poverty

Unemployment, low wages, alcoholism and drug abuse and absence of savings are some of the reasons for poverty in the hamlets. A major share of the money earned is spent on alcohol and drugs. Economic exploitation by outsiders aggravates this problem. Livelihood of the Scheduled Tribes is mainly based on the collection of minor forest produce and cultivation on land. The absence of sufficient land for agricultural purposes and involvement of intermediaries in the selling of forest products take off the major source of their income causing poverty and even starvation in the tribal hamlets. Providing agricultural land for cultivation, introducing proper income generation projects and effective interventions to avoid intermediaries in the selling of forest products will be instrumental in increasing their income resulting in an improvement in their living conditions. Focused and targeted interventions are required for enabling access and control over resources and opportunities.

2.4 Recommendations

Measures to end marginalisation of Scheduled Castes and Scheduled Tribes and empowering them to overcome vulnerabilities need to be comprehensive and multi sectoral. Many of the issues faced by Scheduled Castes and Scheduled Tribes are similar. But there are issues which are specific to each group and hence recommendations common to both and separately for each on specific issues are presented.

2.4.1. Scheduled Castes and Scheduled Tribes

2.4.1.1. Basic Amenities

Design and implementation of viable projects set up for Scheduled Castes and Scheduled Tribe hamlets is required to improve basic amenities of colonies. Such a master plan is needed to break the barriers faced by Scheduled Castes and Scheduled Tribes in accessing basic needs- land, housing, safe drinking water and transportation facilities etc.

2.4.1.1.1. Housing

- a. Government needs to ensure that all landless SCs and STs are included in LIFE Mission/ housing projects of the state as many families/persons in these communities have no land of their own.

2.4.1.2. Education

- i. Schemes for educational support to SC/STs are currently available only for post-matric studies. To improve the educational standards of children from SCs and STs, government

Trials and Tribulations of a Paniya Unwed Mother

A 25-year-old unwed mother of Paniya tribe is staying in a remote Scheduled Tribe (ST) colony in Wayanad district of Kerala with her parents. Main source of livelihood of the community is collection of forest products and farming of ginger and pepper. From childhood she used to accompany her parents and do small jobs without getting paid. Later she dropped out from school.

In the midst of their struggle for existence they could not give sufficient care and attention to their daughter. A man from Kuruma community-her father's co-worker- used to shower lot of attention and care for her, eventually leading to sexual exploitation on promise of marriage. When she became pregnant, he absconded. Later, the family came to know that he was already married and filed a petition for compensation. But technicalities prevented her from getting legal support. Premarital pregnancy brought stigma to her and the entire family leading to exclusion, ridicule from the community and threats of sexual assault. Her mobility outside the home was restricted by the parents for fear of danger to her safety and security, leading to restriction of her social contacts. Her pregnancy was stressful and miserable without proper nutrition or medical care. After the birth of her child she eked out a living, through irregular unskilled and low paid jobs.

Eventually, help from government departments came by. Due to intervention of the Tribal Development Officer, she got a new house with an attached bathroom. She now gets pension under the scheme of giving pension for unwed mothers, implemented by department of Social Justice. She is a beneficiary of Tribal Development Board which provides her nutritious food and ensures proper living standards. For sustaining her livelihood, she was given two buffalos under Special Central Assistance (SCA) to Tribal Sub Plan (TSP).

She was literally starving during her pregnancy in spite of the schemes of ICDS for feeding pregnant women. Remoteness of residence from the Anganwadi and isolation and insulation were instrumental in her not availing the free food given by the ICDS, though the functionaries of the Health Department and Social Justice Department are supposed to make regular home visits to pregnant ladies.

Here, The Right to a dignified life according to Article 21 stands unrealized. This is just one case of unwed mothers with similar experience.

needs to formulate policy to support them from pre-school education onwards. ARC recommends that setting up Anganwadies inside or near all habitation of SCs/STs and providing teachers trained in Montessori and other similar methods will ensure quality pre-school education to the children. Women from the habitations shall be selected and given training. Government may need to establish/ensure availability of institutions to provide training. Besides giving quality education to the children this initiative will also generate employment to women. Government also needs to implement an open-ended scholarship scheme for children from standards 1-10

- ii. Government needs to design policies enabling access to all eligible students of SC/ST communities to Plus Two/Degree courses. Under the present system of centralised allocation to these courses many among them get admitted to schools/colleges far away from their place of residence. This leads to many of them, especially from ST communities opting out of higher studies due to reluctance to attend institutions in distant places. Non-availability of hostel facilities, compulsion from many of the aided schools and colleges to pay fees in advance, asking them to get it recouped when the department makes payment to the institutions etc. also affect aspirant students adversely. ARC recommends that the government may consider giving weightage to place of residence along with marks for admission to these courses. Intervention of government is needed to ensure enforcement of favourable conditions to the communities by educational institutions, especially those in the private sector.
- iii. Awareness needs to be created among students and their parents about scholarship schemes and financial assistance available to students belonging to SC/ST communities for pursuing higher studies in foreign countries. The present scheme of overseas scholarship implemented by GoI has several restrictions including restrictions on number of students, unrealistic income ceiling etc. State government may take up this issue with GoI and take efforts to remove these restrictions which prevent a large section of SC/ST students from accessing benefits of overseas education.
- iv. Awareness about job opportunities in different sectors needs to be imparted to the students to enable them to choose their area of study depending on the potential of the job market. Career guidance and coaching classes for the students from class 8-12 needs to be organised near places where there is concentration of SC/ST communities. Proximity to the centres will prompt more students to enrol in these classes.
- v. Application forms for availing grants by school/college students need to be simplified at the earliest. It shall be of single page with only essential details to be filled up.
- vi. ARC recommends that government needs to take steps to enhance the number of residential schools and hostels for SC/ST children. The undivided Andhra Pradesh had established a successful model almost four decades back. There are 288 residential schools each for SC and ST children in Andhra Pradesh (now divided between Andhra

and Telangana). Results of these schools are considerably higher than the state average. Government may study this model and consider adopting/adapting it for implementation in Kerala. Facilities in existing residential schools and hostels need to be improved considerably.

- vii. Minimum qualification, preferably Master of Social Work (MSW)/ post graduate degree in Sociology or other related subjects need to be specified for wardens of SC/ST hostels. ARC in its report 'Welfare to Rights' had recommended creation of a separate cadre of officials for running institutions by the department of Social Justice. Similarly, the government may consider creation of a special cadre of officials to manage hostels for these vulnerable communities. Only female employees shall be posted in girls' hostels and vice versa in boys' hostels.
- viii. SC/ST Development Department needs to take steps to arrange for all eligible SC/ST students to appear for preliminary screening tests for admission to coaching centres that prepare students for entrance examinations. It needs to be ensured that all eligible students are given a fair chance to get admitted for coaching in private coaching centres. At present only students with higher grades are selected.
- ix. Government needs to implement separate recruitment by PSC and separate cadre for teachers in schools run by SC/ST Development Departments. At present teachers from the Department of General Education are posted to these schools. SC/ST departments have no role in the posting and transfer of these teachers. Lack of awareness of the need for giving special care and guidance to the children is often noticed in the teachers who are posted in the Model Residential SC/ ST Schools. Best teachers in the General Education Department are not often posted to these schools; it is those who are transferred as a punishment or are seeking posting near their homes who are posted.
- x. If there are practical difficulties to start separate recruitment/cadre immediately, the government needs to ensure that teachers posted to these schools are given training and orientation necessary to give special care to the students, enabling them to develop their abilities and to access the quality of education available to other students.
- xi. Vocational education and skill development training to students, in-service-training for teachers, and community-based monitoring of education need to be ensured for effective implementation of educational programmes in SC/ST areas.
- xii. To enable students from SC/ST communities who pass 10th/12th standard to compete in a milieu that puts a premium on English education and soft skills, courses on English Language and Personality Development, including developing ability to speak English, counselling, life skills, career guidance, knowledge about culture etc. needs to be designed.
- xiii. Government may consider subsidising the interest rate of educational loans for economically weak Scheduled Caste/Scheduled Tribe students.

- xiv. Access to good quality education, based on their interest, aptitude, and performance in the concerned field shall be accessible to SC/ST students. Barriers in availing necessary financial assistance need to be removed. Government needs to study the issues that prevent SC/ST students from accessing education of good quality. Based on the finding of the study, the government needs to implement programmes, if necessary, through legislation to remove the barriers.

2.4.1.3. Employment

- i. Necessary financial and technical supports need to be provided to traditional agriculture workers/farmers and unskilled/semi-skilled workers to improve their skills and enter into diversified income generation activities.
- ii. SC/ST promoters need to be given intensive and focused training to improve community mobilisation skills and life skills.
- iii. Adhere to the guidelines of having 50% reservation to the SCs/STs by SC/ST development department. Existing rules for reservation need to be simplified and steps must be taken for timely filling up of vacancies.
- iv. Necessary financial and institutional support including skill training needs to be provided to enable SC/ ST community members to take up entrepreneurial tasks. Industrial and commercial areas shall not continue to be unapproachable for them.
- v. It needs to be ensured that all Heads of Departments submit annual reports on time (indicating the total number of Gazetted, Non-Gazetted and Last Grade posts in the department and the total number of SC & ST people in each category) to the high power committee formed under the chairmanship of Chief Minister to oversee the appointments under the reservation quota. In 2018, only 54 out of 85 departments submitted reports. Review and stringent action for lapses needs to be taken. Government may discuss with the PSC and act immediately to fill up all vacancies. In 2016 out of 795 vacancies, only 102 were filled up in 2017; 14 out of 1162 and for 2018 the figures are vacancies-1122, filled up-19. Government needs to ensure that SC/ST representation published in official publications is realistic and not based on future selection, recruitment, and posting, but on actual position.

2.4.1.4. Healthcare

- i. Access to all medical facilities of government needs to be assured by identifying and removing barriers. While giving free medical care, it needs to be ensured that barriers in delivery of services are removed.
- ii. Government/LSGIs need to consider providing affordable facilities for stay near the hospital where treatment is available and making a provision for a certain percentage

of the medical expenses to be set apart to meet incidental expenses including cost of travel, boarding facilities etc.

- iii. Mobile clinics and ambulance services need to be provided in areas where there is concentration of SC/ST population and limited transport facilities. Government may study experiments of hospitals like Apollo whose mobile clinics reach interior, underdeveloped areas, perform health check-ups, electronically send body fluid samples to the main hospital, and arrange consultation with the doctor on prefixed dates. Government, in coordination with Medical colleges, needs to design similar or better projects for people living in less accessible areas.

2.4.1.5. Food Security

- i. Distribution of food/food articles from community kitchens and through Anganwadis needs to be ensured to avoid malnutrition and resultant health issues especially among the ST families. Distribution of articles through the Public Distribution System also needs to be streamlined to ensure timely and uninterrupted supply.

2.4.1.6. Projects / Schemes

- i. While designing and implementing schemes, it needs to be ensured that the schemes are need specific, area specific and culture specific. Tools for regular follow up and monitoring of the schemes/projects need to be developed with the help of technology.
- ii. Issuing a common document with life time validity and multiple use denoting caste and other details of a family needs to be considered by government to eliminate difficulties faced by SC/ST communities in getting caste certificates for various purposes. In the report on 'People Centred Service Delivery', ARC has recommended issuing of certificates including caste certificate based on self-certification and till adoption of this suggestion, to provide family cards to all families in the state containing information of all family members. This recommendation needs to be implemented.
- iii. Training on planning and project formulation needs to be imparted to the working group members of LSGIs for ensuring effectiveness of the process.
- iv. Many among the SC and ST families face difficulties in burying/cremating the dead. Government needs to ensure that LSGIs provide public cemeteries wherever it is not available.
- v. Policies and programmes for the welfare of SCs/STs and for ensuring their rights need to be reviewed periodically and old schemes replaced by new programmes suited to meet current changes/challenges. Government shall also consider consolidation of similar schemes to bring synergy in implementation.
- vi. Government needs to examine if weightage can be given to the economic status of the households while implementing policies and programmes, as most often benefits are

availed by the economically better among the SCs and STs. This results in denial of services to the most vulnerable accentuating their marginalisation.

- vii. New policy, exclusively for the senior citizens among SCs/STs needs to be formulated or amendments made in the existing policies to ensure care for the elderly in these communities. Disadvantages faced by the elderly among SCs and STs are compounded by marginalisation of the communities.
- viii. Government needs to introduce a subset for SCs/STs in Sustainable Development Goals and declare a policy for mainstreaming of Scheduled Castes and Scheduled Tribes.

2.4.2. Scheduled Castes

2.4.2.1. Education

- i. Vocational Training Courses suited to the job market need to be conducted in the 40 ITCS of the Scheduled Caste Development Department. Curriculum of these institutions shall be updated to include changes brought in by technology.

2.4.2.2. Employment

- i. Financial and technical supports need to be provided to traditional agriculture workers/ farmers and unskilled/semi-skilled workers to improve their skills and enter into diversified income generation activities.

2.4.2.3. Health Care

- i. Medical check-ups need to be conducted at SC colonies at regular intervals and timely immunisation/ vaccination of children needs to be ensured.
- ii. Facilities for palliative care services in the LSGIs need to be strengthened. Selected women/volunteers from the SC community can be given training in palliative care.

2.4.2.4. Gender Issues

- i. Skill development programmes for women need to be taken up to enable them to start income generating programmes and to be gainfully employed.
- ii. Domestic violence from alcoholic spouses is a common incident in the colonies. Conduct of awareness programmes, implementation of de- addiction programmes, regular patrolling by Excise department and vigilance of 'Janamaithri' police are essential to eliminate/ reduce the problem.

2.4.2.5. Project / Schemes

- i. Sufficient funds need to be set apart for projects and schemes for the welfare of the Scheduled Castes living in colonies. Sufficiency can be decided on the basis of their marginalisation and vulnerability.

2.4.3. Scheduled Tribes

2.4.3.1. Housing

- i. Special programmes for land acquisition and speedy distribution of land need to be initiated for landless among STs. Pattayam with strict conditions to prevent selling, alienation or giving on lease/rent etc., needs to be given to STs. Government may consider relaxing the land registration fee for tribes.
- ii. Allocation of funds for construction of houses and purchase of land needs to be enhanced/decided on regional basis. It is desirable to provide finished houses to the ST households instead of giving them financial assistance as many of them are incapable of completing construction due to various reasons.
- iii. Houses need to be constructed based on designs acceptable to the beneficiaries as their habitation pattern and house designs differ from that of the general population and scheduled castes.
- iv. Due to the absence of internal technical experts in Scheduled Tribe Department, construction works relating to colony development, road, community hall, drinking water etc. are given to outside agencies. The works are not completed in a timely and professional manner. As a result, development funds get held up. It needs to be ensured that agencies are selected on the basis of transparent criteria. Ability to complete the work needs to be part of the criteria for selection.

2.4.3.2. Education

- i. Studies need to be conducted among ST students, teachers, and community members in places where school dropout rates are high, find out reasons for it and based on the findings of the study, appropriate interventions shall be taken to reduce/eliminate drop outs.
- ii. Bridge courses / Short-term courses may be conducted for drop outs to bring them back into the education system.
- iii. Problems faced by ST children about language needs to be addressed by SCERT or any other agency/ Expert committee as many children, especially in primary classes face this problem. Children converse in tribal dialects at home. Majority of teachers are not trained to understand the language of ST students and the language spoken by non-ST students and non-ST teachers is unfamiliar to ST students. Capability of Scheduled Tribe children needs to be developed from Anganwadi / pre-primary level itself to enable them to learn their language and Malayalam.
- iv. Training programmes need to be conducted to capacitate Anganwadi teachers in using languages of different tribal ethnic groups to impart pre-primary education.

- v. Hostel facilities need to be provided for all ST students who require/demand hostel accommodation. Employees of the hostels need to be given training to take care of the needs of the students and shall be sensitised to interact with empathy. Necessary steps need to be taken to assist ST students in self-financing colleges to avail fees/hostel fees for their studies.
- vi. Model Residential schools in the state need to be renovated/reconstructed.

2.4.3.3. Health Care

- i. Activities of adolescent girls' groups formed under ICDS project need to be revamped. It needs to be ensured that they are provided with nutritious food as in many tribal hamlets, especially in remote areas under aged girls become pregnant and their health is too weak to bear children. As a consequence, underweight babies are born leading to a large number of fatalities. There is no proper prenatal, natal or postnatal care for Adivasi girls located in remote colonies. Awareness on gender issues, adverse effects of early marriage and teenage pregnancies, health, nutrition, education, etc., need to be imparted through these centres.
- ii. Awareness needs to be generated about healthcare services and food security. They shall be encouraged to consume their ethnic food such as Ragi, Thina etc. PDS may include traditional food of Tribes in the distribution system as envisaged by the 'Food Security Act'.
- iii. Problems of unwed/abandoned mothers in the tribal hamlets continue to be a serious issue. LSGIs in association with civil society need to evolve systems to address the challenges faced by them and eliminate further exploitation faced by them. Rehabilitating them needs to be taken up on priority.

2.4.3.4. Policies / Projects / Schemes

- i. Public Hearings with the support of 'Oorukoottam' needs to be conducted before implementation of projects/schemes for the benefit of STs.
- ii. Government needs to consider allotment of Tribal Development Fund to Tribal Development offices and LSGIs on the basis of population.
- iii. Poverty eradication and rehabilitation programmes in sync with tribal culture needs to be formulated and implemented. Result oriented micro projects are needed for the welfare of the tribes and involvement of tribes in the planning process of projects/programmes needs to be ensured.
- iv. Government needs to consider bifurcation of Kerala State SC/ST Development Corporation Ltd, Thrissur and formation of a separate corporation for STs. It is brought to the attention of the Commission that the Corporation is not able meet the need of STs satisfactorily.

- v. It shall be made mandatory to post officers of the Indian Administrative Service, preferably on completion of sub division service as Project Officers in tribal areas. They shall be given a minimum tenure of 2 to 3 years.
- vi. Government needs to ensure that all the tribal habitations have one Anganwadi each with qualified ST women from the respective area as Anganwadi Worker.
- vii. Numerous government schemes aim at improving living conditions of the Particularly Vulnerable Tribal Groups (PVTGs) are implemented, but the effect of these schemes is not visible within these communities due to their lack of awareness and isolation. Necessary measures need to be taken for exhibiting details regarding all government schemes/ orders, beneficiary selections etc. in a public space within the tribal hamlets and in creating awareness among them about the schemes.
- viii. Many of the marginalised groups among tribes, like Paniya community needs to be classified as Particularly Vulnerable Group (PTVG) and new policies formulated for their development and to improve/transform their present conditions.
- ix. Most of the Tribal Development offices function in places which are far from the tribal habitations making it difficult for the Tribal Development Officers to conduct monthly field visits to review the status of the tribal people in the hamlets and for the people to access the office for services. Government may take steps to remedy the situation
- x. Government needs to ensure that access is not denied to the tribes for collection of minor forest produce. They shall be enabled to collect the produce without any hindrance as it is their customary right and needs to be protected. Government shall also develop systems, with the help of technology to ensure fair prices for their products. Participatory resource mapping may be conducted to identify and locate forest resources, their uses and distribution.



Slum and Colony Dwellers

CHAPTER 3

3.1 Introduction

Kerala fares well in most of the human development indices. However, living conditions of marginalised sections of the society, especially of those residing in slums and colonies in the state are deplorable. Despite continuous efforts of successive governments to address various issues confronted by slum and colony dwellers conditions prevailing in these areas, especially in the slums are abysmal. Efforts of government and non-governmental organisations have not succeeded so far in ensuring their right for dignified living.

Slums and colonies are different entities. Yet dwellers there share many characteristics - living in cramped space, limited access to potable water and improved sanitation, inadequate open space, or place to meet together, narrow streets, lack of/improper ventilation, lack of privacy and safety and inability to access quality health care. High rates of poverty and unemployment are also common among slum and colony dwellers. High dropout rate in primary and secondary schooling and low enrolment in higher education is observed as a major concern of the people living in slums and colonies, denying them opportunities to access higher paid jobs.

Despite these similarities slum dwellers are the less fortunate as they are constrained to lead a disowned life in the process of inflation of urban cities most often associated with industrialisation. Colonies on the other hand exist both in urban and rural areas with more stability and identity. Still they too fail to have a dignified and self-reliant life

3.2 Slums

The word 'slum' first came into use in the 1820s to denote certain locations across London which was known for housing of substandard quality for poor in unhygienic conditions. Today, the term is used all over the world to describe housing for the poor and landless. Merriam-Webster dictionary defines slum as 'a densely populated usually urban area marked by crowding, run down housing, poverty and social disorganisation'

Decline in income from agriculture is a contributing factor for rural-urban migration. The process of urbanisation accelerated movement of rural poor people to urban areas in search of better living conditions and expectation of higher wages. But in the labour market it is difficult to find proper jobs and most cities do not provide low cost affordable housing to migrants.

Therefore, they are forced to occupy fringes of the town, along the important transport routes such as roads and railway lines, along riverbanks, government lands and squatter settlements⁵.

UN-Habitat defines a slum household as “one or a group of individuals living under the same roof in an urban area, lacking in one or more of the following five amenities -access to improved water, access to improved sanitation, sufficient living area, durability of housing, and security of tenure.” Since the information on secure tenure is not available most of the countries including India defines slums by using the first four indicators.

In India, the Slum Area (Improvement and Clearance) Act, 1956 (under section 3) provides a legal basis for defining or declaring any area as slum. The Act uses the following criteria for defining slums :-

- area in any respect unfit for human habitation,
- area by reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light, sanitation facilities or any combination of these factors which are detrimental to safety, health, and morals.

The Ministry of Housing & Urban Poverty Alleviation, Government of India set up a Committee to look into various aspects of slums. The Committee defined slum as “a compact settlement of at least 20 households with a collection of poorly built tenements, mostly of temporary nature, crowded together usually with inadequate sanitary and drinking water facilities in unhygienic conditions”. The Committee suggested adoption of the following characteristics for identification of slum areas and enumeration of population of area with 20-25 households in an Enumeration Block in 2011 Census:

- Predominant roof material: any material other than concrete (RBC/ RCC)
- Availability of drinking water source: not within premises of the census house
- Availability of latrine: not within premises of the census house
- Drainage facility: no drainage or open drainage.

As for the purpose of Census 2011, the slums in India have been categorised into three, Notified, Recognised and Identified.

Notified slums : All notified areas in a town or city notified as ‘Slum’ by State, Union Territories administration or Local Government under any Act including a ‘Slum Act’ may be considered as Notified slums

Recognised slums : All areas recognised as ‘Slum’ by State, Union Territories administration or Local Government, Housing and Slum Boards, which may not have been formally notified as slum under any act may be considered as Recognised slums

5 : Shodhganga. “Urban Slums in Kerala : Chapter 2.” Shodhganga. shodhganga.inflibnet.ac.in/bitstream/10603/202667/12/12_chapter2.pdf (accessed February 2020).

Identified slum : Compact area of at least 300 population or about 60-70 households of poorly built congested tenements, in unhygienic environment usually with inadequate infrastructure and lacking in proper sanitary and drinking water facilities⁶ may be considered as 'Identified Slums'.

Kerala is considered to be a rural-urban continuum except for a few panchayats, especially in the hilly areas. Kerala witnessed rapid urbanisation in the 1980s. Increase in density of urban population was mainly due to migration and rapid growth of population in urban areas. Most of the large slums in India are located in big metropolitan cities. Existence of lower order slums can be seen in many parts of Kerala as urbanisation in Kerala is not limited to designated cities and towns. Compared to the big slums in other states these are mostly slum-like settlements. But poverty and other deprivation among slum dwellers in Kerala are not different from that of slum dwellers elsewhere.

The Statistical division of the Town Planning Department conducted slum surveys in 1985 and 1996, adopting the criteria in the 'Slum Area Act- 1956'. Reports of the Town Planning Department and Census Reports show an increasing trend of slums and slum population in Kerala. This increase in the absolute number of slum households is due to the creation of new families and the adding of new houses to the existing slums as families expand.

For implementation of various development programmes for slum dwellers, Government of Kerala uses the following criteria for identifying slums.

- A cluster of at least 10 households living within 0.25 acres of land resulting in population density of at least 200 people per acre with one or more of the following indicators:
- Located within or in proximity to solid waste dumps, drainage ponds, open drains, streams, canals etc.
- Unauthorised settlements on public land like road poramboke, railway land, thodu poramboke, canal poramboke etc.
- Location prone to water-logging and accumulation of drainage/wastewater.
- At least 50 per cent of the households earn their livelihoods from the unorganised sector (as defined by the NCEUS- National Commission for Enterprises in the Unorganised Sector).
- At least 50 percent of the dwelling units are of semi-permanent or non-permanent nature
- At least 50 percent of the households do not have access to piped water supply.
- At least 50 percent of the households do not have individual household latrines.

6 : Shodhganga. "Urban Slums in Kerala : Chapter 2." Shodhganga. shodhganga.inflibnet.ac.in/bitstream/10603/202667/12/12_chapter2.pdf (accessed February 2020).

- At least 50 percent of the households do not have access to private bathing spaces.
- At least 50 percent of the households do not have at least 1-metre wide pathway leading to their houses.
- There is no street lighting in the cluster.
- At least 20 percent of the families do not have authorised electricity connection⁷.

A 1996 report of the Town Planning department, Government of Kerala, on urban slums in Kerala shows that the proportion of slum population to the total urban population in the state is high compared to the proportion of area they are living to the total urban area of the state. This variation is highest in Kozhikode district, where the proportion of slum area is only 3.37 against the proportion of the population of statutory town which is 31.44. Least variation is noticed in the districts of Kasaragod (0.69 and 1.48 respectively), and Kannur (0.35 and 3.18 respectively) - (Table 3.1).

As per the Census 2011, out of 4041 statutory towns in India, more than half (2,613) reported slums. Slum population of the country is 6,54,94,604. Of this 2,25,35,133 people live in notified slums, 2,01,31,336 in recognised slums, and 2,28,28,135 in identified slums. In Kerala, 19 out of 59 statutory towns reported slum population, and total slum population is 2,02,048. 1,86,835 people are living in notified slums, 8,215 in recognised slums and 6,998 in identified slums (Table 3.2).

Table 3.1 : Percentage Distribution of Area and Population in Slums in 1996

Sl No	District	% of Slum Area to Total Area	% of Slum Population to Total population
1	Thiruvananthapuram	to total population	1.48
2	Kollam	0.35	3.18
3	Pathanamthitta	3.37	31.44
4	Alappuzha	0.56	12.75
5	Kottayam	1.59	10.73
6	Idukki	1.43	9.31
7	Ernakulam	0.52	4.36
8	Thrissur	0.89	8.74
9	Palakkad	0.27	6.08
10	Malappuram	0.68	5.86
11	Kozhikode	1.34	6.56
12	Wayanad	1.52	5.80
13	Kannur	1.11	9.96
14	Kasaragod	1.10	6.23

Source : Statistics Division

Of the 19 slums reported from towns in Kerala,

Thrissur Municipal Corporation has the highest slum population, 79,801 persons, followed by Kozhikode 50,343. Lowest population is reported from Mavelikkara (763), Chavakkad (900), Chengannur (931) and Paravoor (981) Municipalities (Table 3.3).

7 : Shodhganga. "Urban Slums in Kerala : Chapter 2." Shodhganga. shodhganga.inflibnet.ac.in/bitstream/10603/202667/12/12_chapter2.pdf (accessed February 2020).

Table 3.2: Statutory Towns and Towns reporting Slums, with Population

	Towns		Type wise slum population			
	Statutory town	Slum Reported town	Total population	Notified slums	Recognized slums	Identified slums
India	4041	2613	population	Notified	2,01,31,336	2,28,28,135
Kerala	59	19	slums	Recognized	8,215	6,998

Source : Primary Census

The proportion of slum households in India to total urban population is 22.7 percent as per 2011 Census report. In Kerala it is 1.5 percent. However, in a small state like Kerala, the issues and challenges faced by people living in the slums are complex and cuts across numerous disciplines. It directly concerns the inhabitants and indirectly the economy and society in which the slums exist.

Table 3.3 : Slum Population in Kerala

Sl No	Towns Reporting Slums	Slum Households	Slum Population
1	Kasaragod (M)	1,101	6,321
2	Kannur (M)	278	1,501
3	Vadakara (M)	472	3,105
4	Kozhikode (M Corp. + OG)	9,039	50,343
5	Palakkad (M)	3,404	15,238
6	Kunnamkulam (M)	362	1,381
7	Chavakkad (M)	175	900
8	Thrissur (M Corp.)	19,629	79,801
9	Kochi (M Corp. + OG) (Part)	1,594	5,184
10	Thrippunithura (M)	738	2,936
11	Kayamkulam (M)	1,974	8,410
12	Chengannur (M)	222	931
13	Mavelikkara (M)	184	763
14	Kollam (M Corp. + OG) (Part)	2,761	11,659
15	Paravoor (M)	230	981
16	Attingal (M)	579	2,306
17	Nedumangad (M)	962	3,593
18	Thiruvananthapuram (M Corp. + OG) (Part)	834	3,320
19	Neyyattinkara (M)	879	3,375
Kerala Total		45,417	2,02,048

Source : Statistics Division

3.2.1 Review of Legislations

There is, so far, a near total absence of any legal framework to ensure rights and welfare of people residing in slums across the states and union territories in India. The only legislation passed by Indian parliament in this regard “Slum areas (Improvement and Clearance) Act, 1956” is intended for the improvement and clearance of slums in the Union Territories mentioned in the Act and for the protection of tenants in such areas from eviction. The Act provides for improvement of slum areas, clearance and redevelopment of slums, eviction, restoration and return of the premises after improvement to the residents with recovery of the cost of development and compensation in the consequence of eviction and acquisition of land. In addition, some state governments such as Odisha and Maharashtra have taken few initiatives to protect the interests of this marginalised group by introducing bills and acts such as Odisha Land Rights to Slum Dwellers Bill, 2017, and The Slum Rehabilitation Act 1995, respectively.

Government of India introduced Rajiv Awas Yojana (RAY) with a mission to create a “Slum Free India” where every citizen has access to basic civic infrastructure and social amenities and decent shelter aimed at promoting a slum-free India in five years by focusing on according property rights to slum dwellers. Objectives of the scheme included improving housing, basic civic infrastructure and social amenities in slums, enabling reforms to address some of the causes leading to creation of slums, facilitating a supportive environment for expanding institutional credit linkages for the urban poor; institutionalising mechanisms for prevention of slums including creation of affordable housing stock, strengthening institutional and human resource capacities at the municipal, city and state levels through comprehensive capacity building and strengthening of resource networks, empowering community by ensuring their participation at every stage of decision making through strengthening and nurturing slum dwellers’ associations/federations.

The scheme is succeeded by Pradhan Mantri Awas Yojana (Urban) which envisages housing for all by 2022 - 75th year of Independence and seeks to address ‘housing requirements of urban poor including slum dwellers through rehabilitation of slum dwellers with participation of private developers using land as a resource, promotion of affordable housing for weaker sections through credit linked subsidy, affordable housing in partnership with public and private sectors, subsidy for beneficiary led individual house construction/enhancement’ etc.

3.2.2. Issues

Absence of land, improper housing, inadequate infra-structural facilities, poor quality education of children, lack of reliable sanitation services and safe drinking water, and unemployment are some of the most prominent issues of the slum dwellers. Absence of proper facilities for solid waste management, alcoholism / drug addiction, ineffective law enforcement and gender issues are also major concerns of the inhabitants of slums.

3.2.2.1. Land and Housing

Absence of land of their own or title deed for the land they stay in are fundamental issues faced by most of the slum dwellers. Housing is one of the most basic requirements of every human being. Dwellings in slums vary from shanty houses to professionally built dwellings in bad condition from poor quality of construction or lack of maintenance. Buildings constructed by the government in the slums have become old and dilapidated for lack of maintenance. They could collapse at any time. Though, Government of Kerala has taken steps in this regard under 'LIFE Mission Project', including construction of multi storied buildings for slum dwellers and the houseless, conditions of many of the houses in the slums continue to remain deplorable. Lack of security of tenure/ownership is a disincentive for inhabitants to improve their surroundings.

3.2.2.2. Infrastructural Facilities

Availability, quality, efficiency, and productivity of infrastructure affect quality of life, health and living conditions of people. Most of the slums in the state are deprived of these facilities, resulting in poor living conditions of the people. Absence or poor quality of approach road to the slums affects transportation facilities of the area resulting in limited access to health care facilities and other basic needs and limit livelihood options. Absence of open spaces/ playgrounds and recreational facilities affect the physical and mental health of children and adolescents. As the slums are usually crowded with buildings and people, poor sanitation and absence of safe drinking water are its other major characteristics.

3.2.2.3. Education

Education of people is one of the crucial indicators of development of national economies. Therefore, education including higher education is a national priority and contributes to economic development and development of society in general. Kerala is known for its achievements in the critical sectors of education and health. However, the level of education of some of the marginalised sections of the society remains backward. Education of children in the slums, especially their enrolment in higher education is beset with a number of problems. Dropout rates at secondary level are comparatively high in the slums. Few complete graduation or post-graduation. Attainment of professional education is not common among children living in slums. Insalubrious surroundings, economic and health setbacks, language issues faced by migratory nature of many of the slum dwellers, tendency to drop out forced by compulsions to help their families for sustenance, lack of motivation, unfavourable family environment, illiterate or less educated parents etc contribute to poor educational status of children in slums. Absence of proper educational guidance is also a limiting factor.

3.2.2.4. Employment

Guidance/counselling on career options are in most cases, not available to students living in the slums who complete secondary/higher secondary education posing challenges to their aspiration for higher studies. Inability to attain higher education limits opportunities for better employment. Lack of skill training in income generation activities further limit opportunities to take up employment with an assured income.

3.2.2.5. Healthcare

Though Kerala's achievement in the field of healthcare is recognised across the world, access for slum dwellers to health care facilities remains difficult. It is observed that in many of the slums, due to various reasons - poor physical environment, insecure drinking water, and inadequate sanitation facilities - the inhabitants are affected by many diseases. Mental health issues are also a problem in the slums. Most often, slum dwellers are wary of going to health care centres as they are not confident of their right or ability to access the public healthcare system. Visits by health inspectors and the public health doctors to the slums are rare resulting in inaccuracies in data on the health status of the slum dwellers.

3.2.2.6. Water and Sanitation

Shortage or even absence of safe drinking water is a perennial issue in the slums. Majority of slum dwellers take water from public taps for all their needs. Insufficiency in points for collection and in the quantity of water available restricts use of water even to meet essential and unavoidable requirements.

Slums are often the most neglected area by public institutions authorised to maintain sanitation. Sanitation facilities are inadequate and improper in most of the slums causing adverse effects on health of the dwellers and making slums an area where diseases spread fast and death rates are high. This is a significantly alarming feature of slums during the COVID-19 spread.

Transmission of diseases with epidemic potential could spiral up in slums and colonies across the country, as seen in Dharavi (Asia's largest slum) during the COVID-19 pandemic. While living within congested, over-crowded housing, with limited access to improved water and shared basic amenities, it is impossible for slum/ colony dwellers to practice World Health Organisation (WHO) guidelines of social distancing, frequent hand-washing with soap and water and other hygiene measures to combat the virus.

3.2.2.7. Waste Management

Waste management in the slums are either absent or inadequate and of poor quality. Due to the increase in waste and its improper management, surroundings of slum become waste heaps making slum life unhygienic. Large quantities of waste get burnt and this adds to health issues. There is no system for regular collection of waste from the slums.

3.2.2.8. Gender Issues

Gender equality and women's empowerment has assumed a major role in any development discussion in the country, in the last few decades. In Kerala, activities of Kudumbashree and similar programmes have been instrumental in empowering women to a large extent. However, gender issues among women in the marginalised sections of the society continue to linger. Women are the worst victims of deplorable living conditions in the slums. Absence of proper toilet facilities and inadequate availability of water including potable water, affect them more. Women bear the brunt of alcoholism and drug abuse by men and even of children. Incidence of domestic violence increases in the context of substance abuse. Addiction exacerbates their financial troubles. Most of them work as daily wage labourers or domestic helpers and are often paid low wages. Poor educational status of the women in the slums contributes to their pitiable conditions. In the context of hunger and poverty and in the background of patriarchal social order, the needs of women are compromised more than that of men.

3.2.2.9. Drug / Alcohol Addiction

Addiction to drugs / alcohol is rampant in many of the slums and many among the youth fall prey to it. Dropping out of education, unemployment and alcohol/drug abuse form a vicious circle one leading to the other. Easy access to drugs and lack of awareness are major reasons for developing the habit. Nexus between the drug traders, inhabitants of the slums and some of the authorities makes prevention and control a difficult task.

3.2.3 Recommendations

3.2.3.1. Research and Studies

- i. Studies need to be conducted about slum dwellers in the state for formulating appropriate programmes / policies for the betterment of their living conditions. Universities/ colleges need to be funded for taking up research projects on slum dwellers. Specific facets of slums can be studied by students and teachers as a part of the curriculum.
- ii. National Service Scheme (NSS) of colleges and technical institutions shall include slums in their outreach activities and encouraged to prepare status papers on the social, cultural, and economic life of slum dwellers.

3.2.3.2. Land and Housing

- i. Governments, both central and state have formulated programmes to find solutions for existence/recurrence of slums and issues faced by slum dwellers. Projects under LIFE Mission of the state government are addressing issues of housing for the houseless. Government needs to accelerate the programme for providing ownership rights to inhabitants of slums.

- ii. Repair and maintenance of houses in slums need to be taken up on priority with active participation of the residents. Inhabitants of the slums can be given skill training in minor repair works and the skills utilised for maintaining their dwellings and can also be used by them to earn income to fill gaps in employment.
- iii. Government needs to take steps for reconstruction of houses in existing slums as per current standard of minimum space for a house, within a fixed timeframe.

3.2.3.3. Infrastructural Facilities

- i. Slum upgradation aims at facilitation of unit level upgradation along with extending infrastructure facilities. Activities under the programme need to be undertaken with the participation of residents of slums, local population, community groups, civil society and local governments and include economic, social, physical, environmental aspects etc. Government needs to evolve a comprehensive slum upgradation policy based on studies and data.
- ii. Steps shall be taken to establish playground, cultural centre, and common meeting place exclusively for the slum dwellers within the slum area in each LSGI for their recreational activities. Library and reading room facilities also need to be made available in the slum limits to encourage students in educational activities.

3.2.3.4. Education

- i. Enforcement of Right to Education Act needs to be ensured to provide access to quality education for children living in the slums.
- ii. ARC recommends that government needs to ensure functioning of Anganwadi Centres (AWC) in the slums and enrolment of all children in the age group of 3 - 6 years in AWC or in the absence of AWC in any pre-school education centre. These centres shall provide basic education and need to be closely monitored by the ICDS and Education department. LSGIs shall coordinate house visits by teachers and officials of ICDS to ensure enrolment of students in schools, preventing/reducing number of dropouts, improving quality of education and to monitor educational progress of the children through community participation. Awareness and motivational classes need to be organised for parents of children in the slums to improve the educational status of the children. LSGIs shall take the initiative in this regard.
- iii. Teachers and others involved in the education sector need to be given training in giving special attention and care to children from the slums. Life centered approach, understanding the preliminary slower pace of the children and imparting confidence in them needs to be part of training of teachers. Frequent visits by teachers to the slum households and discussing educational needs of the children with higher authorities also needs to be done. Due representation for parents of children from slums must be ensured in Parent Teacher Associations (PTAs).

- iv. The Commission recommends that in the current scenario facilities for online education need to be made available in slums at individual/household and community levels. NGOs shall be encouraged and supported in engaging with the students in the slums in education related activities. National Service Scheme (NSS) units of Colleges may also take up activities for improving the education level of children in slums. Education Resource Centres need to be set up in LSGI limits with facilities for counselling and career guidance. These organisations/centres shall study the barriers faced by the children in accessing higher education and reasons for dropping out of the education system. Facilities including hostel facilities, if found necessary, need to be provided based on the findings of the study and steps taken to remove the barriers. Required services may be provided free of cost or through support of philanthropic organisations to encourage higher education among slum children. Scholarships and access to educational loans also needs to be facilitated.

3.2.3.5. Employment

- i. Government needs to provide facilities for guidance on career and employment opportunities to the students of classes 9 to 12. This may be done with the participation of Labour and Higher education departments, non- governmental organisations, and civil society.
- ii. Residents selected from the slums based on criteria decided by the government need to be trained and designated as Community Education Workers to create awareness among the children and their parents on the importance of education and the opportunities available to them, including accessing government schemes.
- iii. Government needs to take up as a priority, enrolment of slum dwellers in skill development and livelihood programmes. The slum dwellers need to be handheld and given required financial support for starting micro enterprises. Start-up mission / Kudumbashree / NGOs shall be associated with this activity.

3.2.3.6. Healthcare

ARC recommends to government the need to formulate health care programmes specifically for the slum dwellers as health and hygiene in slums require special attention in the management of any health-related issue and containment of spread of infectious diseases among the slum population.

LSGIs need to take steps to ensure that the District Mental Health Programme is implemented in the slums and check-ups to address mental health issues of the slum dwellers are carried out at regular intervals.

They shall also ensure

- i. Visits by the Health Inspectors and the Public Health doctors at specific intervals.

- ii. Health department, in association with LSGIs needs to introduce mobile health check-up schemes and provide latest information/ create awareness on diseases and its transmission.
- iii. Steps need to be taken to improve functioning of palliative care units in all the districts and ensure access of slum dwellers to its services
- iv. Services of the Medical Colleges and specialist doctors also need to be extended to the slums on a regular basis.

3.2.3.7. Water and Sanitation

- i. Ensuring availability of improved drinking water and sanitation facilities in all the slums needs to be a priority for LSGIs. Specific schemes shall be formulated and implemented at the earliest. Containment of infectious diseases requires improved sanitation facilities and availability of potable water 24/7. Persons selected from the community may be designated as Hygiene and Sanitation Volunteers to liaise with the Public Health Department of the LSGIs.
- ii. Scheme similar to MGNREGS may be introduced in the Municipalities (Special Employment Guarantee Scheme) wherein inhabitants of the slums can be employed to keep their own surroundings clean.

3.2.3.8. Waste Management

LSGIs need to prepare a comprehensive plan to address management of waste in the slums. Along with this the slum dwellers shall be made aware of the need for proper disposal of waste and their responsibility in keeping their premises clean and hygienic. Several LSGIs have implemented replicable/adaptable models for scientific/proper management of solid waste with the help of Self Help Groups/ NGOs. Units with facility to segregate waste into biodegradable and non-biodegradable waste and conversion to biogas or manure shall be set up to ensure proper disposal of waste.

3.2.3.9. Gender Issues

- i. Out-reach programmes by departments of Women and Child Development and Social Justice need to be conducted to sensitise women living in slums about gender issues and to provide legal support whenever required. Awareness creation on financial and social independence of women needs to be carried out regularly with the help of nongovernmental organisations and civil society.
- ii. Non Governmental Organisations, especially those led by women, need to be encouraged to collaborate with the Social Justice/Women and Child Development Department for conducting programmes exclusively for women. These shall include programmes/ training for skill development and livelihood programmes for women. Empowering

women to be financially independent will go a long way in reducing/eliminating gender violence. Start-up mission/Kudumbashree/NGOs shall be associated with this activity

3.2.3.10. Drug / Alcohol Addiction

- i. Extension activities of the Social Justice Department, alcohol, and drug education programmes and de-addiction programmes need to be carried out in the slums. Services of psycho-social care systems for deaddiction and counselling centres for regular awareness and counselling sessions also need to be made available for persons in the slums.
- ii. Facilities for recreation including arts and sports activities need to be provided to the children / youth in the slums to promote/develop their abilities and for involvement in creative activities which can divert them from substance abuse.
- iii. Combined vigilance mechanism of Janamaithri Police, local people, and volunteers among inhabitants of the slums may be created to reduce drug abuse in the slum areas.

3.3 Colonies

Colonies are mainly the creation of the state and the prevalent social order. Conditions in most of the colonies in the state remain abysmal as many of the colonies are overpopulated and people are forced to live in squalid conditions. Most of these colonies are developed to provide housing to people belonging to the Scheduled Castes (SCs) and other marginalised sections of the society who are houseless. Scheduled Castes are subjected to a certain extent of marginalisation due to their erstwhile subordinate position in the caste system. Living within the colony limits makes them more vulnerable. Among the SCs itself, there is a tendency to give lower status to persons/families residing in colonies. For inner development of the colonies, self-perception of the residents is crucial. The social and cultural notion of people in the colony has resulted in creation of invisible barriers to them to enter into multiple fields of social life. Inhabitants who get education and employment in better positions attempt to move away from the limits of the colony and integrate themselves into the society outside the colony. Attitude of those living outside colonies is of indifference/apathy to those living inside the colony. They consider the colony dwellers only as a labour pool and many consider colonies as hot spots of anti social activities. Not only people of middle and upper class, but people in the lower income group also prefer to build houses away from colonies to disassociate themselves from the inhabitants. Absence of sufficient social networking reinforces subordinate status of the colony dwellers.

3.3.1. Issues

3.3.1.1. Land and Housing

The key dissimilarity of colony dwellers with their counterparts in the slums is ownership of land and housing. Most of the colonies in the state are created through government

schemes and hence most of the residents have title deeds for the land they are living in. In certain cases, religious institutions and other institutions/individuals have taken initiative to distribute land to the landless. Most of the land thus distributed have valid documents to prove title. But in a few cases inhabitants lack proper documents. This may be due to non-issuance of 'Pattayam' or the present inhabitants lack valid documents as the land concerned may have been exchanged many times without formal transfer of ownership. Most of the inhabitants of colonies own 3 cents of land or less. Successive governments in Kerala have implemented schemes for maintenance of houses in colonies and for construction of houses for the houseless. But many of the houses continue to be badly maintained or are still kutcha and semi-pucca houses with pit latrines, common walls, and tiled roof. Many houses constructed with financial assistance from the government remain unfinished or are in poor condition.

Common facilities for gatherings or cultural centres which can act as centres for community development are absent in most of the colonies in the state. Absence of open spaces or playgrounds for children and library facilities for adults and children or any other facility for recreation affect the physical and mental health of the children and youth.

Even with these limiting factors it can be seen that positive changes are occurring in the last few years in the maintenance and construction of houses in colonies.

3.3.1.2. Education

Access to education is a major roadblock in the social and economic development of inhabitants of colonies. But it is observed that even parents who lack formal education give thrust to the education of their children. This has resulted in improvement in the education level of the children. Most of the children have completed at least 10th level of education. However, quite often they discontinue studies after standard 10/plus two levels. Few continue undergraduate courses. Higher education including graduation or professional education remain unattainable to most of them. Lack of awareness about career options, support and motivation from the community, and financial constraints contribute to low enrolment of students in higher education. They are also not given any skill training and after discontinuing education, most of the boys are unemployed/stay idle or do irregular jobs in the unorganised sector. Girls either go for jobs like salesgirls, which do not need skills, help their parents in their livelihood activities or get married/enter into live in relationships.

3.3.1.3. Employment

Unemployment is a major issue for residents of colonies. As most of the youth do not receive educational qualifications that may enable them to get jobs and are not trained in any skills required by industries/commerce, they are deprived of diverse occupational opportunities. Most of those who are employed work in the unorganised sector as

drivers, painters, carpenters, daily wage labourers, construction workers, etc. Middle aged or elderly people in the colonies often work as agricultural labourers, construction workers or as casual/daily wage workers. Women in the colonies help the family to earn their livelihood by working in the unorganised sector as construction workers, domestic helpers, MGNREGA workers, etc.

3.3.1.4. Health and Hygiene

Health and hygiene in the colonies are comparatively better compared to slums. However, health check-ups and visits by health staff are not frequent though medical teams come whenever there is an outbreak of an epidemic or other sporadic health issues. Some Grama Panchayats occasionally arrange programmes on health and hygiene to create awareness in the community about the importance of adhering to healthy practices and keeping their premises clean and tidy.

3.3.1.5. Water and Sanitation

Non availability of safe drinking water is a major issue in many of the colonies. There are public wells or taps for drinking water in almost all colonies. During summer season these wells and taps often dry up making the inhabitants depend solely on water supplied by Local Self Government Institutions (LSGIs) through water tankers. Water thus supplied is most often inadequate to meet their requirements

Sanitation is another major concern with limited availability of toilets, bathing facilities and improper waste management. Lack of awareness on adverse effects of improper sanitation also remains a reality.

3.3.1.6. Waste Management

Since the colonies are in specific locations and houses are close to each other, waste disposal is a grave issue. There is absence of proper waste management systems and in most colonies, waste is dumped either in nearby places or roadsides or in barren lands, if available. Improper management of waste from the colonies creates severe health hazards to the inhabitants of the colony, to those in the neighbourhood and to the general public.

3.3.1.7. Gender Issues

Life inside the colony is very harsh to women. They are the main victims of drug abuse and alcoholism. They often face physical abuse from their husbands and sometimes even from their children. There are many families in the colonies where women earn the livelihood for their family, as the husbands are either alcohol/drug addicts or they do not go for jobs due to ill health. Women mostly work as domestic helpers, in MGNREGA works, construction sector, other casual/daily wage employment etc. They are often underpaid and prone to exploitation. A major problem these women face is the absence of saving habits leaving them vulnerable and impoverished during calamities/illness. Absence of required skills

and information about employment opportunities force even educated girls to work in the informal sector or remain idle.

The girls are showing improvement in education in recent times. Still most of them end their studies at plus two or graduation level. After that, they remain idle or do jobs in the unorganised sectors like salesgirls, office assistants, helpers, etc. Lack of proper orientation and guidance is a constraint in selecting courses suitable to their aptitude and interest resulting in failure to successfully complete the course. Even if they succeed in completing the chosen course of studies, they often fail to secure jobs to suit the education they have acquired and end up accepting jobs in the unorganised sector or lower paid jobs in the organised sector which require neither skills nor education, making the efforts for education a futile exercise, causing discouragement for others.

3.3.1.8. Drug / Alcohol Addiction

Many of the young people in the colonies remain jobless and routinely turn to drugs and alcohol use as a way to pass time and deal with the stresses of life. They become easily susceptible to other vices and involve in anti-social and illegal activities to earn quick money to feed their habits. They form gangs or become part of existing groups prone to criminal/illegal/anti-social activities.

3.3.1.9. Issues of Elderly Women

Issues faced by the elderly women in the colonies are of paramount importance. There are many elderly women in the colonies who are living alone due to various reasons. Most of them are compelled to stay alone after the demise of their husband or marriage of their only girl child. After marriage, the daughters stay with their husbands' family and visit their parents only on rare occasions. In certain cases, the male child also decides to stay away from his mother after marriage. Often, the elderly women are compelled to work as house maids, home nurses, child caretakers, in MGNREGA works, etc. to earn their livelihood or to assist the family of their children.

This is not an isolated story. There are many such cases of elderly women living alone in the colonies across the state. Hence, it is essential that appropriate measures have to be taken to lend a helping hand to this vulnerable category of sick elderly women residing in the various colonies across the state of Kerala.

3.3.2. Recommendations

- I. Absence of dependable data is a deterrent in proper planning of development programmes for those residing within colonies and for improvement of infrastructure in the colonies in the state. Census of India figures are available only for slums. ARC recommends that the state government shall conduct a census of all authorised colonies in the state to prepare a database inclusive of socio-economic profile before finalisation of next year's plan proposals

- II. Persons living in the colonies face several limitations and barriers to access facilities and attain quality of life available to those living outside the colonies. Universities/ research institutions engaged in public policy and pursuing studies in public administration need to be funded/ encouraged by the government to study in detail issues of colony dwellers and suggest practical solutions to address them and to prevent recurrence of identified problems. Studies/research may be conducted in all three regions of the state as issues may differ in each region.

3.3.2.1. Land and Housing

- i. Government needs to ensure that a minimum 3 cent of land is given to each family within a colony and absolute legal rights over the land is given to the dweller. In urban areas where multi storied apartment complexes are planned to be constructed sufficient

The Lone Sick Elderly Widow in the Colony.....

A 68 year old widow from SC community affected by chronic arthritis lives alone at her small tiled house in a four cent colony in Thrissur district. Her two daughters stay separately with their husbands. Her husband who was a mason died 3 years back and she had joined him as a helper after their marriage. He was an alcoholic and spent most of his earnings on alcohol. Both of them were extravagant with no saving habits and often spent money for the family of their elder daughter and her children, who stays in their neighbourhood. During financial difficulties they depended on money lenders. She was occasionally subjected to physical assaults by her husband. But had no complaints as she believed that it is the right of the husband to ill-treat his wife and her duty is to bare it without questioning.

Two years before his demise, her husband suffered from frequent diseases and was often confined to the house, jobless. During this time, she worked hard inside and outside the house to meet their day to day needs including her husband's alcohol expenses. He was bed ridden for almost 6 months prior to his death. His illness required constant medical care including inpatient care in the Medical College 30 kms away from the house and admission to nearby private hospital in emergencies. She received financial help from neighbours and co-workers occasionally, but these were not enough to meet even the medical expenses including travelling. However, religious institutions, clubs and a political party extended help for medicines etc., and it was a solace to her.

The demise of her husband left her mentally and physically broken. Moreover, she was left with a huge debt burden. As the financial status of her daughters was not sound, they could not give adequate help. Apart from all these the major issue she faced after the demise of his husband was loneliness and depression. Hence, her grandson - the elder daughter's son and wife decided to stay with her. He did miscellaneous jobs like painting, panthal works, driving etc., after his 10th level education. He had the habit of drinking alcohol since he started earning. He started demanding money from his grandmother, whenever confronted with financial constraints or for drinking.

She became sick with joint pains and swelling. The hard work of yester years worsened her physique. Day by day, her health deteriorated, and she could not even walk. She lost her job - the main source of income. As a bolt from the blue, her grandson and his wife left her. She was again left alone and too helpless to survive by herself. However, at times, she is receiving assistance from neighbours mainly in cleaning and bringing water from the public tap. Breakfast is served to her by neighbours and lunch from a charitable institution. She keeps aside part of her lunch for dinner. Though, the younger daughter visits her at occasions, most of the time she is alone. Welfare pension is the only income for this poor elderly woman now.

area for common use/recreational facilities including minimum area for playground needs to be provided.

- ii. Government needs to evolve a system for timely maintenance and repair of houses in the colonies with the participation of the residents. Basic responsibility for repair and maintenance needs to be with owners of the dwellings. The inhabitants may be given skill training in minor repair works and these skills can be used by them for maintaining their houses and to earn income to fill gaps of unemployment.
- iii. Necessary measures have to be taken for identifying suitable unutilised land for affordable housing projects.
- iv. Awareness programmes relating to available/ upcoming schemes and programmes can be conducted with the help of civil society organisations to assist the colony dwellers in realising their dream of owning a house.

3.3.2.2. Education and Employment

- i. Outreach activities of the National Service Scheme (NSS) need to be extended to the colonies. LSGIs shall take initiative to start Resource Centres for providing career and employment guidance to the youth in the colonies. These centres may also offer counselling services. Students from classes 9 to 12 shall be guided by the centre on opportunities for higher education, accessing government schemes for financial assistance and the need for being upwardly mobile. The centre shall also provide library and reading room facilities. Educational and career guidance programs shall be arranged for colonies by LSGIs/neighbourhood groups. Government may also take the lead in encouraging and prompting persons who have succeeded in attaining higher levels of education and employment from among the community to interact with students in the colonies and guide them in studies/ create awareness about opportunities.
- ii. Government also needs to ensure through specific schemes and programmes that children are handheld/provided opportunities to acquire education of desired quality that equip them to compete with the general population in studies and for employment. The current scenario demands that facilities for online access to education need to be made available in colonies at individual/household and community levels.
- iii. Teachers and others involved in the education sector need to be given training in giving special attention and care to children from the colonies. Life centred approach, understanding the preliminary slower pace of such children and imparting confidence in them need to be part of training of teachers. Frequent house visits by teachers to the colony households and discussing educational needs of the children with higher authorities also need to be done. Due representation for parents of children from colonies must be ensured in Parent Teacher Associations (PTAs) of schools.

- iv. The Resource Centre or any other appropriate forum may organise adult literacy programmes in the colonies, wherever it is needed and conduct financial literacy programmes in the colonies to encourage the habit of saving a portion of their earning to meet their needs in emergencies including natural calamities.

3.3.2.3. Health and Hygiene

- i. ARC recommends that a regular system for visits by health department personnel needs to be developed with the cooperation of LSGIs and visits by Health Inspectors and the Public Health doctors at least once in 3 months need to be ensured. Awareness on 'health and hygiene' and 'transmitted diseases' especially among the youth and women needs to be carried out by the Health Inspectors/Doctors to ensure adoption of safe practices by individuals and communities.
- ii. LSGIs along with the Department of Health needs to ensure that medical camps are conducted within the colonies at least once in 6 months and during occurrence of epidemics and natural calamities. Government needs to ensure extension services of specialist doctors/medical colleges to the colonies on a regular basis.

3.3.2.4. Water and Sanitation

- i. Government needs to find a permanent solution for scarcity of water and ensure year-round availability of potable water by including colonies in water supply schemes implemented by concerned agencies of government.
- ii. Cleaning / rehabilitation of public wells in the colonies needs to be taken up on priority by the LSGIs for ensuring alternate sources of water.
- iii. LSGIs need to formulate a programme for systematic cleaning of water sources and drainages near colonies before the start of rainy season to prevent flooding of wastewater inside and around the colonies. Volunteers from the community itself need to be selected as Hygiene and Sanitation volunteers for liaising with Public Health authorities and LSGI.

3.3.2.5. Waste Management

- i. Management of waste is an essential part of ensuring sustainable development. This is an issue which is dealt with ham-handedly in the state. The situation is acute in densely populated areas like colonies. Solutions for managing waste need to get top priority. LSGIs need to adopt appropriate technology and establish waste management systems for effective management of waste, especially solid waste. It is to be ensured that management of waste from colonies is integrated into waste management systems installed by LSGIs. Local Self Government Institutions need to conduct surveys and develop a comprehensive baseline data about generation, collection, and disposal of solid/liquid waste and establish/integrate of waste management systems, as required.

- ii. Innovative methods including waste water recycling through 'constructed wetland' can be used as a cost effective and efficient method for treatment of wastewater.

3.3.2.6. Gender Issues

- i. Out-reach programmes by Departments of Women and Child Development and Social Justice need to be conducted to sensitise women living in the colonies about gender related issues faced by them. They need to be given legal support/counselling.
- ii. Adolescent girls' groups formed under the ICDS shall be strengthened to provide counselling, conduct motivational classes and classes on issues relevant to the group. These may include classes on financial and social independence of women.

3.3.2.7. Drug / Alcohol Addiction

- i. Alcohol and drug education programmes and de-addiction programmes of the Social Justice Department need to be extended to include residents of the colonies. Psycho-social care system for deaddiction and counselling centre for regular awareness and counselling sessions to the colony dwellers may also be introduced.
- ii. Activities of arts and sports clubs need to be encouraged in the colony limits to promote inherent talents/abilities of children and youth in the colonies. Engaging in these activities will also help them to channelise their energies to positive aspects and help them from falling prey to anti-social activities.
- iii. ARC recommends that the government needs to formulate policies and legislative framework for ensuring rights and welfare of residents in slums and government established colonies. Legislations in other countries and experiences of other states in India who have rehabilitated the slum and colony dwellers and improved public services rendered to them may be studied before drawing up policies and legislations.



Street Dwellers

CHAPTER 4

4.1. Introduction

According to The Homeless Pavement Dwellers (Welfare) Bill, 2016 “Pavement Dweller includes a person living on the pavement or footpath, under the bridge, flyover, bus stop, railway station, or yard, in park or under the open sky in any public place in the metros and urban areas”. The Bill acknowledges the deplorable living conditions of such persons and their right to be protected till the government makes alternate arrangements.

Under the guidelines of the Supreme Court, all state and local governments are legally bound to build permanent shelters for the urban homeless in sufficient numbers and with appropriate facilities, to ensure fulfilment of their rights to life and shelter.

Sustainable Development goals especially SDG 11, ‘Sustainable Cities and Communities – making cities and human settlements inclusive, safe, resilient, and sustainable’, are pertinent in the context of the legal and administrative measures to be taken to ensure welfare of street dwellers and to realise their rights. Globally, one billion people live in slums or informal settlements. Street children exist with their child rights viz. right to survival, development, protection, and participation threatened⁸.

As per Census of India, 2011, India has more than 1.7 million homeless people. 55.2 percent of them are in urban areas. 65.5 percent, that is 7761 persons in 3992 families, of street dwellers in Kerala live in urban areas. For rural areas the figures are 4092 persons and 1767 families.

A study by National Urban Livelihood Mission on urban homeless in Kerala shows that 82.1 percent of street dwellers in Kerala are men and 0.2 percent are transgenders. 96.2 percent of the respondents earn less than Rs. 10,000 per month and could not afford regular accommodation at this income. 85.1 percent do not possess any valid ID and 62 per cent are migrants. Stereotypical impressions about street dwellers as unhygienic and anti-social prevail in the society, but there is little probe into their problems⁹.

8 : Housing and Land Rights Network, HLRN , <https://www.hlrn.org.in/homelessness> accessed on 28 Jan 2020

9 : A study on urban homeless of Kerala, 2018, led by National Urban Livelihood Mission among 3195 street dwellers in the 93 urban local bodies in Kerala during July 2017

4.2. Policies and Legislations

There is global recognition of the issues of homeless persons and street dwellers. Their issues get attention at state and national levels. But it can be observed that though street dwellers are being considered as the poorest of the poor, there are no effective schemes or policies for providing better living conditions to them. The very few schemes and policies which exist are directed more to slum dwellers, though street dwellers face more adverse and risky living conditions compared to slum dwellers. There have been attempts to develop legal frameworks to ensure protected living conditions for them. Government of India (GoI) formulated 'The National Urban Housing and Habitat Policy, 2007' for the benefit of street dwellers/houseless. GoI and Government of Kerala (GoK) have taken steps to formulate legislations for ensuring rights and welfare of Street Dwellers, viz. i) 'The Homeless Pavement Dwellers (Welfare) Bill, 2016' and, ii) 'The Bill for Registration of the Homeless, 2019' Kerala. But they still remain in the 'draft bill' stage depriving one of the most vulnerable groups in society the protection of a legal framework.

4.2.1. The National Urban Housing and Habitat Policy, 2007

The National Urban Housing and Habitat Policy, 2007 aims to promote 'sustainable development of habitat in the country to ensure equitable supply of land, shelter and services at affordable prices to all sections of society....., and ensuring affordable housing to all, specifically targeting the urban homeless, who contribute to the developmental and economic activities of urban areas but live in miserable/inadequate conditions'.

4.2.1.1. Draft Bills

4.2.1.1.1. The Homeless Pavement Dwellers (Welfare) Bill, 2016

This Bill forms the background of proposed legislation for ensuring welfare of pavement dwellers, mainly constituted by poor urban migrants who are homeless at the destination of migration. This class of citizens lives under inhuman conditions aggravated during harsh climate conditions. Intention of the bill was to draft by 2017, a rights/welfare policy for Street Dwellers (SD) acknowledging their rights to live on pavements without hindrance till alternative shelter is made available to them. The Bill lists out 14 points which are to be included while drafting the policy and includes providing night shelters, adequate sleeping arrangements with protection from vectors, opportunities for healthcare, food, water and sanitation, cash benefits, employment opportunities, stoppage of beggary and reformation (rehabilitation) of the SDs. The bill places responsibility on the government to make these provisions. The approach of the draft bill is rights based.

4.2.1.1.2. The Bill for Registration of the Homeless, 2019 Kerala

Objective of the draft bill is registration of homeless persons by enabling them to obtain documents for identification and avail services/benefits from the government.

The draft bill defines a homeless person as a 'person who does not have her own house, rented house or family house inside Kerala or outside Kerala and who does not have the capacity to acquire a house in the near future'. They also include persons who live in public places, in their place of work, those who share living space with others due to economic difficulties or due to some other reasons or those who occupy abandoned houses, gardens, bus stands, railway stations etc. as their shelter. The homeless category also includes persons who in spite of having house of their own are incapable of living there. To be eligible for registration, an applicant should have lived in Kerala continuously for three years within a period of 5 years preceding the date of application. Once applied, the registration should be given within 30 days or if registration is rejected by the Registrar, the reason should be given in writing to the applicant. After rectifying the defects, the applicant can re-apply. The Registrar can conduct enquiries before registering the person. The applicant can also apply for registration through a third party.

On registration, an identity card with photo and an address can be given to the person on her request or according to the discretion of the Registrar. The card would be valid as an identity for all benefits/services given by the government under the proposed legislation. The identity card will have a validity of three years and can be renewed after due processes. Address for the homeless applicant will be that of the service provider authorised for her or that of the registered office. Registry is the Register Office set up to maintain and update the statistics of the homeless in the state including transgenders.

4.3. Issues and Challenges

Following are some of the major issues and challenges faced by the street dwellers in Kerala.

4.3.1. General

Main issue faced by the street dwellers is their deplorable living conditions. They do not have proper shelter, let alone sanitation facilities and hygienic environment needed for dignified human existence. Right to a dignified life as enshrined in the Constitution of India is alien to them. They are not able to claim their entitlements as they do not have residential address or identity documents. Absence of documents creates barriers in accessing government schemes and services related to education, health, housing, food etc. This problem is acknowledged by the national and state governments as evidenced by the policies adopted for the houseless and drafting of bills to ensure their rights and welfare. Unfortunately, necessary legal frameworks to address their issues are not enacted till now. Their day to day lives throw up formidable challenges- hunger, threats to livelihood, unstable income, lack of employment opportunities, difficulty in accessing health services, absence of legal protection etc. In the midst of such lived experiences, issues of quality education and access to skill up gradation, which have long term and intergenerational impacts escape their consideration. Lack of dependable data on street

dwellers, except for census figures, poses serious hindrances in designing and implementing programmes and policies for their holistic development.

4.3.2. Land and infrastructure

Absence of a permanent place to reside with minimum necessary amenities is a major problem faced by the street dwellers. Absence/inadequacy of night shelters deprives them of a protected environment to rest, at least during the night. They are accused of encroaching pedestrian spaces and hindering free flow of traffic. Local residents suspect and accuse them of having criminal links. They face the threat of eviction from their temporary dwellings on the pavements. Needless to say, eviction deprives them of their ability to meet their daily needs. The most vulnerable among them - women, children, elderly and the sick- suffer the most due to lack of access to care in their dwelling place or institutional care. There are NGOs who provide them shelter, but requirement far outstrips supply. Even if shelters are available the question remains how far the street dwellers are willing to stay within the discipline of an institutionalised system where freedoms available to other citizens are denied to them. Many of the street dwellers are nomads for whom moving from place to place for their livelihood and living in temporary shelters put up in the streets is a way of life and part of their culture. They may prefer to continue with the life they are used to than move to a sheltered living.

4.3.3. Safety and security of women

Women among street dwellers live in an insecure and unsafe atmosphere. Insecurities of all kinds surround them, and they are forced to live with it. Young women among the homeless lead a risky life facing the threat of sexual exploitation and trafficking. While considering safety aspects, we should not only consider physical safety but other threats (like ill health, financial insecurity etc.) also need to be given due consideration.

4.3.4. Hunger, Food and Nutrition

Hunger stemming from inadequate livelihood options, absence of skills and unemployment and threat to livelihood in the case of those who endeavour to eke out a living by illegitimate means including hawking on pavements, is a lived reality for the street dwellers. There are several services of government which are open to the houseless and street dwellers. However, lack of documents of identification prevents them from accessing these services and benefits. Exclusion faced by the street dwellers in the absence of documents of identification remains one of the major issues related to them. The street dwellers who are engaged in small level hawking and could afford to buy meals are not able to take their meals leaving their humble merchandise unprotected on the streets.

4.3.5. Education

Free education is availed by the children of street dwellers. The parents, in most cases are satisfied with the fact that their children are going to school and that schooling is free. Even those who aspire for a better life are not able to access higher quality education on their

subsistence level of income. Major areas of concerns regarding education of children of street dwellers are, lack of awareness, illiteracy of parents and the nomadic nature of their life. Language is also an issue for migrant children.

4.3.6. Employment, Income Generation, & Skill up-gradation

Without proper documents of identification, proper employment is a distant dream to a street dweller. There is lack of awareness regarding various government services and available options and they are ignorant of available/suitable employment opportunities and livelihood options. Some eateries do employ them due to the attraction of getting cheap labour, but the caveat is health threats posed by untrained and unhygienic handling of food items.

Lack of skills in categories of work that have demand in the labour sector also stands as an issue in getting adequate jobs or engaging in income generating activities.

4.3.7. Livelihood Issues

Most of the street dwellers transact their business on pavements which is not a permissible activity making them vulnerable to threats, extortion, and harassment, heavy fine and eviction. Street dwellers who survive by taking up menial jobs and selling goods on the pavements are often intimidated/harassed and subjected to extortion by criminal groups operating in the cities. On an average, Rs 100 per day is taken by these groups from the average daily income of Rs 400-600 street dwellers earn after 12 hours of hard work as a small street vendor. Sometimes street dwellers are assaulted even by the police. Officials destroy their wares or confiscate them, robbing them of their ability for sustenance. They are routinely harassed by members of political parties, municipal authorities, police personnel and representatives of resident welfare societies. Local thugs too torment them. Manhandling and physical aggression by anti-social elements are not infrequent. Street dwellers live in constant uncertainty about their earnings and availability of space to do vending or for other livelihood activities

4.3.8. Financial Issues

Majority of street dwellers take loans from moneylenders at exorbitant rates of interest ranging from 120 to 400 percent. These loans keep many of them permanently in debt. They are able to retain only 20-30 percent of their earnings after meeting interest charges.

Some street dwellers have subscribed for group insurance schemes, often persuaded by persons to fill up the quota of subscribers. These schemes most often do not suit their needs and consent given is not an informed one. Even in cases of enrolment in suitable schemes, lack of awareness prevents them from availing insurance benefits due to them.

4.3.9. Health and hygiene

Street dwellers, in general face many health hazards. They live in the streets, carry out their livelihood activities in the streets and hence are open to pollution from traffic, dust and other pollutants making them vulnerable to a wide range of health issues, chronic migraine,

hyper-acidity, hypertension, high blood pressure etc. Lack of access to toilets have adverse impact on their health, mostly of women, and many suffer from urinary tract infections and kidney ailments.

Street dwellers can access free medicine and consultation from the Public Health Centres. But due to absence of valid ID, ration card or non-availability of bystanders, they are not able to avail inpatient services of government hospitals. Health mishaps occur due to negligence as well. There is reluctance on the part of the relatives to shift a patient to better health facilities even when doctors advise the shift and ambulance service for shifting is provided free of cost by the government. This is more so if the suggested shifting is to another district. This is indicative of the lack of comfort and confidence to undertake such steps and points to the need of support and encouragement over and above medical advice

4.3.10. Legal Aid

Intimidation of street dwellers by anti-social elements is a commonplace occurrence. Many times, even police harass them as their activity is not legal, take away their wares and do not return. Street dwellers do not get any legal aid in such situations. In the case of street dwellers, who are driven to the streets by their children or relatives who have usurped their property, legal aid is necessary to restore their

Travails of a street Dweller...

The struggles of a 28-year-old street hawker who migrated from Gujarat to Kerala in search of greener pastures to support his four-member family is an example of the life of street dwellers. He hawks bed sheets on the streets in Trivandrum city and lives in portions of unoccupied houses along with his wife and 12-year-old son. His earnings are not sufficient to meet even the bare minimum needs of the family.

Members of city mafia intimidate the street dwellers who survive by indulging in menial jobs and selling certain items in the pavements routinely. The mafia extorts Rs 100 per day from the average daily income of Rs 500 which is fruit of 12-hour grind. Tussle with the police also happens occasionally. Pavement business being illegal, they are vulnerable to threats, extortion, harassment, heavy fine and sporadic evictions. Sometimes officials destroy their wares and usurp them. They are routinely harassed by members of political parties, municipal authorities, police, and representatives of resident welfare societies. Local thugs too torment them. They are also accused of encroaching the pedestrian spaces and hindering the free flow of traffic. The local residents suspect and accuse them of having criminal linkages.

They face the threat of eviction from their kutcha dwellings as well from their livelihood supporting pavements. They face problems in securing licences. There is uncertainty over earnings and availability of street space to do the vending.

According to him around 65 percent of street dwellers doing petty business take loans from moneylenders at exorbitant rates of interests ranging from 120 to 400 percent. These loan sharks keep many vendors permanently in debt. They are able to retain only 20-30 percent of their own income after meeting interest charges.

He spoke about the intimidations faced by street dwellers from criminal groups, officials, the health issues faced by them from pollution and absence of toilet facilities. and night. He spoke on behalf of all pavement dwellers pointing to the urgent attention and action which government needs to take to create an environment of dignified existence for the street dwellers.

legitimate rights, but there is lack of awareness regarding laws for their protection. Even if there is awareness, legal aid is unavailable and inaccessible to them.

For a deeper study of the street dwellers these ideas can be incorporated. Emerging knowledge in all fields should be liberated from the narrow confines of academia and should be enabled to operate vibrantly at grassroots level.

4.4. Recommendations

4.4.1. Database and Registration

- I. Government shall take steps to build a dynamic database of street dwellers with provisions for updating at regular intervals and a system for overall updating at intervals to be decided by government. The database will enable government to study composition of the street dwellers, their issues and will help in identifying areas that require intervention- drugs (consumption and sale), gender issues, problems faced by the elderly and the children. Data needs to be accessible/sharable to all decision makers and stakeholders as per security protocols decided by government
- II. ARC recommends that any legislation for protecting rights and ensuring welfare of street dwellers needs to include provisions for the inclusion of nomads as many of the street dwellers are nomads. Registration of the nomads and issuing of IDs to them needs to be a dynamic process enabling them to avail services / entitlements from any place they choose for their temporary stay. Provision to capture mobility details shall be included in the registration of the street dwellers without compromising/ violating their right to privacy.

4.4.2. Land and Infrastructure

- I. There is an urgent need for setting up shelters in all the districts and especially in places with higher concentration of houseless/street dwellers. This may be done through Public-

Note : In the book, 'Poor Economics', Abhijit Banerjee and Duflo had endeavored to step into the lived experiences of the poor people and had analysed how and why they take decisions on matters related to health, education, handling risk etc. They have their own logic to adopt a present oriented vision of life and decision styles rather than a future oriented one. The authors through the methodology of 'Randomised Control Trials', studied policy intervention at micro level and its impact. Based on the study of the economic behaviour, nudges are designed to encourage them to display the intended policy behaviour. For example, street dwellers can be incentivised to take daily baths. Application of behavioural economics will be suitable if a deeper search is to be made on the attitudes. For attitude, there are the three components of cognition, emotion, and action tendency. Once the current and desired attitudes are unearthed, at the next level to fill the expectation reality gap, awareness and skill training can be provided. But coming to action, it is a question of breaking old habits. A recent New York best seller 'Atomic Habits' is all about making small changes in various aspects of something which you want to improve and if that is done consistently over a period of time and if you persist in that till you cross the latent potential stage, you get a breakthrough.

Private Participation and involvement of nongovernmental organisations. ARC recommends that the design of the shelters needs to have provision for adequate number of toilets, facilities for bathing/washing, consulting room for doctor/ legal aid, infrastructure for skill training etc. These aspects become all the more significant during occurrence of pandemics like COVID-19 and other natural calamities.

- II. Till such time as shelters, temporary/permanent, are made available to the street dwellers, they shall be permitted to live on the streets and protection needs to be extended to them.
- III. Along with providing shelters, safety, and security of those who stay in the shelters needs to be ensured.
- IV. Special shelters for mentally and physically challenged persons, and for drug addicts and similar vulnerable groups among street dwellers is essential. Alternatively, they could be accommodated in the institutions of Department of Social Justice and the child development officials need to be empowered to link concerned segment- homeless children who are orphans, women, persons with mental health issues, disabled and the elderly etc. – to existing homes/ facilities.
- V. Government needs to provide housing and basic amenities, night shelters, rehabilitation centres, special care homes for children and elderly, hostel facilities for homeless children and palliative care centres for the terminally ill persons. Until decent accommodation is realised, public cloakrooms need to be provided for safe keeping of their belongings.
- VI. Models in providing services to the street dwellers/homeless, ‘Theruvoram’, in Ernakulam district, night shelter by Don Bosco in Thiruvananthapuram, etc., need to be studied, adapted/replicated and upscaled to fill the demand supply gap of shelters for street dwellers/houseless.
- VII. Government also needs to ensure that safe temporary shelters can be accessed by nomads at the places they chose to stay for their livelihood activities. These shelters should have access to service of mobile units related to all sectors in seasons of nomadic arrival. These seasons can be predicted with experience of a few years. Arrangements may be made by LSGIs in association with the civil society for rendering them health care, access to financial assistance/service, food and even education and entertainment through mobile units. Service of trained counsellors and social workers may also be available to them. Police needs to be given specialised training to ensure their safety and security, give assistance in security issues and prevent harassment by antisocial elements.

4.4.3. Safety and security of women

Protection of single women from sexual aggression needs to be addressed by arranging special shelters for them. Services of pink police and night patrolling need to be made available to them to protect them from violence, sexual exploitation, and extortion by anti-social elements.

In the report 'Welfare to Rights Part-I', ARC recommended the need for conducting orientation programmes and giving training to employees posted to institutions managed by the Department of Social Justice. They are relevant to government officers enjoined to ensure rights and welfare of street dwellers.

COVID-19/ floods have shown the importance of the need to care for the marginalised sections of society. Government action in participation and mutual collaboration with LSGIs, social workers and NGOs, overcoming conflicting /partisan action is an urgent need.

4.4.4. Hunger, Food and Nutrition

- I. Prevalence of hunger among the houseless/street dwellers is an issue that demands immediate attention and quick remedy. Antyodaya Anna Yojana (AAY) entitles the poorest of the poor ration card holders to avail 35 kg of rice and wheat at subsidised rates. The street dwellers need to be included under AAY by addressing the issue of documents of identity and resolving it urgently, either through the intended legal framework or, till it's in place by providing temporary ID. When night shelters become a reality, ration allotment can be given to the shelters with common kitchen facilities.
- II. According to the Nutritional Support scheme of Government of India, women and children, pregnant women, lactating mothers and children in the age group of 6 months to 14 years are entitled to meals in accordance with the nutritional norms under Integrated Child Development Services (ICDS). Higher nutritional norms have been prescribed for malnourished children up to 6 years of age. A robust administrative milieu has to be created for the respective segments of the community to access these services and to enjoy their entitlements.
- III. Services from ICDS need to be location neutral to enable street dwellers to avail benefits of the programme. So is the case with the Public Distribution System.
- IV. Local Self Governments play a crucial role in the effective implementation of ensuring food security through the ICDS. The present systems need to be improved/ adjusted to include street dwellers. This may be done by giving them temporary registration till rules and regulations for formal registration are in place.
- V. Until regular systems are in place to provide access to entitlement for PDS articles, government needs to start facilities for providing free food- soup kitchens or mobile food stalls etc., through coordination of District Administration, NGOs, restaurants, civil society to address the issues of hunger and starvation among the street dwellers.
- VI. Government may, with the cooperation of LSGIs and nongovernmental organisations identify the street dwellers, assess their needs, provide temporary ID cards and ration cards, prioritising their needs.

4.4.5. Education

- I. Children of many of the street dwellers are constrained by language issues in accessing school education. Kerala State Commission for Protection of Child Rights designed 'Early Child Care and Education' (ECCE) Curriculum for Irula Community for Attapady Tribal Children, focusing on offering preschool education for children in their mother tongue.¹⁰ Government may study the model and consider adapting it, to the extent possible to impart education to the children of street dwellers.
- II. Responsibility and accountability to institute separate systems and monitor preschool/primary school education of street children may be entrusted to ICDS and the Education Department.
- III. LSGIs and Civil Society organisations need to take up the responsibility of generating awareness among parents on the importance of educating their children and the benefits of good quality education.
- IV. Government needs to consider providing infra-structural facilities- common study halls with basic facilities of lighting, proper ventilation, comfortable seating, availability of drinking water and toilets- for the children. Voluntary or paid services of individuals needs to be made available in such centres
- V. Collaborative action by LSGIs, NGOs, school authorities and parents is required to provide vocational training skills and marketing skills to street children to enable them to be self-supportive at an appropriate age.

4.4.6. Employment, Income Generation and Skill Up gradation

- I. Skill development is essential to provide steady income to the street dwellers. Many of the street dwellers do multiple jobs to maximise their income and reduce the risk of loss of livelihood. Government needs to evolve a project for identification of aptitude of the street dwellers and their inherent skills, provide opportunities to enhance/upgrade these skills/aptitudes and access to skill upgradation programmes to enable them to maximise their income. Government needs to identify jobs suited to their skills and evolve a system of providing regular information on job availability. Labour department, in association with the LSGIs need to plan for identification of inherent/learned skills of the street dwellers and for its up gradation
- II. Services offered by Jan Sikshan Sansthan (JSS) may be utilised for skill training and skill up gradation of street dwellers. JSS is intended to cater specifically to the needs of the marginalised, uneducated, under educated and socially, economically weak sections of the population and has adopted a 'polyvalent approach' that takes into account learning needs, convenience of place and time of learners and trainers.

10 : Joseph Neena (2017), Customer Satisfaction, Social Justice Department p255. Institute of Management in Government, Trivandrum

- III. Access to National Urban Livelihoods Mission (NULM)/ Deen Dayal Antyodaya Yojana is difficult or impossible for the street dwellers/houseless. Government needs to take steps to enable them access to programmes of the Mission

4.4.7. Livelihood Issues

- I. For livelihood enhancement, fixed quota needs to be ensured for the street dwellers in National Rural Livelihood Mission (NRLM) and National Urban Livelihoods Mission (NULM) and Deen Dayal Upadaya Grameena Koushal Yojana (DDUGKY) of GoI.
- II. Provision for registration of jobless persons may be made in the Employment Exchanges based on their eligibility. Labour Department may utilise their services to create awareness and disseminate information on employment opportunities.
- III. Government may consider employing street dwellers in projects of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). They may also be employed in public works like construction of roads, highways etc. to help them earn their livelihood.
- IV. ARC recommends that government needs to provide clearly demarcated/ legitimate space, with water and sanitation facilities, to the vendors among street dwellers for sale of their wares and ensure protection for carrying out their livelihood activities.
- V. As in any other group in the society, anti social elements may be present among the street dwellers/houseless. Absence of support systems to prevent falling into a life of crime or to escape from it, increases vulnerability of the youth among the street dwellers. Through awareness creation and rights-based approach miscreants among them may be identified and isolated. Government needs to take action for reform and rehabilitation of these identified persons and ensure that the law-abiding street dwellers are able to live their life with dignity. Sensitisation of enforcement officials about the rights of the houseless and awareness about socio- psychological aspects influencing their behaviour, needs to be part of their training programme.

4.4.8. Financial Literacy

- I. Imparting financial literacy, creating awareness about the need for saving part of their income and enabling them to access credit facilities, is essential to secure their livelihood and liberate them from money lenders.
- II. Non-Government Organisations need to take necessary measures to improve financial literacy of street dwellers and encourage them to save money, open bank accounts and carry out digital banking.
- III. Initiatives need to be taken by the government, with the involvement of banks for organising skill development programmes, training programmes and workshops for the street vendors

enabling them to utilise loans/funds properly. Banks can play a major role in imparting financial counselling to the street dwellers especially updating them on available financial services including credit facilities, through counselling centres.

- IV. Government shall pursue banks to develop linkages with Civil Society organisations/ community-based associations/ cooperatives/ employees' unions/ individuals to function as Business Facilitators/ Correspondents of banks and deliver financial products to the street dwellers at place and time convenient to them.
- V. Banks need to design collateral free loans to cater to the needs of the street vendors and the loan process should be made less cumbersome.
- VI. Identification/formulation of insurance schemes suitable to the street dwellers, creating awareness about its utility, benefits and rights under the schemes and facilitating their enrolment in the schemes need to be undertaken with the help of nongovernmental organisations/LSGIs

4.4.9. Health and Hygiene

- I. Sustained efforts shall be made to generate awareness among them about health care facilities provided by the government. Existing health services of government, including palliative care may be channelised to enable access to street dwellers. Street dwellers may be familiarised with the benefits of health insurance schemes.
- II. Inpatient care is most often denied to street dwellers in the absence of valid documents for identification and bystanders. Government needs to ensure that medical care is not denied to street dwellers. If necessary, concerned LSGI may issue temporary cards to them for this purpose till legal framework is formulated to register them. Persons selected from the street dwellers may be allowed to be bystanders for inpatient care of street dwellers, after giving orientation to them on the duties of bystanders. Health Department needs to design and deliver required orientation. Department of Community Health of all the hospitals need to be equipped to provide both outreach and inpatient services to street dwellers/homeless.
- III. Civil society organisations may take the lead in inculcating hygienic habits among the street dwellers. Once the practice of bathing is picked up and repeatedly done over days, it will develop into a habit and stay with them bringing about significant changes in their life. Issues of alcoholism and drug -addiction shall be addressed by ensuring the services of the Excise Department and Non-Governmental Organisations.
- IV. Systems for identifying the place of origin of street dwellers, especially children and persons with mental illness needs to be improved to facilitate their return to homes. It also needs to be ensured that proper follow up is done to ensure welfare and protection of rights of the persons who return to their homes.

4.4.10. Legal Awareness and Legal Aid

- I. While evicting the street dwellers from the streets, officials often destroy their wares and physically assault them. On most occasions their wares are taken away by the law enforcement authorities and not returned depriving them their means of livelihood. Such situations reinforce the need for ensuring recourse to legal aid to the street dwellers for protection of their legitimate rights
- II. LSGIs need to take up the responsibility of conducting legal aid classes and connect the street dwellers with Legal Services Authority at taluk and district levels, enabling them to access legal remedies against harassment, dispossession of wares and to avail free legal aid.

ARC recommends to the government to take urgent steps to ensure that the draft bill for registration of the homeless is made into a law without delay enabling the street dwellers to overcome the first obstacle - absence of valid ID - in accessing services from the government.

- I. Scope of 'The Bill for Registration of the Homeless, 2019 Kerala' needs to be widened to ensure rights of the street dwellers including their right for rehabilitation and recognise responsibility of the government to ensure safe habitation for them.
- II. The bill defines a homeless person as "the person who does not have his own house, rented house or family house inside Kerala or outside Kerala and who does not have the capacity to acquire a house in the near future". Some among the street dwellers may have family houses/own houses in their place of birth. ARC recommends that government needs to consider amending the condition about ineligibility of persons owning houses outside Kerala for registering as a homeless person. They have left their homes to earn a decent living and live on the street in the absence of an affordable place to stay and need to be given protection in the place they have chosen to live for their livelihood.
- III. The precondition in the 'Bill for Registration of the Homeless-2019, Kerala' that the pavement dwellers should have resided in Kerala continuously for three years in a period of five years to get registration needs to be relaxed in the case of nomadic people.
- IV. Provisions to identify and include nomadic and to ensure their right to be occasional/seasonal visitors to the state shall be incorporated.
- V. Duties of the Registrars need to be expanded to include coordination of services of various departments and agencies. The Registrars need to set up platforms and systems to converge services of different government departments, agencies and nongovernmental organisations. This will enable coordination and joined up functioning of various agencies, break the silos in which they are working at present and ensure effective use of the duties and responsibilities entrusted to them. Coordinated functioning will help to improve efficiency of LSGIs in caring for the street dwellers and help them to be more responsive to

their needs. It needs to be ensured that all related departments, Education, Labour, Health, Women and Child Development, Social Justice, Excise, Employment, Labour, etc., and other agencies of government/ organisations supported by government including Kerala State Literacy Mission, Jan Shikshan Sansthan, Kerala State Legal Services Authority (KELSA) etc., converge their services/work together to deliver services to the street dwellers.

- VI. ARC recommends that government needs to designate a nodal agency at the block level, preferably the Social Justice Department, to ensure convergence of services to the street dwellers. The role of 'close friend' needs to be widened and enriched to nudge the street dwellers to better practices - daily bath, hand washing, saving habit, health upkeep and nutrition. These assume more importance in the background of COVID-19, recurrent floods, and possibility of recurrence of other contagious diseases.
- VII. Special identity cards or other valid documents need to be issued to the street dwellers enabling them to access all services and benefits extended by the government, especially inpatient treatment.
- VIII. Along with the enactment, a robust mechanism for supervision and monitoring of implementation of the Act needs to be in place. Rules for implementation of the act shall be issued along with the Act to ensure implementation of provisions of the act without further delay.
- IX. Awareness programmes regarding policies and laws that are beneficial to the street dwellers need to be conducted on a regular basis.

“Government needs to handhold and escort the street dwellers in their journey towards a better life. Nudging is required to be done by government to motivate them to take decisions on upskilling, bettering their economic prospects and imparting better education for the children” (Banerjee, 2011)¹¹.



11 : Banerjee Abhijith, Duflo (2011), Poor Economics Rethinking Poverty and Ways to end it, Random House, Noida, India

Epilogue

'Welfare to Rights – Implementation of select legislations – A review: Phase – II' is an attempt to evaluate select legislations for ensuring welfare and rights of fisher folk, scheduled castes and scheduled tribes, slum and colony dwellers and street dwellers. The study also focused on major issues that prevent them from overcoming their vulnerability and marginalisation. ARC conducted field studies among the members of the respective communities, elicited views of experts in each domain and accessed information/data from government departments and other sources. The study was able to capture experiences of the communities. Interaction with diverse stakeholders through group discussions and public hearings and with experts through expert committee meetings were also held. Information received from all these sources were analysed by the Commission and recommendations based on the analysis and from the views of the stakeholders are consolidated and given at the end of respective chapters.

Field study revealed that many members of the communities chosen for the study are not aware of the provisions of the acts/policies intended for their welfare and empowerment. This points to the need for extensive awareness campaigns on their constitutional rights and human rights in general and on community related legislations in particular. New indices need to be evolved to evaluate and monitor performance of projects and schemes. Robust monitoring mechanisms and effective systems for follow up needs to be put in place for concurrent assessment of progress in implementation of projects and schemes. Ensuring effective co- ordination is a prerequisite for avoiding duplication and for seamless integration of functions of concerned departments.

Land, housing and drinking water are basic needs of human beings. The field inputs reveal that the communities under study have an undignified existence sans these basic needs. This is a matter requiring urgent policy intervention and formulation of appropriate projects and schemes. The LIFE mission project of the Government of Kerala is expected to address problems of the houseless in the state to a large extent.

A crucial factor in the social and economic development of a society is the education of its members. Poor quality of education is found as one of the leading causes for the marginalisation of any community. Present study reveals low enrolment in higher education from these communities. This generates intergenerational backwardness.

Hence, it warrants prioritised intervention of the government. Children in the marginalised communities in the state need to get fair opportunities for pursuing higher education.

Another factor noticed is the dominance of better placed persons within the marginalised communities in accessing benefits. This widens inequality within the community and leads to further marginalisation of those who are poor and need assistance and handholding.

The Commission is presenting this report when the nation and the state are facing unprecedented challenges in the management of the pandemic COVID 19. The prevailing situation has shown that the marginalised and vulnerable groups are the worst sufferers in accessing basic facilities in the uncertainties thrown up by the spread of the disease, and the measures the government is forced to take for containing spread of the virus. Current situation reinforces the need for urgent measures by the government to prevent further marginalisation of these communities.



Appendices

Appendix I

EXECUTIVE SUMMARY

Seminar on 'Welfare to Rights', 07 December 2019, Thiruvananthapuram

I. Background

The efficiency of a government is often assessed in terms of the ease with which the public is able to receive their entitlement to welfare benefits and the way different classes of the society are treated. The welfare system sanctions for a system through which the under-privileged sections of the society are able to enjoy their rights. An extensive welfare system has been devised by the Government of India for betterment and enhancement of quality of life of various under-privileged sections of the society. The State of Kerala also has made upliftment of weaker sections an important aspect and has made significant progress since its formation. However, it is the duty of the government to periodically assess the efficiency of the welfare system and to devise new strategies to address the prevalent needs of such sections. It is in this backdrop that the Administrative Reforms Commission had decided to conduct a state level seminar on the topic "Welfare to Rights".

II. The Seminar

The Government of Kerala has set up the Administrative Reforms Commission (ARC) to study various issues in governance and to suggest reforms to make the public services more public centered, efficient, effective, equitable, affordable, accountable, sustainable and accessible to all. The commission organized a Seminar on 'Welfare to Rights' December 07, 2019, at Padmam Hall, Institute of Management in Government (IMG), Thiruvananthapuram to harness valuable inputs for development of appropriate measures pertaining to the welfare of marginal groups.

Smt. Minimol V.G. (Additional Secretary, ARC) welcomed the speakers, other dignitaries/participants and members of the commission to the seminar. She briefed about the importance of preserving and recognizing the cultural and social diversities of the marginal groups. She also added that the discussion aims to collect inputs for submitting a report on 'Welfare to Rights' before the Government. Studies centered on fisherfolk, scheduled caste and scheduled tribes, colony-slum inhabitants and street dwellers etc., are to be included in the report.

Smt. Sheela Thomas (Member Secretary, ARC) read out the message from Shri. V.S. Achuthanandan (Chairman, ARC), in his absence. The living standards of citizens are a measure of development of a state/country. On the basis of this, Kerala has always been ahead of other states in the country. It is also widely accepted that the living standard of Keralites is on par with the living standard of developed countries. But the marginal groups are not always in receipt of the benefits of this development. The inequity in the receipt of benefits of development is a serious issue in implementing development and welfare activities. Even though Kerala is comparable to developed countries in many aspects, the quality of life of certain sections are still under the par. There is an urgent need for legislative reforms to rectify such issues. Street

dwellers are having worse living conditions and there are no development and welfare schemes for them. The benefits of various welfare schemes for herfolk, scheduled caste/ scheduled tribes and colony/slum inhabitants too do not reach the target groups fully. dufile to certain drip on the path from the Government to them. Measures shall be taken to tackle these problems. He requested every member for their active participation and cooperation in the meeting.

Shri. C. P. Nair (Member, ARC) expressed his concerns about SC/ST groups and colony/slum inhabitants. He said that since independence there is no efficient action taken for the welfare of such marginal groups. He brought into attention recent incidents by which the adverse living conditions of the vulnerable groups were brought into light. The livelihood status of Adivasis is very poor and alcoholism is a major problem there. He stated that the transaction of land owned by the Adivasis shall not be allowed. The groups are not getting the benefits of Scheduled Caste & Scheduled Tribes Act. Even though many thousands of rupees have been spent for them, still their living conditions are worse.

Shri. S.M. Vijayanand (Ex. Chief Secretary) said that as per a study by CDS, outliers in Kerala model were identified. Marginal groups contribute to the inequality in Kerala. The long term effect of alienated feeling in marginal groups will be a threat to the society. Even though Kerala is known as a welfare state and is the state with proper planning, minority issues exist in the state.

The fisherfolk suffer from lack of awareness, trust issues, lack of participation, etc. The major issues with regard to the fisherfolk are:

- There shall be a sub plan for fisherfolk like that of tribal sub plan and the folk should be aware of the activities for them in the field of education, health, etc. to be implemented every year. Participatory approach and status study shall be a part of this plan.
- Right to education shall be implemented in its real spirit.
- Kudumbashree is absent among fisherfolk communities. Single Self Help Group (SHG) is needed among them.
- It is high time to have a clear definition for the activities of Matsyafed.
- 'Coastal Pura' concept put forward by Shri. A.P.J Abdul Kalam shall be renewed and considered by the commission.
- Implementation of Community Based Disaster Mitigation with the participation of fishermen.
- The protocol for life and property shall be clearly stated.
- About 10,000-15,000 people living on the coastal edge shall be rehabilitated. The properties left by the rehabilitated people shall be set as common property.
- Alternative methods for coastal protection shall be considered.
- Joint discussion for fishermen having traditional wisdom and scientists shall be organised.
- New acts or reformed acts shall be made based on consideration, livelihood and regulation.

Presently, there is no data available regarding the status of street dwellers. Data collection is urgently required. The street dwellers are mostly from other states and this must be considered. He suggested the following regarding the street/slum dwellers:

- Hunger free Kerala is successfully implemented by the Finance minister in Alappuzha. This shall be expanded to other places.
- Standard night shelters shall be started.
- Implementation of regulations in Senior Citizen Act.
- Slums in Kerala cannot be compared to typical Indian slums. Slum in Kerala shall be clearly defined.
- Delhi model for slums shall be studied.

The current job opportunities in Kerala are IT, Migration and Tourism based. So, the opportunities for SC/ST people are less. More opportunities for them shall be found out. In the case of tribal people, a lot of exploitation occurs. He made the following recommendations for effectively implementing the welfare activities for the tribal people:

- Forest products are the exclusive wealth of the tribes. In the current scenario, exploitation occurs in the name of forest protection samithis. This shall be taken seriously.
- Unwed/Abandoned mothers are a serious issue to be addressed. This shall be taken into consideration in view of women's rights.
- SC/ST hostels in Telangana and Andhra are remarkable. This model can be followed in Kerala.
- SC/ST hostel warden shall be a highly qualified person; may be a MSW degree holder.
- Model Residential schools shall be restructured.
- Reservation is not available in the private sector. Affirmative actions could be taken in this regard.
- There shall be a subset for SC/ST in sustainable development goals.
- SC/ST survey needs to be done.
- For tribals, land registration shall be done with relaxations.
- Tribal sub plan of 2003 shall be implemented.
- IAS officers shall serve for a minimum period of 3 years as Project Officers in tribal areas.
- In the case of non- timber forest products, a concept called 'the 3rd sector' from Japan can be implemented.

He also highlighted the need for a Human Development report and special social audit.

Shri. S. Subayya (Principal Secretary (Retd.)) commented that for fishing up to 12 nautical miles, state government license is needed and fishing beyond 12 nautical miles requires license from central government. The Sagar Mala scheme which is to be implemented by the central government will lead to the loss of coastal settlement from the hands of fisherfolk since non fishers will get license for fishing.

Multi storeyed buildings shall be built for them within 3-4 Km from sea shore and facilities shall be available for commuting from settlements to sea every day. Right to education and skill development shall be given. Brokers should be isolated from auction of fish in seashore and the government should provide assistance to make and sell value added fish products. He added that shelters shall be made for senior citizens. Hostels

may be made available for workers with family who have come for a few days of work. He said that there is no need of using the terms 'colony/slum dwellers' in Kerala. There shall not be a department called SC/ST department.

After his speech, the participants were divided into four groups to discuss among each other the issues and the way forward for the issues among the marginal groups. The problems of fisherfolk, Scheduled Caste/Scheduled Tribe, Slum/colony dwellers and street dwellers were discussed. The major recommendations put forward are as follows

III. Recommendations from Group Discussion

Fisherfolk

On behalf of the group, which discussed the fisherfolk community, Dr. Johnson Jament briefed the points deliberated there.

- The Government's share from the large scale fisherfolks should be charged in a timely manner. Any failure in this may affect the activities of the Fisheries Welfare Fund Board. At the same time, more clarity should be ensured regarding their financial contributions. Their involvement in fishing harbors and fish landing centers should be monitored and made under Government Regulations.
- The activities of fisheries welfare fund boards can be improved by making the welfare fund registration cess mandatory to all. Payment dues to the welfare fund board should be tracked and fines should be properly charged from those violating it.
- Determine the limits set by the Fishermen's Welfare Fund Board for registration as fishermen, and identify and prosecute fake workers who receive fake benefits.
- Establish the Fisheries Commission in the similar form of "Vanitha Commission" to coordinate all activities related to fisheries and to resolve complaints and issues.
- If the fishermen are fishing after the age of 60 years and are eligible for pension, then they should be covered for the risk of employment.
- A law should be introduced for authorizing the Welfare Fund Board for effectively collecting a fixed percentage share from the first sale at harbors, landing centers, etc.. Penal actions should be taken against those who fail to do so. Steps should be taken to address the legal hurdles in imposing cess to the export merchants.
- Take legal remedial measures to compensate in case of death or accident while fishing at sea, irrespective of age.
- Implement the statutory retirement scheme for all fisherfolks. Those who pay a share in the welfare fund should be able to get back double the amount paid when they retire. Authorise State Insurance Corporation for implementing this scheme.
- Implement permanent and sustainable projects that do not interfere with coastal erosion.
- Minimize constructions in coastal areas which are harming the coast.
- There should be no legislation that would prevent fishing of the traditional fishermen community.

- Legislation should be made to the Tenure Trustee of the Seaside Land. Restrict the rights of the newly created coast to the fishing industry. Give ownership only for the seaside dwellers.
- The biggest problem faced by fisherfolks today is that they do not own land or have legal rights to their home. This shall be studied and further actions shall be taken.
- Strict measures should be taken to prevent the spread of plastic waste from land to sea. It is becoming a major obstacle to fishing.
- Prioritise fishing in the backwaters for the inland fisherman.
- Formulate the immediate implementation of the Aquarian Reforms Act.
- Implementation of Marianadu Model in Coastal Areas.
- Conduct studies on the fisherman's reservations.
- Perform a thorough health check-up on the coast. Take action and implement the health package.
- Fisheries schools should be restricted to the children of fishermen only. Consider others only in case of their absence.
- Establish Fisheries Technical School and College with courses related to sea, coast and fishing and reserve them for fishermen community.
- Implement Fee waiver (including application fee) and other benefits in KUFOS for the children of fishermen community.
- Fisheries Debt Relief Commission should be extended to 2014 as the Agricultural Debt Relief Act was extended to 2014.
- Turn the Matsya Bhavan into a village level grievance hearing ground for the Fishery Commission.
- Provide interest free loans to women of the fishing community.
- Create livelihood opportunities for females as part of rehabilitation.
- Perform fish related quality inspection and processing under the Food and Safety Department.
- Take measures to maintain cleanliness and health of Private Fish Processing Plants.
- In all fish landing centers and harbors, women should be provided with special resting places and basic facilities.
- Basic information about the coastal fisheries sector is changing. Therefore, create a resource group for the coast to periodically update such information. Involve the youth and senior fishermen of the region.
- The newly introduced fishing regulations require that traditional fishermen be excluded and protected under a new law.
- Enact restrictions on the use of plastics in fishing methods that harm the environment and fisheries.
- Take steps to provide lump sum benefits to those studying in institutions outside the state.

- Implement a new scheme to provide financial compensation (rice only ration is not sufficient) for all fisherfolk who lose their jobs and income due to the severe weather warnings.
- Ensure benefits to the children of fisherfolk engaged in all types of education (irrespective of admission quota).
- Implement a free housing scheme through the Fisheries Department.
- Incorporate the knowledge and culture of fisherfolk into the curriculum
 - i. Upgrade and maintain fisheries markets under the control of fisherwomen and considering their needs.
 - ii. Extend Kudumbasree activities to the fisheries sector, implementing diversification of fish resources and finding outbound markets with the help of Kudumbasree.
- The law should provide for the availability of all benefits of fishermen to allied workers.

Scheduled Castes

The group discussion regarding the issues of Scheduled Castes was led by Shri. Sreemandiram Prathapan. On behalf of the group, Shri. Ravikumar K. briefed the points deliberated in the discussion.

- Implement comprehensive land policy on farmland by replacing the land/colony policy adopted by India & Kerala after independence.
- SC/ST development department must adhere to the guidelines of having 50% reservation to the SCs.
- Implement Housing Project for the SC through the SC Development Department.
- Official level review committees should properly fill vacancies through special recruitment.
- Increase funding on housing and land purchase on a regional basis.
- Establish a regional level Advocate panel in Taluk and Panchayat under the Atrocity Act to help victims in preventing criminal escapes.
- Urgent installation of public cemetery in all panchayats.
- Scheduled Caste should be given at least one-day time for formulating the schemes in People's Planning. The working committees should be given classes related to planning.
- Simplify the existing rules and take steps to fully implement the existing reservation.
- Ensure awareness and food security in the healthcare service.
- Simplify the complexities in grant applications of school/college students.
- Establish panchayat level 'Vinjanavadis' in all places.

Scheduled Tribes

Shri. P. P. Gopi IAS (Ret.) briefed the major recommendations as put forward by the group which discussed the issues faced by the Scheduled Tribes. The recommendations put forward include:

- Regarding the Scheduled Tribes and other Forest Dwellers (Recognition of Forest Rights) Act 2006
 - iii. The general feeling among the ST representatives in the group was that the Forest Officials are not sincere in implementing the Forest Rights Act.
 - iv. Instead of issuing 'Possession Certificate', 'Pattayam' should be issued, if required with stringent conditions to prevent selling, alienation or giving on lease/rent etc.
 - v. Official documents like possession certificate (though not preferred) and 'Pattaya' should contain the correct extent, exact location and clear boundaries. (At present some possession certificates contain only rough sketch)
 - vi. Another complaint raised is that the Forest Officials encroach upon and take possession of land, even in those lands for which possession certificate was issued, by ignoring their own boundary (Genda).
 - vii. Forest officials are compelling tribals living in interior forests in the guise of evicting them from Tiger Reserves to protect their life and property. This should be stopped, and rehabilitation from interior forests should be only on the basis of willingness and consent of tribals.
 - viii. The right to collect and sell the minor forest produce should be restored to the tribals as the present Vana Samarakshana Samithis are not at all in the best interest of the tribal people. They should be allowed to procure minor forest produce from the whole forest areas.
 - ix. Plantations whose lease period is over should be taken back by the Government and distributed to the landless people including the tribals.
 - x. Land lost by the tribals should be restored to them in a time bound manner.
- Hostels

All ST students demanding hostel accommodation should be provided hostels. Girls' hostels should be provided with female employees only. Boys hostels should have male employees only.
- Anganwadis

Anganwadis serve children in the age group of 0-5 years, adolescent girls, pregnant women, lactating mothers, and aged people. All tribal colonies should have one Anganwadi each. Qualified ST women belonging to that area only should be placed in such Anganwadis.
- Tribal Food

There is a general belief that the health of the tribals will be satisfactory if they are allowed to use ethnic food which includes Ragi, Thina etc. Government should, therefore, encourage the tribal people to have their ethnic food.

- Fee/Hostel Fee of Students Belonging to STs in Self Financing Colleges

It has been stated that several students belonging to STs are not getting fees/hostel fees for their studies in self-financing colleges. This issue has to be resolved.

- Higher Studies & Hostel Facilities

It is noticed that due to the centralised allocation, those seeking admission to plus two, Degree courses are often admitted to school/colleges away from their native place. There are several problems in this case. Firstly, many ST students are reluctant to go to far off places for studies. Secondly, in far away schools/colleges hostel facilities may not be available to all students and those unlucky students who are not able to secure hostel accommodation may opt out of higher studies. Thirdly, in several aided schools and colleges, the authorities will admit SC/ST students to hostels on payment of fee in advance telling them to get it recouped when the SC/ST Department makes payment to the institutions. This will also drive the SC/ST students away from the schools/colleges.

In order to address these problems, governments may devise a policy to give admission to SC/ST students near to their native place or the place they choose. Similarly, schools with paucity of hostel facilities, sufficient hostel facilities should be provided.

- Primary Education

Hundreds of ST students face the problem of language, especially those in primary classes. They use the tribal dialect when they are in colonies/habitats. Tribal dialect is not familiar to the majority of teachers and the language spoken by non-ST students and non-ST teachers is unfamiliar to ST students. It is true that there are some texts in tribal dialect, but the teachers are not familiar with them. This issue has to be sorted out by SCERT or any other Agency/ Expert committee.

- Model Residential School & Teachers

At present, Model Residential Schools and other schools under the control of SC/ST Development Departments are manned by teachers belonging to the General Education Department headed by the DPI. Under the existing system, in the appointment and transfer of teachers, the SC/ST Department has no control. In several cases, teachers posted to MRS and other SC/ST Department Schools show no genuine interest in teaching. Some are posted on punishment transfer. Some are seeking posting near to their native places. This has caused untold miseries and hardships to the ST students.

In the above circumstances, it is suggested that the SC & ST Development Departments may be allowed to recruit teachers through the PSC and a separate cadre of teaching staff established. Then only the grievance of MRS will be redressed.

- Selection of Students Belonging to SC & ST for Coaching for Entrance Examination

At present, students having higher grades alone are selected for coaching in private coaching centres for preparing for Entrance Examination. The general demand was that the department might allow all eligible SC/ST students to appear for the preliminary screening test of the coaching centres so that all are given a fair chance to be admitted for coaching. This may be considered

- Kerala State SC/ST Development Corporation Ltd, Thrissur

ST representatives in the group were unanimous in demanding the bifurcation of the above corporation for establishing a separate corporation for STs only. They argued that at present the corporation is not catering to the needs of STs on a satisfactory level, commensurate with the needs of tribal people. Government may consider it favorably.

- Reservation in Appointment

As per prevalent rules, reservation is allowed in Government service to SC and STs, among others. There is 8% for SC and 2% for STs. There is a high power committee chaired by the Chief Minister to oversee the appointments under the reservation quota. In order to facilitate a realistic assessment of the appointments under the above 10% quota, all the Heads of Departments are required to submit to the Government an Annual Report indicating the total number of Gazetted, Non-Gazetted and Last Grade posts in the Department and the total number of SC & ST people in each category.

Although everything appears perfect in rules, orders, circulars etc., the ground reality is unfortunately miserable. First of all, a large number of HODs are not sending the annual report to the Government who in turn keep a blind eye to such negligence. There are Departments who never send annual reports to the Government, as they know that nobody will take any punitive action. The Government in turn will present the available data before the High Power Committee and the review will be based on the available data. In 2018, only 54 out of a total 85 departments have filed the Annual Report to the High Power Committee.

Another pathetic situation is in the matter of filling up of the posts earmarked for appointments from among SCs & STs. Details are as follows :

SC

- In 2016 out of 950 vacancies, only 109 were filled up
- In 2017 out of 1144 vacancies, only 24 were filled up
- In 2018 out of 1321 vacancies, only 63 were filled up

ST

- In 2016 out of 795 vacancies, only 102 were filled up
- In 2017 out of 1162 vacancies, only 14 were filled up
- In 2018 out of 1122 vacancies, only 19 were filled up

The current situation shall be studied. There is inordinate delay from the part of PSC.

The next anomaly in dealing with the appointment of SCs & STs is the manner of calculating the percentage of representation of SC/ST people in Government Service. Even at the stage of allocation of the posts for SC/ST reservation, without even reporting to the PSC for recruitment, they will be deemed part of representation. In other words, SC & ST representation in Government service is calculated anticipating future selection, recruitment and posting. Even

the State Planning Board in its Annual Economic Review publishes data based on such irregular computation. It is also suspected that the PSC is following an irregular practice of allocating SC/ST candidates securing high ranks to reservation quota. It is against government directives.

- i. All HODs should be directed to report the correct staff strength and the number of SC, ST people holding the different category of posts. Lapses on the part of HODs should be punished;
- ii. PSC should be directed to take action on a war footing to fill up pending vacancies either through special Recruitment or by any other method.
- iii. SC, ST representation published in official publications should be realistic and it should not be on the basis of future selection, recruitment and posting. It should be based on actual position.
- iv. PSC should not allocate candidates securing higher ranks entitled to be included in 'merit' quota to Reservation quota.

Slum/Street Dwellers and Residents of Colonies

On behalf of the group, which discussed the slum/street dwellers and residents of colonies, Smt. Jayakumari (Project Officer, UPA cell, Corporation Office, Thiruvananthapuram) briefed the points deliberated there.

Problems :

- Most people on the street have mental illness and are unable to find the address.
- Hospitals are not allowing any fee waiver for those who are ready for rehabilitation. Admitted persons are not getting expert treatment because of not having a bystander.
- Media's involvement is misleading the services of NGO's.
- Lack of identity stands as a barrier in helping the eligible.
- Even if Police are informed about those on the streets, they are not ready to protect them. This is due to the lack of sufficient government agencies to resettle them.
- Not giving recognition to those agencies, which are willing to resettle the street dwellers.
- Inhibiting the employment of infectious and sexually ill people in hotels to cause serious health problems.
- Late night sleeping on the street cause drug trade and sex work to flourish.
- Lack of identities for the resettled people leads to Police action and disables the functioning of agencies.
- There is no system in railways to identify and prevent the disabled people illegally entering our state. This increases the number of inhabitants in the streets.
- In the case of the slum dwellers, most of the children and young people are addicted to intoxication. As a result, they tend to skip their studies and go to work.

Remedial Measures:

- Organize awareness programmes to avoid giving alms to those on the streets.
- Operate a mobile unit in all district centers to locate and rehabilitate street dwellers and improve living conditions. The unit shall function in tandem with the cooperation of police, hospitals, court and rehabilitation centers. It should be equipped with facilities for verifying the identity.
- Court's assistance should be provided in handing over the person to the relatives upon identifying the address.
- Allocate special funds (for housing, education, job) to help deserving persons in Kerala as soon as they are found.
- Provide institutional ID to rehabilitation centers and make treatment free.
- Keep the data bank of those who are rehabilitated from the street. Conduct medical checkup and further treatment.
- Plan awareness programs against intoxication in slums and organize arts and sports related activities, which can aid in mental and physical health of children and youth. It will help to improve educational standards.

Smt. Neela Gangadharan (Member, ARC) concluded the discussion by pointing that the legislations are not reaching all the target audience. While making legislations, the specialties of each group shall be considered. Specially trained officers shall be posted among mentioned communities. Awareness shall be built up in every person. She also pointed out the following:

- Institutional set up shall be reviewed and shall be integrated.
- There is insufficiency in data related to human development. Such data shall be made available. Moreover, data integrity is important.
- Tribal education is very weak. Attention shall be given for school infrastructure, sports school, vocational education, stipend, etc.
- Inadequacy in primary health centres in tribal areas. Also, a diversified food basket shall be given to tackle nutrition problems.
- Initiatives from the part of the private sector using CSIR funds shall be studied.

Smt. Titty Annie George (Deputy Collector, ARC) expressed sincere gratitude towards all participants for their wholehearted participation and fruitful suggestions.

PANELS FOR DISCUSSION

Group I: Street / Colony / Slum Dwellers		No	Name
No	Name	3	Adv. Lalfimon O.L.
1	Manual George	4	Jugin Aravind
2	Jaya Kumari P. R.	5	Manjusha R.
3	R. Kusumakumari	6	Athira R.
4	Willybroad	7	Renganath V.
5	Sr. Augustine Nirappal	8	P.K.Gopi
6	Aswathy Jwala	9	K.Sivaraman
7	Santhosh Kumar S	10	Sreemandiram Prathapan
Group II: Scheduled Tribes		11	Ravi. K.K.
No	Name	12	Sanal Kumar E.
1	Mohanan Thriveni	13	Binu B.
2	Sanilkumar S.	14	Madhuri.V
3	Seethathodu Ramachandran	15	Adv. A. Sreedharan
4	P.P. Gopi	16	C.A.Narayanan
5	E. Ayyappan	17	Gopidasan M.V.
6	Anitha	18	B. Sree kumar
7	Omana	Group IV: Fisherman Folk	
8	Ratheesh. S	No	Name
9	Pushpangathan Kani	1	Seeta Dasan
10	Iythyoor Surendran	2	Adv. Adol F.G. Morais
11	E.A. sankaran	3	R. Ansjin Gomes
12	P.K.Sajeev	4	Ummar Ottummal STU
13	Satheesan	5	Panathara Vijayakumaran
14	K.Sasidharan	6	Dr. Joseph M.K.
15	Eswariresan	7	Dr. Johnson Jament
Group III: Scheduled Caste		8	K.Rajinesh Babu
No	Name	9	A.T.Sreedharan
1	P.K.Kumaran (Ex.MLA)	10	Dr. Celine Sunny
2	K.Ravikumar	11	A.J. Vijayan

Appendix II

EXECUTIVE SUMMARY

Public Hearing, 22 January 2019, Kasaragod

I. The Background

The State of Kerala has always made it a point to address the needs of the sidestepped and vulnerable communities through the effective implementation of relevant acts and schemes. The evidently high rate of educational attainment, better sex ratio, low infant mortality rate and better access to education and medical care may be mentioned as a few of the laurels that the State has to its credit. However, despite diligent efforts to ensure timely and appropriate service delivery, the Government is not able to shape trust and perception among the public. A major concern is the cluster of interrelated problems faced by the traditional fishermen community. Taking cue from this, the Administrative Reforms Commission had decided to hold a hearing session on the problems faced by the fishermen communities and to devise practical solutions.

II. The Public Hearing

The Government of Kerala has set up the Administrative Reforms Commission (ARC) to study various issues in governance and to suggest reforms to make the public services more public-centered, efficient, effective, equitable, affordable, accountable, sustainable and accessible to all. The Commission has selected “Citizen First Services” as an important area of its study. In this backdrop, the Commission held a public hearing session on the topic “Coastal Areas and Fishermen” in the afternoon of January 22, 2019 at District Institute of Education and Training (DIET) Hall, Kasaragod, to identify and analyze the problems of the fishermen communities in the region. Various government functionaries, dignitaries from Non-Governmental Organizations and members from the target groups turned up at the venue to voice their opinions and concerns.

Shri. C. J. Suresh Kumar (Under Secretary, ARC) welcomed the members of the Commission, the participants and organizers to the hearing. He adjured the participants to express their views and suggestions.

Smt. Sheela Thomas (Member Secretary, ARC) said that it is the responsibility of a government to ensure that the services are delivered to the citizens in the most appropriate manner. She urged the participants to participate in the hearing wholeheartedly and to put forward feasible solutions to various problems faced by the fishermen in their livelihood as well as in the service delivery by concerned departments/organisations.

III. Summary of Verbal Comments Received at the Hearing

Shri. Kaatadi Kumaran (District Secretary, Matsya Thozhilali Union and Director, Matsyafed) listed out several issues faced by the fishermen in the district and suggested certain measures to overcome the same.

His major suggestions include:

- There have been hitches in the scheme implemented by the government for rehabilitating the families with houses at a distance of 50 m or less from the sea. However, as a result of the difficulties in buying new land, the scheme was not effective. During rehabilitation, the compensation shall be fixed as per the prevalent value of the land.
- The facilities of the hospitals in the coastal areas shall be uplifted. The health insurance schemes shall be implemented properly.
- Special consideration shall be given to the fishermen in the LIFE Mission. If possible, a special quota shall be allotted for the fishermen.
- The construction of the Kasaragod Harbour shall be completed at the earliest.
- The construction of Ajanur Fishing Harbour shall be completed in a timely manner.

Shri. R. Gangadharan (Secretary, Matsya Thozhilali Congress) stressed on the need for rescue boats in the district. His major recommendations include:

- The construction of Pulimutt (breakwater) is going on in an unscientific manner. Adequate measures shall be initiated so as to ensure appropriate length and mode of construction, and thereby to prevent possible damages to the ships and boats.
- The district does not have its own rescue boats. For rescue operations, the rescue boats are either hired from private parties or from Kannur district. It takes up to 4 hours for the rescue boats from Kannur districts to reach the coastal areas of the district. In this backdrop, efforts are needed to buy a rescue boat for rescue operations in the district.
- Due to the lack of maintenance, the sea walls built could not be seen in many places.
- The financial assistance of Rs. 1,350/- given to the fishermen through the Thanal scheme shall be re-established.

In response to the statement regarding the non-availability of rescue boats in the district, Shri. C. P. Nair stated that the District Collector should have adequate power to avail rescue boats from Coast Police or Coast Guard, as and when needed.

Shri. K. Narayanan (President, FWICS 115) mentioned that as a result of the exploitation by larger boats, smaller boats are not able to capture fish and consequently are not able to withstand the competition in the market. He also stated that the subsidy scheme for kerosene shall be implemented properly.

Shri. P. Kunjikannan (Social Worker) remarked that the traditional fishermen in the Trikaripur region are not able to operate in the market. There are no amenities even for the ladies. He added that in the market, a fish vending shop has been allotted to a private party against the rules and that as a result of it the traditional are not able to sell their fish. He requested to take necessary actions to improve the conditions of the market.

Shri. A. Ambunji (Member, Matsya Thozhilali Union (AITUC)) said that the financial assistance for destroyed fishing boats, nets, etc., shall be distributed at the earliest. He also requested the Revenue Department to study whether Pattaya could be given in the Poramboke lands on river banks.

Adv. U. S. Balan (State Vice President, Dheevara Sabha) mentioned certain issues which demand urgent actions from the concerned authorities.

Those include:

- A Fisheries Station was built at Keezhoor by the Kerala State Coastal Area Development Corporation (KSCADC) Limited, spending around 50 lakh Rupees. However, neither inauguration has been done nor adequate posts have been created so far.
- The library in the Kasaba coast is not maintained properly.
- No action has been taken for the construction of Ajanu Harbour, since primary studies for the same. Operation of the same could benefit the fishermen in the area.
- The development activities in various harbours in the district are being delayed considerably.
- The arrival of boats from faraway places is causing conflict in the deep waters.
- The schemes for disaster relief were not implemented properly after the Okhi.

In reply, Smt. K. Vanaja (District Manager, Matsyafed) said that a harbour is urgently needed. Even though the district has 12 mini landing centres, during adverse conditions when boats could not be landed, fishermen are forced to sell the fish at lower rates to avoid decay. She added that the subsidy for kerosene is remitted directly to the bank account of the consumers and that the same has been distributed till 2018 August only.

Shri. V. V. Uthaman (Former President, Valiyaparambu Panchayat and President, Fishermen Co-operative Society FCS 725) made the following recommendations at the hearing:

- Retirement benefits shall be distributed to the fishermen with membership in the welfare board.
- Similar to the assistance given to the farmers in the form of seeds and fertilizers, fishermen also shall be given bonuses.
- Reservation shall be initiated in educational institutions for children of fishermen families, as they are finding it very difficult to pursue education after completing their higher secondary education.
- Scientific studies are required to analyse the causes for frequent sea attacks. Illegal sand mining could be one among the reasons.
- The auction of fish at the market often leads to conflicts. This could be solved by bringing this under the aegis of fishermen co-operative societies.

Shri. Prasanthan (Member, Jagratha Samithi, Hosdurg) informed that during adverse conditions in the sea, ordinary boats could not be used for rescue operations and that a rescue boat with all basic facilities are required. He added that the persons working in the coastal areas shall be included in the Coastal Area Jagratha Samithi met at the Collectorate before every monsoon, as they could implement the suggested measures more effectively in the region. He also said that urgent actions are needed to complete the construction of Ajanur harbour.

Shri. Raghavan M. (Social Worker, Trikaripur) said that the government is neglecting the needs of the district while devising new schemes and programmes. He added that people with overseas experience and wealth are capturing the industry and are destroying the traditional fishermen communities.

Shri. P. Swamikutty (President, Thaikadappuram Society) made the following recommendations at the hearing:

- There are 29 fishermen co-operative societies in the district, with 1000-1500 members. Although formed in 1986, no significant progress has been witnessed and are operating in losses amounting to crores. Measures shall be taken to help these societies in paying the debt.
- Unscientific fishing has resulted in the decline in fish resources. Unlawful fishing during night times is also prevalent in the district.
- A fishing/fish vending zone is needed in Nileschwaram.

Shri. P. V. Sukumaran (A fisherman) said that 40 litres of kerosene is being supplied for one month, whereas 40-50 litres of kerosene is needed on a daily basis. Consequently, fishermen are forced to buy kerosene from private vendors on much higher rates.

IV. Key Recommendations

The key recommendations from the public hearing are as follows:

- The construction of Kasaragod harbor and Ajanu harbor shall be completed in a timely manner.
- Adequate measures shall be taken to operationalize the Fisheries station at Keezhoor.
- The construction of breakwaters shall be done in a scientific manner so as to ensure appropriate length and mode of construction, and thereby to prevent possible damages to the ships and boats.
- Rescue boats shall be allocated for carrying out rescue operations in the district.
- Sea walls shall be maintained regularly.
- The financial assistance of Rs. 1,350/- through Thanal scheme shall be re-established.
- Regulations regarding the prescribed region for fishing shall be enforced.
- Basic amenities shall be ensured in the fish markets.
- The facilities of hospitals in the coastal areas shall be modernized.
- Health insurance schemes shall be implemented properly.
- Special consideration shall be given to the fishermen communities in the LIFE Mission.
- Retirement benefits shall be extended to the fishermen with membership in the welfare board.
- Children from fishermen communities shall be given a special quota for pursuing education after completing higher secondary education.
- Scientific studies shall be conducted to identify the causes for frequent sea attacks.
- The fish auctions at the fish markets often lead to conflicts. Therefore, the fish auctions shall be brought under the aegis of fishermen co-operative societies.
- Necessary actions shall be initiated to aid the co-operative societies in repaying the debt.

Smt. Titty Annie George (Deputy Collector, ARC) expressed her appreciation and gratitude towards all participants.

PANELS FOR DISCUSSION

No	Name	Designation
1	R. Gangadharan	Secretary, AIF Congress, Kasaragod
2	Kattady Kumaran	Matsyafed Director, Matsya thozhilali Union District Secretary (CITU)
3	K. Narayanan	Adukkathankal Beach, Kasaragod
4	K. Vanaja	District Manager Matsyafed, Kasaragod
5	K. Ajitha	Deputy Director, Fisheries Department, GoK
6	A. Ambunji	AITUC
7	T. Kunjiraman	Thrikaripur Ulnadan Matsyathozhilali Kshema Sangam, Karivellur
8	P. Kunjikkannan	Edattummal P.O., Trikaripur
9	Raghavan M.	Social Worker, Matsya Thozhilali Sector, Thrikkaripur
10	Vijayan V.	Social Worker, Matsya Thozhilali Sector, Thrikkaripur
11	Abdul Kareem A.	PRD
12	Dr. A. P. Dinesh Kumar	DMO
13	Donmol Agric Felin	AC,KSCADC
14	Munanza Sulthan M. B. S.	Clerk, Deputy Director Of Fisheries, Kasaragod
15	Rajesh K.	J.S., Fisheries
16	Ahammed Shafeeque P.	Project Coordinator, Fisheries Department
17	Sangeetha P.	Project Officer, Matsyafed , Kasaragod
18	Madhusoodhanan M.	DIO, I&PRD
19	P. Swamikutty	President, Thaikadappuram Society
20	V. V. Uthaman	President, FCS 725
21	Nimesh Babu K. V.	District Secretary, Kerala Govt. Nurses' Association
22	Rajesh B.	Kanhangad
23	P. V. Sukumaran	Kasaragod
24	Prasanthan	Kasaragod
25	Rameshan P. V.	BMPS
26	Abdul Kareem	Kasaragod
27	Kumar Kavugoli	Kasaragod
28	M. K. Vishwanath	Kasaragod
29	Gangadhara K.	Kasaragod
30	Nalina K. Shan	Kasaragod
31	Titty Annie George	Deputy Collector, ARC.
32	C. J. Suresh Kumar	Under Secretary, ARC.
33	T. S. Praveen Kumar	Under Secretary, ARC.
34	Vivil Kumar S.	Assistant Section Officer, ARC.

Appendix III

EXECUTIVE SUMMARY

Public Hearing, 13 February 2019, Wayanad

I. The Background

The State of Kerala has always made it a point to address the needs of the sidestepped and vulnerable communities through the effective implementation of relevant acts and schemes. The evidently high rate of educational attainment, better sex ratio, low infant mortality rate and better access to education and medical care may be mentioned as a few of the laurels that the State has to its credit. However, despite diligent efforts to ensure timely and appropriate service delivery, the Government is not able to shape trust and perception among the public. A major concern is the lack of development and educational attainment in certain segments of the society. Taking cue from this, the Administrative Reforms Commission had decided to analyze the accessibility, transparency and responsiveness of the service delivery mechanism in the state and to devise strategies for addressing the needs of the deprived sections.

II. The Public Hearing

The Government of Kerala has set up the Administrative Reforms Commission (ARC) to study various issues in governance and to suggest reforms to make the public services more public-centered, efficient, effective, equitable, affordable, accountable, sustainable and accessible to all. The Commission decided to study the problems of the tribal people. In this backdrop, the Commission held a special hearing session in the afternoon of February 13, 2019 at Wayanad on the topic, “Problems and Hopes of Scheduled Tribes”. Various government functionaries, dignitaries from Non-Governmental Organizations and invited members from the public turned up at the venue to voice their opinions and concerns.

Smt. Titty Annie George (Deputy Collector, ARC) welcomed all the participants to the public hearing. She informed the audience about the purpose of the hearing session and urged the participants to share their opinions wholeheartedly.

III. Summary of Verbal Comments Received at the Hearing

Shri. Geethanandan M. (Coordinator, Adivasi Gothra Mahasabha) pointed out certain drawbacks in the current service delivery mechanism and made the following recommendations at the hearing:

- Outdated administrative practices must be avoided.
- Manipulation exists in the current ITDP approach. This shall be prevented.
- The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 shall be implemented.
- The grama sabhas shall be recognized as the fundamental body for recognizing rights, as laid down by the Forest Rights Act, 2006.
- State legislations shall be framed to make oorukoottangal equivalent to the grama sabhas.

- In areas such as Attappadi, Kasaragod, Idukki and Wayanad regional offices shall be set up by the department, and the charge shall be given to officers not less than the rank of Deputy Director.
- The post of ST Promoter shall be made permanent and shall be made answerable in the aspects of health, social security, etc.
- ST Ministry, ST Corporation and ST Commission shall be set up.
- A bank for availing land loans to the ST communities shall be set up with the Government as guarantor.
- Special recruitments shall be conducted for the most backward communities such as Paniya and Kattunayaka.
- The Paniya community must be considered as Particularly Vulnerable Tribal Group (PVTG).
- A legal provision shall be made for conducting pre-trial assistance for members of tribal communities.
- Colleges in the state shall be developed to accommodate more MSW courses.

Smt. Devaki A. (Chairman, Standing Committee, Wayanad District Panchayat) stressed on the educational status of the district, especially in the tribal areas and highlighted several issues with the tribal students. Her suggestions/concerns include:

- Teachers of schools in the tribal areas are marking attendance of the students who are continuously absent. This leads to difficulty in identifying the students before being dropped out.
- In addition to the uniform and books, provision shall be made to supply one or two pair of dresses to tribal students, for wearing while at home.
- Representation shall be given to Kurama and Kurichya communities in all sectors.

With regard to the issues raised, Smt. Neela Gangadharan (Member, ARC) consulted with Shri. Prabhakaran K. (Deputy Director of Education, Wayanad) on the language issues at schools and the schedule of the vocational training in the tribal areas. She also inquired about the possibility of conducting bridge courses/ short term courses for drop out students.

In reply, Shri. Prabhakaran K. said that a list of 2,000 continuously absent students has been submitted at the Collectorate. The department is promoting ST Promoters/Volunteers, Gothra Sarathis, etc. He added that special residential camps are conducted in the month of February for 25, exclusively for Std. IX and Std. X students. He also informed that the vocational training is currently not being conducted. In addition to these comments, he made the following suggestions for benefit of the students in the tribal areas:

- Govt. shall take the lead role in providing at least menial jobs to some of the students in tribal communities who have passed SSLC or Plus two, so as to inspire other students.
- Dropouts could be reduced through pre-matric hostels and residential schools.
- Transportation facilities shall be arranged for all students from the tribal colonies.
- Ooru Vidyalayas (Special Schools) shall be initiated targeting one or two tribal colonies.
- Sports school shall be started for tribal students.

Shri. C. K. Saseendran (Member of Legislative Assembly from Kalpetta constituency) remarked that 2 percent reservation does not fit well with the 18 percent population in the district and added that all ST communities could be considered by providing special reservation within the current reservation system.

Shri. George Pulpara (Chairman, Health Standing Committee, Poothadi Grama Panchayat) said that certification by a Gazetted Officer/Ward Member should not be mandated for availing pension in the case of senior citizens from the tribal communities. Child labour shall be prevented among the tribal communities. He also remarked that job oriented education needs to be promoted.

Shri. Joseph E. G., (Rtd. Joint Director, Tribal Development Department) made the following recommendations at the hearing:

- Since the details regarding the land allotted are not properly maintained, therefore a detailed analysis of the land allotted shall be done through Village Offices, Grama Sabhas, Municipalities, etc. This shall be carried out under the supervision of the Commission.
- Unauthorized possession of land shall be identified and the land shall be ceased and distributed to tribal communities.
- The rights given to the tribal communities under the Forest Rights Act shall be preserved.
- The Commission shall examine why the forest village has not been converted into revenue village with appropriate corrections in the documents of the Forest Department, as per the 3(1) H section.
- The agricultural land, as envisaged by the 3(1) A section, has not been transferred to the tribal communities and this shall be considered as violation of rules.
- Autonomy shall be given to the Oorukkootams that came into existence in 2003.
- The management of the TSP fund shall be entrusted with the tribal people.
- PESA Act shall be implemented in the state.

Shri. Biju Kakkathode (State Chairman, Gothra) stated that the Deputy Director of Education shall appoint Mentor teachers from the communities with the majority no. of students in the respective schools. He added that child marriage is on the rise in the tribal settlements, as a result of the inefficiency of the Childline and ICDS.

Shri. Sreejith C. S. (Department of Physics, St. Mary's College, Sulthan Bathery) suggested the following during the hearing:

- Government shall study the representation of various tribal communities in the appointments through PSC.
- Tripura Durgabari Model shall be implemented as a trial run in the Wayanad Plantation Sector.
- The factories need to be set up to produce secondary products from the agricultural produce in the region.
- Reservation for ST communities shall be given in the aided as well as unaided educational institutions in Kerala.
- A Resource Mapping shall be done so as to aid the generation of services for producing secondary products and for management of such resources. This will eventually lead to the development of local communities.

Shri. Gopidasan C. (President, Kadar Vikasana Samithi, Wayanad) informed that the ST colonies do not have adequate facilities for cremation purposes and requested the Commission to intervene in the matter.

Smt. Cicily M. M. (ICDS Supervisor, Muttill Grama Panchayat) stated that schemes such as Gotra Sarathi shall be implemented for bringing the children in the colonies to the Anganwadis. She also remarked that schemes are imperative for promoting self-employment among the tribal girls of age below 18 years.

Smt. Seetha Balan (President, Adivasi Kshema Samithi, Wayanad) opined that the Commission may take initial steps to issue Pattayas instead of Kaivashabhoomis. She also put forward the following suggestions:

- Funds shall be allocated for preserving art forms of tribal communities.
- Awareness programmes, for reducing alcohol consumption, shall be conducted in the tribal colonies.
- The tribal people do not have adequate documents regarding the excess land distributed to them by the government. Therefore, a study shall be conducted regarding this.
- Oorukoottangal shall be improved.
- The post of Mentor Teacher shall be made permanent.
- The tribal communities have a minimal representation in the beneficiary list of LIFE Mission. This shall be rectified.

Shri. A. Chandunni (President, Kerala Adivasi Forum, Wayanad) stated that even though several Pattaya Melas are conducted, land is not given to the eligible persons. He also said that the Revenue department tends to reclaim the land already given to the tribal people claiming non-possession of land. This shall be checked.

Shri. P. Gagarin (Member, CPI(M)) opined that eligible candidates in the ST communities be given at least temporary jobs in the Govt. offices/PSUs in Wayanad.

Smt. Rugmani Subrahmanyam (President, Poothadi Grama Panchayat) stated that the 32 drinking water projects in the project are non-functional. The projects are not being approved by DPC. She said that either such projects promoted by the local bodies shall be approved by DPC or the local bodies be given the power for fund utilization of Rs. 10,000 and above.

Shri. P. V. Sahadevan (Member, CPI(M) District Secretariat, Wayanad) stated that the regulations for the welfare of SC/ST communities shall be revised in a timely manner. He also said that the government officials are not giving due importance to the special grama sabhas. This shall be changed.

Smt. Vijayalekshmi M. (Member, State Committee, Adivasi Mahaa Sabha) stated that a specialty hospital, with all facilities for the marrow transplant of sickle cell anemia patients, shall be set up in the district.

Shri. Balan Poothady (President, Kuruma Samajam & State Vice President, National Adivasi Federation) said that the current reservation of two percent is insufficient and that reservation shall also be mandated in the PSUs where PSC is not conducting the recruitment.

Smt. K. Mini (Chairman, Standing Committee, District Panchayat) said that the post of BareFoot Technicians shall be made permanent.

Shri. T. Mani (Councillor, Kalpetta Municipality) said that 13 persons are doing jobs of permanent nature in the Ambalavayal Cheengeri Farm and that provisions shall be made to appoint tribal persons in the farm. He also said that Wayanad Medical college shall be implemented as early as possible.

Shri. K. Kunjiraman (District President, Adivasi Vikasana Party) stated that schools need to be at Taluk level to preserve the customs and practices of tribal communities. He also requested the Commission to examine why the Tribal Development department is not utilizing funds allotted to write off the loans (up to Rs. 1 lakh) of ST people.

IV. Key Recommendations

The key recommendations from the public hearing are as follows:

- Manipulation exists in the current ITDP approach. This shall be prevented.
- The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 shall be implemented.
- The grama sabhas shall be recognized as the fundamental body for recognizing rights, as laid down by the Forest Rights Act, 2006.
- State legislations shall be framed to make oorukoottangal equivalent to the grama sabhas.
- In areas such as Attappadi, Kasaragod, Idukki and Wayanad regional offices shall be set up by the department, and the charge shall be given to officers not less than the rank of Deputy Director.
- The post of ST Promoter shall be made permanent and shall be made answerable in the aspects of health, social security, etc.
- Special recruitments shall be conducted for the most backward communities such as Paniya and Kattunayaka.
- The Paniya community must be considered as Particularly Vulnerable Tribal Group (PVTG).
- A legal provision shall be made for conducting pre-trial assistance for members of tribal communities.
- Representation shall be given to Kurama and Kurichya communities in all sectors.
- Govt. shall take the lead role in providing at least menial jobs to some of the students in tribal communities who have passed SSLC or Plus two, so as to inspire other students.
- Dropouts could be reduced through pre-matric hostels and residential schools.
- Transportation facilities shall be arranged for all students from the tribal colonies.
- Ooruvidyalayas (Special Schools) shall be initiated targeting one or two tribal colonies.
- Sports school shall be started for tribal students.
- Certification by a Gazetted Officer/Ward Member should not be mandated for availing pension in the case of senior citizens from the tribal communities.
- Unauthorized possession of land shall be identified and the land shall be ceased and distributed to tribal communities.
- The agricultural land, as envisaged by the 3(1) A section, has not been transferred to the tribal communities and this shall be considered as violation of rules.

- The management of the TSP fund shall be entrusted with the tribal people.
- PESA Act shall be implemented in the state.
- Government shall study the representation of various tribal communities in the appointments through PSC.
- Tripura Durgabari Model shall be implemented as a trial run in the Wayanad Plantation Sector.
- The factories need to be set up to produce secondary products from the agricultural produce in the region.
- A Resource Mapping shall be done so as to aid the generation of services for producing secondary products and for management of such resources. This will eventually lead to the development of local communities.
- Adequate cremation facility shall be arranged for ST colonies.
- Schemes shall be introduced for promoting self-employment among tribal girls below 18 years of age.
- Funds shall be allocated for preserving art forms of tribal communities.
- Awareness programmes, for reducing alcohol consumption, shall be conducted in the tribal colonies.
- The tribal communities have a minimal representation in the beneficiary list of LIFE Mission. This shall be rectified.
- A specialty hospital, with all facilities for the marrow transplant of sickle cell anemia patients, shall be set up in the district.
- The Tribal Development Department shall utilize the fund provided for writing off the loans of tribal people in a prompt manner.

Shri. V. S. Achuthanandan (Chairman, ARC) assured that all suggestions will be studied carefully and appropriate measures and strategies will be devised.

Smt. Sheela Thomas (Member Secretary, ARC) expressed her appreciation and gratitude to all participants.

PANELS FOR DISCUSSION

No	Name	Designation
1	Devaki.A	Chairman, District Panchayath Standing Committee
2	K.Mini	Chairman, District Panchayath Standing Committee
3	Seetha Balan	Committee Member, Schedule Tribe Advisory
4	Vijayalekshmi	State Committee Member, Adivasi MahaSabha
5	George Pulpara	Chairman, Health & Education
6	Sreejith.C.S	Dept Of Physics, St Mary's College
7	Geethanandan.M	Co-ordinator, Adivasi Gothra Mahasabha
8	Soman.VV	Tribal Chief (Ooru Mooppa)
9	Jineesh.E.V	AIO, PRD
10	Joseph.E.G	Mananthavady
11	T.Mani	All India Aadhivasi Mahasabha, Wayanad
12	Aravind.C.P	Mathrubhumi
13	Haseena.K	Welfare Chairperson, Muttill Grama Panchayath
14	Cicily.M.M	ICDS Supervisor, Muttill Grama Panchayath
15	Ismayil.C	TDO Bathy
16	A.Chanthunni	District President, Kerala Adivasi forum Wayanad
17	P.V.Sahadevan	CPI(M) Wayanad
18	Gopidasan.D	President, Kadar Vikasana Samithi,Wayanad
19	P.N.Muraleedharan	Secretary, Joint Council
20	Viswanathan.K.N	AEO, SBY
21	Saju.M.N	AEO, SBY
22	Rugmini Suhbramanyan	President, Poothadi, Wayanad
23	Prabhakaran.K	Deputy Director Of Education
24	Vikas.K	Deshabhimani
25	P.Gagarin	CPIM
26	K.Kunhiraman	District President, Adivasi Development Party
27	Biju	Kakkathode
28	Ratheesh.R	AKS
29	Balan.V	Member, Noolppuzha
30	Narayanan	Tribal Welfare Society, Noolppuzha
31	Ashokan.K.U	HM, MMHHS Kappiset
32	Balan	Aadhivasi President, Poothadi
33	P.Vamidam	ITDP



GOVERNMENT OF KERALA

Abstract

Personnel and Administrative Reforms Department – Administrative Reforms Commission – constituted – Orders issued

PERSONNEL & ADMINISTRATIVE REFORMS (AR -12) DEPARTMENT
G.O.(Ms) No.16/2016/P&ARD. Dated, Thiruvananthapuram, 06/08/2016

ORDER

Government hereby order constitution of Administrative Reforms Commission with a view to improve the efficiency of the State Administrative System. The composition of the Administrative Reforms Commission is as follows:

Shri. V.S. Achuthanandan, MLA,
Ex.Chief Minister,
Velikkakath,
Punnapra North P.O,
Alappuzha.

Chairman

Shri. C.P.Nair
Chief Secretary (Retd.)
'Seasons', PPD,
Kuravankonam, P.O,
Thiruvananthapuram.

Member

Smt. Neela Gangadharan,
Chief Secretary (Retd.),
No.528/Type VI, CPW Quarters,
27th Main Road, HSR Lay out,
Bengaluru -560 102

Member

Principal Secretary
Personal and Administrative Reforms Department

Member Secretary

The Chairman of the Administrative Reforms Commission will have the rank and status of Cabinet Minister and the members will have the rank and status of Chief Secretary to Government

The Terms of Reference of the Commission will be issued separately.

(By Order of the Governor)

S.M. VIJAYANAND
Chief Secretary to Government

To

Shri. V.S. Achuthanandan,
MLA, Chairman, Administrative Reforms Commission.
(Velikkakath, Punnapra North. P.O, Alappuzha).

Shri. C.P.Nair, Chief Secretary (Retd.),
[‘Seasons’,PPD, Kuruvankonam. P.O, Thiruvananthapuram].

Smt.Neela Gangadharan, Chief Secretary (Retd.)
[No.528/Type VI,CPW Quarters, 27th Main Road, HSR Lay out, Bengulure – 560 102]

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram
The Accountant General (A&E), Kerala, Thiruvananthapuram.
The Director, Information & Public Relations Department.
The General Administration (SC) Department [Vide Item No. OA -16], Dated, 03.08.2016]
The District Treasury Officer, Thiruvananthapuram.
The Sub Treasury Officer, Secretariat Sub Treasury
Thiruvananthapuram.

Copy to:

Information and Public Relations (Web&Media) Department
for uploading in the official web site of Government of Kerala.
Additional Secretary to Chief Secretary
PA to Principal Secretary, P&ARD.
Stock File /Office Copy.

Forwarded/By Order,

(Sd/-)
Section Officer



GOVERNMENT OF KERALA

Abstract

IAS- Posting Smt. Sheela Thomas IAS (Rtd.) as Member Secretary, Administrative Reforms Commission on re-employment basis-Orders issued.

GENERAL ADMINISTRATION (SPECIAL-A) DEPARTMENT

G.O.(Rt) No.2528/2017/GAD.

Dated, Thiruvananthapuram, 22/04/2017

ORDER

Smt. Sheela Thomas IAS (Rtd.) is appointed as Member Secretary, Administrative Reforms Commission on re-employment basis.

2.The above appointment will be subject to the usual terms and conditions of re-employment.

(By Order of the Governor)

NALINI NETTO

Chief Secretary to Government

To

Smt. Sheela Thomas IAS (Rtd.)
The Principal Accountant General (A&E)/(Audit),Kerala,Thiruvananthapuram
The Secretary, Ministry of Personnel, Public Grievance & Pensions, Department of Personnel & Training, Government of India, New Delhi.
The Member Secretary, Administrative Reforms Commission,Thiruvananthapuram
The Personnel and Administrative Reforms Department
The General Administration (SC) Department
The Information and Public Relations Department
The Web and New Media.

Copy to:

The Secretary to Chief Minister.
The Private Secretary to Chief Minister.
The Additional Secretary to Chief Secretary-
PA to the Additional Secretary General Administration (Special A&C) Departments
Stock File/Office copy.

Forwarded/By Order,

(Sd/-)

Section Officer.

ADMINISTRATIVE REFORMS COMMISSION

TERMS OF REFERENCE

GO(MS) No. 21/2016/P&ARD Dated 30/08/2016

1. To review the structure and functioning of the administrative machinery of the State and suggest measures for improving its responsiveness, efficiency and effectiveness as is required in a welfare State.
2. To revisit and redefine the roles of department and important agencies in Government.
3. To suggest measures for co – ordinated and joined – up functioning of Government departments and agencies to enhance positive outcomes.
4. To suggest measures to eliminate delays, corruption, favouritism and nepotism and to make administration result – oriented.
5. To suggest steps for enhancing delegation of powers to increase efficiency and citizen satisfaction.
6. To suggest modern management methods and Information Technology system and tools, which can be adapted in Government.
7. To review the policies relating to recruitment, placement and promotion and suggest measures for improvement of the performance of civil servants.
8. To suggest methods for democratization of different organs of Government at various levels and increase participation of the people in governance.
9. To assess the delivery of key public services and suggest measures for increasing their efficiency.
10. To suggest measures to make Government more open and accountable.
11. To suggest measures to refine/ operationalize Gender Budgeting, Child
12. Budgeting.
13. To recommend modern fiscal planning tools like output and outcome – based budgeting.
14. To assess the capacity building system in Government and suggest
15. measures to make it more effective.
16. To make any other recommendation arising from the above matters or incidental to them or considered necessary or appropriate by the Commission.

