

**Eighth Report
Of the Commissioners of the Supreme
Court.**

**A Special Report on the Most Vulnerable
Social Groups and their Access to Food**

**Commissioners of the Supreme Court
In the case: PUCL v. UOI & Ors. Writ Petition (Civil) No. 196 of 2001
September 2008**

The Registrar

Supreme Court of India

New Delhi.

Dear Sir,

We present the Eighth Report of the Commissioners in the case PUCL v. UoI and Others (CWP 196/ 2001).

This is a report about some of the most excluded, destitute, socially devalued, invisible people for whom hunger and food denials are a way of life. It is constructed around the conviction about the intrinsic equal human worth of every human being, regardless of whether and what they produce and contribute; of their difference; their departures from social norms; their physiological and social diversity from the majority; their disenfranchisement and powerlessness.

In the preparation of this report, we would like to specially acknowledge the prodigious amount of work that has been put in for more than a year by our young colleagues in the office of the Commissioners to the Supreme Court, without whose industrious research, this report would not have been possible. They are led by our very capable Principal Advisor Biraj Patnaik, and also include a committed team of Dipa Sinha, Tanveer Ahmad Dar and Oommen C. Kurian, who contributed significantly to the work of the Commissioners.

We would also like to acknowledge the support received from our research staff Swati Narayan, V. Manikandan and Arpan Tulsyan. We have also been assisted by our friends in the right to food campaign, like Kavita Srivastava, Jean Dreze, Colin Gonsalves, Aruna Roy and Nikhil Dey, committed official colleagues like Rakesh Mehta, K. Raju, Alok Shukla, Vijay Dev, Debashree Mukherjee, Rashmi Singh and Rajeev Jaiswal; and also our Advisors like Veena Shatrugna, Kodandaram, Arundhati Dhuru, Rama Melkote, Anuradha Talwar, Vandana Prasad, Ginny Srivastava, Joseanthony Jose, Sunil Kaul, Samir Garg, Pradeep Bhargava, Rajkishore Mishra, Tarun Bharatiya, Mihir Shah and Chingmak Chang, among others. We are also deeply indebted to the network of other State Advisers who voluntarily undertake the responsibility of monitoring the food and employment schemes in the States.

Sincerely,

Dr. N. C. Saxena

Harsh Mander

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Introduction and Summary of Recommendations

In the dark shadows of this land, the silent tragedy plays out, of millions of women and men, boys and girls, who sleep hungry. The experience of chronic hunger in distant villages as much as on city streets is one of intense avoidable suffering; of self-denial; of learning to live with far less than the body needs; of minds and bodies stymied in their growth; of the agony of helplessly watching one's loved one's - most heartbreakingly children - in hopeless torment; of unpaid, arduous devalued work; of shame, humiliation and bondage; of the defeat and the triumph of the human spirit.

Such high levels of hunger and malnutrition are a paradox, because they stubbornly survive surging economic growth and agricultural production which outpaces the growth of population (although it has worryingly stagnated in recent years). The riddle deepens because the State in India runs some of the largest and most ambitious food schemes in the world. The persistence of widespread hunger is the cumulative outcome of public policies that produce and reproduce impoverishment; of failures to invest in agriculture especially in Central and Eastern India and for rain-fed and small farmers; of unacknowledged and unaddressed destitution; of embedded gender, caste, tribe, disability and stigma which construct tall social barriers to accessing food; but in the last analysis it is the result of a profound collapse of governance.

The State in India implements massive food, livelihood and social security programmes - some of the largest in the world - which theoretically support vulnerable people from even before their birth to their survivors after death. Expectant mothers are fed in ICDS centres, along with infants, children up to the age of six and adolescent girls. The child in school gets school meals. As adults, women receive maternity support, bread earners are guaranteed 100 days of wage employment in public works; and if identified to be poor, they can buy subsidised cereals from a massive network of half a million ration shops. The aged - and in many states widows and disabled people - are given pensions. And if an earning adult dies prematurely, the survivor is entitled to insurance.

These programmes are plagued by corruption, leakages, errors in selection, delays, poor allocations and little accountability. They also tend to discriminate against and exclude those who most need them, by social barriers of gender, age, caste, ethnicity, faith and disability; and State hostility to urban poor migrants, street and slum residents, and unorganised workers.

The most evolved definition of food security so far at the time of writing that we could locate in the literature appears in the State of Food Insecurity 2001: 'Food security [is] a situation that exists when all people, at all times, have physical, *social*

and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life'. (emphasis added). The inclusion in the definition of 'social' access is highly significant, because it acknowledges that people may be barred from access to food even if it is locally available and they have the economic means. These social barriers to food security may include gender, caste, race, disability or stigmatised ailments.

The brutal expulsion of those who most need it, from support and succour, from care and rights - often by their own families, by local communities, but most importantly by the State - is one of the most profound public crimes of our times. It is important therefore to identify those classes, social categories and local communities, who are destitute and socially expelled, which is the task this report sets itself. These are people who lack the resources, financial and material, the employment, assets, access to credit, and social and family support and networks, to secure the means for dignified survival. In the first instance, this would entail sufficient and assured food for themselves and in many cases for their dependents. These are men and women, girls and boys who are powerless and disenfranchised, socially isolated and devalued, sometimes stigmatised and even illegalised, and often with special needs born out of disability, illness, social standing and age.

Even in the more intimate context of a village, many of these socially excluded groups are invisible, barely known and acknowledged. In most contemporary cultural contexts, social categories that consistently tend to be very dispossessed and vulnerable in their access to food include disabled people, both as bread winners and dependents, single women and the households that they head, aged people especially those who are left behind when their families migrate or who are not cared for by their grown children, people with stigmatised and debilitating ailments such as TB, HIV AIDS and leprosy, working and out of school children and bonded workers. In addition, in diverse cultural and socio-economic contexts, others may be added, such as some specially disadvantaged dalit groups like Musahars or Madigas in another, weavers, artisans and particularly disadvantaged minority groups in yet another, all designated 'primitive tribal groups', survivors of conflict and internal displacement, and many other diverse forgotten people. Many of them are of contested citizenship.

In the bridge between rural and urban destitute are the distress migrants, at the bottom of the heap both where they move for work, and from where they come. In urban contexts are street children, with or without responsible adult caregivers, urban homeless people, slum dwellers and a wide range of unorganised workers, both seasonal migrants and settlers, such as rickshaw pullers, porters, loaders, construction workers and small vendors, and people dependent on begging.

Overcoming corruption, theft, leakages, inefficiencies, and constraints of costs, are imperative, but still not sufficient, in a highly unequal society like ours, to overcome the barriers that powerless and expelled dispossessed people face to access food and livelihoods with dignity. They may not be able to find work and food only because

they are women, and worse single women, because they are aged or disabled, because they suffer from caste discrimination of millennia, because of the discrimination fostered against ethnic and religious minorities and indigenous people, because of the stigma of dreaded diseases like leprosy or HIV AIDS, and for a host of other social barriers.

Government programmes are also woefully inadequate to address destitution; in fact they tend to be blind to or in denial of the fact that large numbers of people lack even the elementary means and power to survive with dignity. Our evidence is that apart from major leakages and corruption, the coverage of government food schemes is so meagre that they leave huge gaping holes in the social security net, through which large numbers of most destitute women and men, girls and boys slip into starvation and hunger. It is stressed again that this is a duty of the State not to the dead, but to the precariously living. It requires public vigilance about individuals, communities and several categories living with starvation and absolute hunger. It requires the State to act, not after there is an emergency like a drought or flood, not even *after* people die of starvation, but pro-actively before people slip into destitution, and fail to access in an assured and reliable manner, with dignity, the nutritious and culturally appropriate food they require to lead healthy lives.

In a sense, this set of duties are of pro-active measures by the State to prevent hunger and starvation and to promote well being and the right to food of all people: to anticipate and forestall starvation, by recognising and arresting destitution well in time, before it pushes hapless people into starvation. After a starvation death, the State's response is reactive, whereas what is imperative is that it is actively protective and deterrent, to end an enormous amount of avoidable and extreme human suffering.

As Commissioners of the Supreme Court in the writ petition (Civil) No. 196 of 2001 (People's Union for Civil Liberties Vs the Union of India & Others) dated 23/07/2001, we have submitted seven reports to the Court so far, which attempted to assess in depth the performance of various governments, central and state, in securing the right to food of its citizens. We attempted to do this mainly by tracking the compliance by governments of various instructions and directives of the Supreme Court regarding food schemes, and the actual performance of these schemes in terms of allocations, utilisations, coverage and field level performance issues like leakages and quality.

However, our field studies confirm distressingly that large numbers of the most vulnerable women and men, boys and girls in the country, are uncovered or inadequately covered by any government food schemes. An estimated eighty to two hundred million still sleep hungry every night. It is about these excluded and hungry people that the Supreme Court in its order in the writ petition (Civil) No. 196 of 2001 dated 23/07/2001, expressed deep worry:

'...it is a matter of concern for all. In our opinion, what is of utmost importance is to see that food is provided to the aged, infirm, disabled, destitute women, destitute men who are in danger of starvation, pregnant and lactating women and destitute children, especially in cases where they or members of their family do not have sufficient funds to provide food for them. In case of famine, there may be shortage of food, but here the situation is that amongst plenty there is scarcity. Plenty of food is available, but distribution of the same amongst the very poor and the destitute is scarce and non-existent leading to mal-nourishment, starvation and other related problems'.

The Commissioners decided therefore to dedicate an entire report to these people who are condemned to live at the edge of hunger, to highlight the most urgent unfinished agenda of the right to food in India. We have titled our Eighth Report to the Supreme Court 'A Special Report on the Most Vulnerable Social Groups and their Access to Food'. In it, we have focussed on single women, the aged, the disabled and their dependents; 'primitive' tribal groups and most discriminated against dalit groups; bonded workers; urban homeless men, women, boys and girls, and residents of urban slum shanties. The chapters in this report elaborate their special social and economic vulnerabilities; estimates of their numbers and locations; the nature of and reasons for their intense nutritional denials; and the barriers to their access to food, livelihood and social security schemes of the government.

Each chapter ends with a set of detailed recommendations for public policy, and for consideration of the Supreme Court of India, to help surmount or dismantle these barriers, and ensure better access of these most vulnerable people who routinely subsist at the edge of starvation, to adequate and assured food with dignity. There is considerable diversity between the groups; therefore the recommendations are also specific. However, for convenience, some of the **most important recommendations** are summarised below.

Identification

1. One feature which is common to public policy relating to each of these dispossessed groups is the fact that for almost all, there is very little authentic official data, about their numbers and lists. This is not a chance or random default. It is the outcome of what we describe as '**invisibilisation**' of these powerless people by the state.

We therefore recommend an effort at least once every two years to not just estimate these groups, but to conduct a full listing. This should be undertaken in each district of the country, led by the state government and district collectors, but with active participation of local bodies such as gram sabhas and municipalities, professionals, experts, civil society groups and representatives of these populations. These lists updated every two years, and form the basis for them to receive the entitlements detailed in this report.

2. It is remarkable that although persons deemed by the state to be 'below poverty line' in rural areas have been surveyed and listed, no such survey has been undertaken for urban areas since Independence, although around a third of the country's poor live in cities. Targeted schemes like the TPDS are then accessible to them only when they apply to the concerned officials, who make their estimates of whether the applicant is 'poor' in each specific case. But directly asking people's incomes is not a reliable and verifiable criterion. And asking people only to certify income without any objective criteria is bound to be misused, leading to corruption, and the poorest will be left out.

It is proposed to identify and list the most poor and vulnerable segments of urban populations by identifying them along objective and verifiable criteria of vulnerability and denial of rights. These are: a) place of residence and access to public services: (shelterless, unauthorized slum dwellers, authorized slum dwellers and residents of resettlement colonies); b) social vulnerability: children without protection and child headed households, single women and single women headed households, disabled people and family with PWD, old people without care givers, people in destitution; c) vulnerable occupational categories: such as rag pickers, casual daily wage workers, rickshaw pullers, porters, construction workers, street vendors, domestic helpers etc; and d) affirmative action categories: Scheduled Castes/ Scheduled Tribes, Muslims.

The details of the proposed process of identification (which incidentally has been approved recently by the Delhi government on the recommendations of the Commissioners, and endorsement by the Planning Commission) are given in the pages of this report, but all state governments should be directed to survey the urban poor on these objective and verifiable criteria.

3. Single adult women who live with or without dependents, as well as old people, who live with relatives by blood or marriage under the same roof, should be treated for purpose of all food schemes as separate families. Specifically this means that single adult women and old people will be eligible for separate ration cards, even if they live under the same roof and share the same kitchen. This will assure them greater dignity and autonomy. The same would of course apply to bonded workers who may stay with their employers.

Subsidised food grains under AAY

1. It has been recommended that almost all the groups identified in this report as most vulnerable are assured highly subsidised food grain under AAY (35 kilograms a month at the rate of two rupees a kilogram for wheat and three rupees a kilogram for rice). The only group that would be eligible for BPL rather than AAY grain are urban slum residents, who may not be the poorest of the poor.

The Supreme Court already in its interim order of 2nd May 2003, deliberated on the Antodaya Anna Yojana (AAY) and directed the Government of India directed "to place on AAY category the following groups of persons:

- 1) Aged, infirm, disabled, destitute men and women, pregnant and lactating women, destitute women;
- 2) widows and other single women with no regular support;
- 3) old persons (aged 60 or above) with no regular support and no assured means of subsistence;
- 4) households with a disabled adult and no assured means of subsistence;
- 5) households where due to old age, lack of physical or mental fitness, social customs, need to care for a disabled, or other reasons, no adult member is available to engage in gainful employment outside the house;
- 6) primitive tribes."

The only additional groups to this order that the Commissioners recommend for inclusion for universal coverage under AAY, are (a) urban homeless people; b) persons undergoing treatment for stigmatised ailments of TB and HIV AIDS; c) most discriminated dalit groups (identified by criteria and processes listed in this report) and d) Released bonded labourers.

However, we have found that interim order of 2nd May 2003 of the Supreme Court is one of those least implemented by most state governments. We believe that there are 3 main reasons for this wide failure: a) the political powerlessness of these groups and the absence of authentic data about the groups; b) state governments have not interpreted the orders to be one of ensuring, in a phased manner, universal coverage of these groups with AAY cards, although in the absence of such universalisation, the most vulnerable will slip through this social security net; and c) the quotas for AAY in most states were already exhausted before the said 2003 order.

In order to remedy these problems, it needs to be reiterated by explicit Court directions that all members/households of the following social groups must be covered by AAY cards within a maximum of 2 years, without being bound by BPL identification or state BPL quotes: a) Primitive Tribal Groups; b) identified 'most discriminated against' dalit groups, starting with the Musahars, the Madigas, and all households engaged in socially despised 'unclean occupations' such as manual scavenging, disposal of dead bodies and sewer workers; c) single women headed households (except income tax payers); d) households with disabled heads of families or dependents (except income tax payers); e) released bonded workers; f) urban homeless people and households; g) aged people (except income tax payers); and h) people undergoing treatment in government hospitals for TB and HIV/ AIDS, and the households to which they belong. As stated earlier, every district collector in collaboration with civil society groups and local bodies should ensure the comprehensive survey of each of these groups every two years.

A special additional AAY quota should be approved for each state government by the central government, by an amount which is not less than 50 per cent of the present AAY quota, and this should be used exclusively for the universal coverage of each of these groups. In case the surveys reveal that eligible members of these most identified social groups are left out even with this additional quota and after state governments weed out ineligible members from existing AAY cards, they will make special demands on the central government for additional AAY quotas specifically to ensure full coverage of these groups as a preventive measure against their slipping into destitution and starvation.

2. Migrant workers who move with their families should be permitted to use their ration cards anywhere in the country, in situations in which they migrate with their families. This should be an automatic process, not requiring additional paper work, because any further bureaucratic interface would result in dangers of corruption and harassment.
3. State governments should be advised to enable and encourage tribal (especially PTG) panchayats; and dalit SHGs to run their own ration shops, with adequate grants from the departments.

Social Security Pensions and Stipends

1. Every aged person must have access as a legal right to a pension that is sufficient for a dignified, active and healthy life. All designated BPL aged people above the age of 65 years have recently been made entitled to a pension of 200 rupees from the central government; with the state governments encouraged to at least match this amount. This is welcome. But it needs to be expanded to ensure that all workers who are not part of the organised sector of the economy must be covered by pension benefits. The government should ensure within one year pensions for all aged people above the age of 65 years who in rural areas are landless, artisans, and small or marginal farmers, and all SC and ST aged persons; and in urban areas all aged persons who are residents of slums or homeless, and all unorganised workers.
2. Many state governments have indeed exceeded 400 rupees pension, which is also welcome. The matching contributions by the state governments should be made mandatory; and they should be directed to cover all aged people mentioned in the earlier paragraph with pensions within one year.
3. This pension must be secured as a universal entitlement to each of these men and women (in the way that mid-day meals have become for all school going children in government and aided schools). This means that central and state governments cannot plead financial constraints or fix any quotas on the numbers of such persons who are to be covered.

4. A centrally sponsored scheme should be introduced to ensure pensions of the same amount to all BPL single women and disabled adults.
5. Central Government employees and pensioners get an increment twice a year that is pegged to the Consumer Price Index (CPI). Likewise, the pension amount should also be linked to inflation in the economy and appraised every half a year, using Rs. 400 in the year 2007 as the baseline.
6. Pensions must be paid by the seventh of every month, regardless of the availability of specific budgetary allocations.
7. Arrangements must be put into place in one year for either payment into bank accounts, or doorstep delivery of pensions to all rural and urban aged, disabled people or single women. Any commission payable to the Postal Department or banks for making these payments should be waived or borne by the Ministry concerned.

Special food credit under NREGA

Many families will have the modest resources required for monthly purchase of the highly subsidised food grains under AAY. But in case they do not, those who rural residents should be permitted to draw their ration on credit, against their future labour in NREGA works. Since NREGA is a demand led legal guarantee, there is little risk of failures to recover the required amounts. This should apply particularly to released bonded workers; but also to single women, old and disabled people.

Special Feeding Arrangements

1. All old people from the neighbourhood should be permitted to share in the school mid-day meal of hot cooked meal in schools or ICDS centres without any conditions, as practiced in the state of Tamil Nadu. This serves as a last defence against starvation of the aged destitute, without requiring any additional administrative costs. This may become possible without significant additional resources, by merging present allocations under the Annapurna Scheme (which was meant to provide 10kg to old people not covered by pensions, but which has now become superfluous because the scheme has been universalised) with food allotments with the mid-day meal.
2. Establish community kitchens across cities and urban settlements to provide inexpensive, subsidised nutritious cooked meals near urban homeless and migrant labour settlements, with committed source of external funds (preferably government funded or in partnership with civil society: both citizens and private sector), which are managed by community groups of homeless people, preferably women, and will provide employment as cooks to homeless people themselves (at least 50 such kitchens per city with population less than one million; and 100 with populations more than one million, and 500 in those more than ten million).

3. Hot cooked meals should be provided to all children who attend all alternative educational settings, such as remedial schools, bridge classes, extension schools, and evening schools.

ICDS

1. Children of migrant workers should be admitted and permitted to avail of all facilities and services in ICDS, regardless of their place of origin, with no paper work required by their parents/guardians.
2. State governments should be directed to ensure full coverage of urban slums latest in 2 years.
3. In urban areas, ICDS should develop prefabricated structures, to enable it to function in unauthorised slum settlements, or construction and brick kiln sites.
4. In rural areas, care should be taken to locate ICDS centres on priority within one year in all settlements of PTGs and most discriminated dalit settlements, without any ceiling of minimum children; and all other hamlets with more than 50 per cent SC/ ST/minority population within a maximum of 2 years. In all these centres, ICDS staff should be local from the discriminated communities, and two hot meals served instead of one to children of 3 to 6 years; and double weaning foods given to children below 3 years.
5. Data should be disaggregated at the ICDS level for enrolment and actual coverage, to reflect the numbers and proportion of disabled children; and children from vulnerable local SC /ST /minority communities; and poor coverage should be penalised.
6. ICDS centres should extend their nutrition and health services which at present cater to expectant and lactating mothers, also to all categories of single women, recognising them to be intensely nutritionally vulnerable.

NREGA

1. Ensure that single women, aged and disabled people in practice enjoy at least equal legal claim to employment in NREGA works as households 'led' by able-bodied men, and that their work guarantee should be extended to 150 days.
2. NREGA guidelines and handbooks in each state should carefully identify specific tasks in public works which can be undertaken by disabled adults and aged people; and they should be encouraged to undertake such tasks when people of these categories apply for work.
3. The NREGA Standard Schedule of Works should be modified to include and give priority to these categories to be hired to fill temporary vacancies (when

the staff are unavailable due to maternity leave, vacations, election duty, vacant posts etc.) across other social welfare programmes of the government on a time-rate basis for example as cooks or helpers or additional teachers in schools, as anganwadi helpers, additional helpers in ICDS centres, caregivers for disabled children etc. Likewise the NREGA Schedule of Work should identify physically less demanding work which should be prioritised for these categories like standing guard at the sites, the work of 'mates' who supervise and measure the work, taking care of children, serving water, filling stones and soil in baskets, and planting and irrigating saplings etc.

4. Special proactive campaigns should be undertaken by panchayats and district authorities, with support from civil society groups, to create awareness and mobilise and assist to enrol persons from each rural vulnerable categories mentioned in this report, to get job cards and demand as a legal right guaranteed days of wage work per family.
5. Provide separate NREGA job cards for all 'single' women, regardless of whether they live alone, with dependents, or in their natal or husband's home. Likewise for aged, infirm and disabled people who may or may not live with 'able-bodied' caregivers.

Residential Care for food security of most vulnerable children

1. For children of rural seasonal migrants, the village school should be converted into a community based temporary residential school, to enable the child to access food and education, without having to migrate every year with their guardians. The aged of the village, who are often left behind in destitute conditions, may take care of the children in return for sharing the food in the community based hostels. This model has been adopted by Orissa government for Bolangir district, and is widely recognised internationally as a best practice, applauded among others by Dr. Amartya Sen.
2. For children who still migrate, it should be the duty of the education department of the host state to provide education in local language at work sites, and permit the child to access midday meals at the nearest government school. This is again a best practice adopted by the governments of Andhra Pradesh for migrant families from Orissa.
3. For children who live and work on the streets, the only way to secure their right to food (and with this their rights to education, health and protection), is to provide them alternatives to move decisively away from the streets and any kind of work. This is possible only through guarantees of comprehensive long term care in open voluntary residential homes. Every city would need a large network of such schools. This could be done by converging the Sarva Shiksha Abhiyan (a programme to bring every child to schools) and the Women and Child Department's night shelter programmes, as well as Labour Department programmes for child workers, to pool

resources to create hostels for urban street and working children, and greatly enhancing allocations. This best practice has been adopted by the governments of Andhra Pradesh and Delhi. The aim should be in the first phase of 3 years to start at least 100 such centres in all metropolises; and 50 in all other urban areas of population more than 5 lakhs.

A prodigious amount of work that has been put in for more than a year by our young colleagues in the office of the Commissioners to the Supreme Court, without whose industrious research, this report would not have been possible. They are led by our very capable Principal Advisor Biraj Patnaik, and also include a committed team of Dipa Sinha, Tanveer Ahmad Dar and Oommen C. Kurian, who contributed significantly to the work of the Commissioners.

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Gandhi offered us a 'talisman' to use in moments of doubt and confusion. He asked us to recall the face of the poorest, most defenceless, most powerless man we have encountered. (Today he would have recognised that she would probably have been a woman!). Ask ourselves whether what we are attempting has meaning for this person: does it touch her life with dignity and worth? Does it augment her power and self-reliance? If it does, it must surely be the right thing to do. It is this talisman that this report strives to hold up to public policy, but ultimately also to ourselves.

NC Saxena

Commissioner

Harsh Mander

Special Commissioner

Single Women

Introduction:

Women produce between 60 and 80 per cent of the food in most developing countries, and are culturally food providers in most homes. Yet social and cultural practices determine in India that within households, women not only eat least and last, but in situations of absolute household food insecurity, they may not eat at all. 'Single' women face additional discrimination and social barriers to food and livelihood, even if not within their homes if they live independently, but as they battle alone the world beyond.

Single women are of many kinds, and they face discrimination in similar and different ways. They may have never married; they may have left their spouses or have been abandoned by them; they may have been widowed young or old; they may live with natal families, or with the family of their spouse, or with children, with unmarried partners or alone; they may be rich or poor; and may have been born and married into varied caste or faith groups with their diversity of rules and norms. But what binds them all together is the absence of male 'protection', 'security' and eventually *control*. This erodes their social status in our largely patriarchal society.

Social Exclusion:

Irrespective of whether she is from a wealthy or impoverished household, widowhood has a deep social stigma attached to it in most communities. But it is most severe among upper caste Hindus. Women are seen as protecting the 'honour' of the family. There is a perceived threat to this notion when she is widowed (especially when she is young), as it makes it difficult to control her sexuality, fertility and control of property, unless she is completely isolated. Paradoxically, a widowed woman (as also other single women without male 'protection') is also seen as sexually 'available'. Women widowed in the Orissa cyclone of 1999, and the Gujarat earthquake of 2001, confided about horrific sexual exploitation even by close family members within days of the calamity. Likewise, widows of the communal carnage in Gujarat in 2002 experienced stigma and exploitation within their families and communities.¹

Whatever their age, there persist formidable social barriers to the remarriage of Hindu widows. A woman once widowed is not treated with respect and a lot of restrictions are imposed upon her. At times she is still expected to shave her head, wear extremely simple and coarse white clothes and , not wearing symbols of marriage ('*sindoor*' or vermilion in the parting of the hair), eating separately a frugal

vegetarian diet, not participating in auspicious occasions. The rituals of widowhood signify symbolic rejection/deprivation of the widow's sexuality.

The widow has no perceived value to the family after the death of her husband. She is considered to be a burden who will need to be given a share in property and her presence at festivals and family occasions is viewed as inauspicious. Young widows are even considered to be responsible for the death of the husband. Sati as a practice evolved based on the belief that a woman doesn't deserve to live without her husband.

Even more ostracised are women who are alone despite living spouses. Many married women are trapped in dehumanising personal situations in the family. A large number persist in tolerating battering, humiliation and physical and mental cruelty, unable or unwilling to strike out on their own. This inertia in degradation may be for a variety of reasons, such as social and cultural beliefs that enjoin that it is the duty of a woman to continue to live with her husband even if she suffers cruelty, and that a woman's social acceptance and security in the community necessarily derives from her married status. Even if a woman is able to herself overcome such beliefs, her parents are frequently unwilling to accept back a married daughter who leaves her husband and, therefore, a woman is trapped also because she has nowhere to go if she breaks ties with her husband's home. She may lack education and professional qualifications, and therefore lack the confidence that she would be able to survive economically alone. And finally she may be paralysed by concern for the welfare of her children.

The peculiar culturally imposed tragedy of widows, particularly in Hindu society, is not only one of condemnation to live cold, deprived and unfulfilled lives in either their parents' or husband's homes, vulnerable always to sexual exploitation. It is also one of destitution and abandonment, in religious towns such as Vrindavan and Varanasi, or on the streets. The North Indian religious cities of Varanasi and Vrindavan contain hubs of widows. From the early nineteenth century onwards widows, especially from Bengal, were sent on a pilgrimage to these 'holy' places. Often they were taken on a pilgrimage by family members and abandoned there. Widows from different parts of the country continue to migrate to these cities in search of a life of security and some peace², but in these towns a vast multitude of widows live forgotten in conditions of appalling neglect and deprivation. The number of widows living in Vrindavan, especially those from West Bengal, has been increasing over the years. A Vrindavan Nagar Palika survey in 2004 enumerated 3,105 widows and the figure is estimated to be anywhere between 5,000 and 6,000 now³.

Magnitude

6.9 per cent of women in India are widows, while 0.5 per cent are divorced or separated.⁴ Further, another 1.4 per cent of all women above the age of 30 are unmarried (0.5 per cent of all women) and can also be considered to belong to the

category of 'single women'.⁵ In total, at least 7.5 per cent of Indian women are single – i.e. 40 million women (more than the entire population of Canada).

In India's largely patriarchal society, 10.4 per cent of households are headed by women.⁶ A third of these are managed by married women largely in unique matriarchal communities⁷ or due to the local prevalence of mass-migration of men in search of livelihoods. The remaining two-thirds are headed by single-women – largely widows but also women who have left or been left by their husbands- who either live alone or take care of all their dependents. Female headed households are growing rapidly across the world. This is the cumulative outcome of stresses and breakdown of family, such as by violence, alcoholism, divorce, separation, widowhood, and male or female migrations. These may be lone family units with single females, households in which women earners receive significant remittances from absent males, or homes in which single women are the principal earners, and they support young or aged dependants.

Almost 58 per cent of widows (20 million women) are more than 60 years of age. Incidence of widowhood among the total female population rises sharply with age. In other words, two-thirds of women who cross their seventieth year outlive their husbands. Also, 45 per cent of women who complete their sixtieth birthday are widows. They face the double burden of age and a lonely future without the companionship of their lifelong partner. This undoubtedly has important implications both for policies relating to single women as well as those for the elderly.

Lack of Support

Although widows are traditionally supposed to be taken care of by the husband's extended family; this does happen very often. Widows typically find themselves under pressure in their homes by marriage to part with their share of property, and are unsafe physically. The crumbling of joint families, with their assurances both of security and patriarchy, have led women to either the threshold of their natal homes, if their parents and brothers are willing and able to take them and their dependents in, or to tenuous and arduous independent living. This section analyses the economic plight of single women and their daily struggles for food and livelihood. To earn more money when in distress, women often engage in self employment, sell or mortgage their assets in distress, beg, send their children to work, or are even involved in undignified appeasement of those who can help them.

Almost 80 per cent of widows either take care of themselves or are dependent on their son/s (if they have one).⁸ Very few who live alone receive any 'maintenance' or food on a regular basis from other households. They have to fend for themselves. The 'Living with Hunger' study in three states indicates that 47 per cent of single women earn to support themselves, 27 per cent primarily depend on government programmes, 20 per cent get support from other family members, 3 per cent live on the money from sale of assets/land and another 3 per cent depend on

charity/begging. More than half the women studied not only supported themselves but also had dependents to look after.⁹

In instances where widows, depend on their family, it is usually in the home of one or more of her sons. But here, she is even more likely to be neglected unless she is able to contribute to the household in terms of childcare, housework, land, other assets, wages or a pension. Many widows often also need to repay the debts incurred by their late husbands or to pay for his medical treatment before he died or death ceremonies¹⁰.

Property Rights

Widows in India have a legal right to their husband's property. While these legal entitlements exist for women's rights to property, the inheritance rights of the majority of Indian rural widows are governed by actual practice (which is influenced by traditional or customary law). Practice can differ from village to village, caste to caste, but even in the same region and among the same caste.

But actual legal ownership is a rarity. Just the process of establishing one's rights over the land and getting the property/land registered can be quite daunting for a widow with no family support. Even where use-rights have been established, control often doesn't lie with her.

Access to Livelihood and Employment

Even though the need for gainful employment is great among single women, finding such work is fraught with difficulties. Social exclusion includes economic deprivation due to the taboos regarding what a woman can and cannot do. One of the most direct impacts is restricted mobility. It makes widows, in particular, invisible and they are unable to access work outside the home.

Worse still, is the vulnerability and stigma associated with being a widow. This amounts to highly unequal access and unfair treatment in the 'job market'. Young single women, who live on their own, though able-bodied are systematically secluded from outside work because of the burden of household work; need to fetch water from distance sources (many kilometres away) and to cook food, without any familial support. The other reason in-laws do not allow them to work outside, is that it could lead to the financial independence of women which is resented by traditional communities.

But due to the acute need and desperation of single women to support themselves and their dependents, they are compelled to find work outside the home. Female-headed households participate as much as 74 per cent in the labour market as compared to 54 per cent of married women in male-headed households.¹¹ The National Family Health Survey also reveals similar results amongst able-bodied women largely in the age group of 15-49 years. Despite the innumerable barriers

they faced, more single women are forced to work outside the house in the absence of any family, community or state support.

But since most widows in India are above 60 years of age, the vast majority of them are unable to undertake hard physical work.¹²

Even if they were able to find work, however, single women invariably face barriers in relation to the type of work they can take up. That apart, they also face gender discrimination in the payment of wages. The average agricultural daily wage for women in 2006 is estimated at only Rs 48.6 for women, against Rs 69.7 for men.¹³

1. Access to credit

Single women also face severe restrictions in trying to access credit. Even if she has the same earning capacity as a man or a married woman, she finds it more difficult to get a loan. At best they receive charity or loans in-kind. Shopkeepers charge them more and give them less than their due because they are too weak to protest. They are therefore forced to work at very low wages and for long hours. This ordeal is even harder for elderly women. Single women report that even formal banks turn them away, as do self help groups.

2. Poverty

Economists acknowledge a phenomenon of what is described as the “feminisation of poverty”, i.e., poverty among women is rising faster than poverty among men. It has many related faces: women have a higher incidence of poverty than men; women’s poverty is more severe than that of men; and that there is a trend to greater poverty among women, particularly associated with rising rates of female headship of household.

Based on data from Karnataka, Jean Dreze analyses that households with a widow have low per capita expenditure levels. Those with both widows and their young children have higher-than-average levels of poverty¹⁴. Similarly, at an all India level, households headed by widows have lower consumption levels and higher levels of poverty compared with other households¹⁵.

Food Deprivation

Due to the undue disadvantages in the access to livelihood and assets, single women are more food insecure when compared to others who probably belong to the same economic category. They have to struggle harder in order to access food. Even in cases of single women living with families, of which they are not the primary earning members, they do not have an equal access to food as a result of their low status in the household.

To cope with their hunger pangs they employ a range of strategies. The common ones include - rationing of food, substitution by inferior foods, cooking only once a day, sharing from the same vessel, sacrificing their share of food for the children.

There is an identifiable difference in the proportion of single women in comparison to married women who consume less than 90 per cent of the required calorie norm. The calorie consumption of an average married woman each day is 2086 calories, of widows is 2005 calories and for divorced/separated women 1989 calories (NSS, 61st round).

Access to Food Schemes

There are various schemes that exist in the country that can potentially contribute to the food security of single women. But most often they prove to be beyond their reach. Single women face many barriers to access them. The greatest impediments are their invisibility, powerlessness and even lack of knowledge about these schemes.

The choice of beneficiaries of each of these schemes is often arbitrary and dependent on the hands of local elites. A review of these schemes shows that although they have laudable objectives, there are serious problems in implementation: access, regularity and corruption.

1. Swadhar Scheme:

There are no major schemes of the Government of India for widows or single women, in general. The only scheme that is available is Swadhar Scheme, run by the Ministry of Women and Child Development, which is a shelter based scheme “to cater the requirements of various types of women in distress in diverse situations including destitute widows. The package of services made available under the Scheme include provision for food, clothing, shelter, health care counselling and legal support, social and economic rehabilitation through education, awareness generation, skill upgradation and behavioural training”¹⁶. Currently, there are 208 shelter homes running under this scheme in the entire country. In a positive step, the budget for this scheme has been increased to Rs. 15 crores from Rs, 8.7 crores last year, but it is patently microscopic in relation to the need and scale of the problem in the country.

The scheme since its inception, has reached out to very few beneficiaries. In no year since it started in 2001 was the number of beneficiaries more than about 3000. This renders the scheme tokenistic. Further, the expenditure of the budgets allocated under this scheme also has been low. The Planning Commission mid-term appraisal notes, “The Tenth Plan outlay for Swadhar is Rs. 100 crore. The progress under the scheme is not satisfactory. Only 35 projects have been sanctioned so far and utilisation of funds has also not been up to mark. Though the outlays were Rs.14.46

crore and 14.02 crore in 2002-03 and 2003-04 respectively, only Rs. 3.90 crore was utilised in 2002-03 and Rs. 1.05 crore in 2003-04. Such under-utilisation of funds defeats the objectives and concerns with which the scheme had been launched.”

State governments have various schemes for the benefit of widows. Most state governments have widow pensions of some sort or the other. Further, some state government's offer monetary support for re-marriage of widows, for the marriage expenses of daughters of widows, scholarships in government schools for the children of widows and so on.

2. Pension Schemes:

Widows constitute the single largest proportion of 'single' women. 58 per cent of them are above the age of 60 years and excessively vulnerable not only because of old-age and their inability to work but also because of regressive social customs which makes them suffer from daily indignities. Their social security needs are therefore acute.

Although several states have schemes for widow's pensions, the amount of pension allotted is abysmally low and the actual coverage even worse. For instance, calculation based on an estimation of the number of eligible beneficiaries and the actual number of beneficiaries in Maharashtra and Delhi shows that the coverage is only 19.5% and 24.4% respectively¹⁷. A study in Rajasthan found almost 50% of BPL widows to be widow non-pensioners¹⁸.

Moreover, the eligibility criteria of age restrictions and absence of sons (irrespective of whether they take care of their mothers) are often quite restrictive making it very difficult for women to access the scheme.

The process of application can also be quite cumbersome with many bureaucratic hurdles, making it very difficult for single women to access these schemes. Often beneficiaries have to miss their entire day's work (and hence wages) to travel to the panchayat and block offices to get what they are rightfully entitled to.

However when pensions do reach they offer an invaluable sense of dignity for elderly widows; providing a sense of freedom and autonomy to fulfil their small wishes without depending on others. There is therefore a need to have a uniform central scheme offering pensions to poor widows, with no additional restrictions such as having adult sons and so on.

Given that many widows are also old, effective implementation of this scheme and the universal coverage of all who are eligible would also ensure that some economic support is available, however minimal, for their survival with dignity. However

often if an elderly person does receive an old age pension they are often denied widows' pension or vice-versa.

Studies do show that for those women who do get pensions, it represents a significant source of independent support for widows who live as dependents. But they do not enable a widow who heads a household to support her dependents¹⁹. The quantum of pension therefore needs to be revised to at least Rs 500 for all social security schemes. This would make it about 50 per cent of the current deemed poverty line, assuming that a widow supports on an average 3 dependents²⁰.

3. National Family Benefit Scheme:

Single' women could potentially substantially benefit from this scheme which provides one-time cash assistance of Rs. 10,000 when the primary breadwinner of a family dies. It can provide immediate relief to women who have lost their husbands and are suddenly left on their own to support their children.

But it suffers from abysmal implementation. In the year 2006–2007, it reached only 30 per cent of the eligible beneficiaries. ²¹ In the previous year, states such as Haryana, Karnataka and Delhi reported NO beneficiaries under the NFBS ²², which should be viewed as a grave abdication of official responsibility to a segment of people who are most in need. The procedure to benefit from the NFBS is lengthy and bureaucratic. The bereaved family needs to present several supporting documents such as death certificate etc. which are often practically very difficult to obtain.

4. Public Distribution System / Antodaya Anna Yojana:

The Public Distribution System which is a household based scheme has the obvious problem of not addressing intra-household inequities. The ration card is usually in the name of the man and in case of separation the wife is not given another card.

The Antodaya Anna Yojana scheme as part of the PDS is supposed to reach out to the poorest of the poor. The Supreme Court order dated 2nd May 2003 specifically, stated that 'widows and other single women with no regular support' should be included in the scheme. However, the selection of families is often quite arbitrary. None of the states even collect data on how many AAY cards have been issued to the various vulnerable groups, including single women. This remains significantly one instruction of the Supreme Court that has been ignored by most state governments.

5. National Rural Employment Guarantee Scheme:

The NREGS which provides employment on demand, for 100 days a year, is also a household based scheme. One job card is issued per household, typically in the name of the male member. Even when the work is done by others, the wage is paid to this

man. Therefore single women, who are part of larger households and not provided an 'independent job card' often do not have access to their own wages.

Another common reason why single women fail to get work is that it is often handed out to pairs of male and female workers. Instead of creating slots for single women workers, the programme has effectively eliminated them.

Women are also paid far less than men²³. The culprit is the Standard Schedule of Rates (SSR) which makes invisible the work of women. While the extent of digging and soil conditions forms the basis of payment for men's work; the carrying of load, its weight, the underfoot conditions and its distance do not figure in wage calculation. So if two men dig and four women carry the soil, the two men collectively want as wages half the payment while the four women are left to divide the other half between them. This leads to wage differential especially as there is a clear cut sexual division in such works. Further, men work with tools while women do not but no efforts are made to compensate their contribution, much less consider the drudgery of the tasks done by them.

Recommendations: Single women

It is grudgingly and belatedly acknowledged today that most government policies and laws are 'blind' to the lower power - economic, social, political and administrative - of women. Therefore they fall very short of redressing gender inequalities. This is even truer of women who are single, by choice or circumstance. They grapple with patriarchal social norms, which create tall and diverse barriers to their access to food, livelihoods and food schemes. These have been illustrated in this chapter, and government food and livelihood programmes need to be resolutely refashioned to reach and partner single women as they battle the world alone.

Identification

1. Conduct a periodic **census** of single women every two years through panchayats, urban local bodies and women's group to ensure universal coverage of all social security, food and livelihood schemes.
2. Recognise single women and their dependants if any as separate family units for all purposes such as job cards and ration cards, regardless of whether or not they live with their natal or husband's family and share a common kitchen. Even single women alone or with joint families should be accepted as separate family units, and this should be explicit in all government instructions. If single women have no permanent address (on the streets or in professions like casual sex work) this should not be a bar to eligibility to all the programmes listed below.

Cash Entitlements

3. Create a centrally sponsored scheme (with central government contributions of 50:50) and implement for all single women (including widows, separated,

divorced, deserted, unmarried women) who are below the poverty line (BPL), scheduled caste (SC) or Scheduled tribe (ST) and from minority communities, similar to the old-age pension, a **universal pension scheme**. All eligible single women should be covered with no limits or quotas imposed.

4. **Increase the amount** of pension to a minimum of Rs. 400 for all social security schemes, and revise these every year based on the Consumer Price Index (CPI).
5. Ensure that single women pensions **do not have any restrictions** on their own age, or the age and sex of their children.
6. Ensure that separated and abandoned women are accepted as 'single' for the purposes of all government social security support and food schemes, even if they are not formally divorced, based on a written undertaking by the woman confirming her separation.
7. Ensure that a person entitled to two or more **pensions receives all** of them e.g. widow and old-age pension.
8. Universalise coverage of the National Family Benefit Scheme and **reduce the red tape** for its eligibility, ensuring mandatory payment within 3 months of the death of the bread-winner.

Food Entitlements

9. Provide **separate ration cards** for all single women, whether or not they live with their natal or husband's family.
10. Ensure that all these single women have access to the **Antyodaya Anna Yojana**. This would require the central government to make specific additional allocations of AAY cards to cover all single women households, as per the order the Supreme Court to universalise AAY for this group.²⁴
11. Extend **ICDS food provisions**, currently available for nursing and expectant mothers, to all single women, in recognition of their special vulnerabilities
12. For all single women who are head of households with dependent children or living alone provide high protein **dry take home rations (THR)** once a week from the ICDS anganwadi centres.
13. In addition to these dry rations, single women should be entitled to enrol and eat hot cooked meals at ICDS centres of they so choose.

Provide Special and Differentiated Treatment

14. Children of single women should be entitled to assured **admission in SC/ST hostels** run by state governments, where their education and food security would be better secured
15. In cities and towns, government should start **residential hostels** with priority to children of single women, especially those who are homeless. All children of urban homeless single women should be taken into hostels and governments should confirm this within a maximum period of 2 years, and adequate financial provisioning should be made for this.

16. Process all social security application at the **panchayat level** where a **list** of all single women should be maintained and updated every month
17. Provide **funds for training** and making single women aware of their rights and entitlements with the aim of creating a federated association of single women.
18. Allocations for **shelter homes** for women survivors of domestic violence should be expanded manifold to ensure at least one in every district of the country, and women's organisations, especially those of single women, encouraged to run these. These homes should provide for women in distress a safe place to go with children in safety; psycho-social and family counselling services; legal advice and assistance; vocational guidance and training; crèches for children; financial assistance; assistance in employment/self-employment in secure vocations; assistance to find homes for eventual self-reliant rehabilitation; and long stay homes for older destitute widows.
19. Likewise the allocations on the excellently conceived **Swadhar** scheme, which provided for food, clothing, shelter, health care counselling and legal support, social and economic rehabilitation for women in most difficult circumstances should be greatly expanded to cover as a priority programme every district in the country.

Employment Guarantee

20. Provide **separate NREGA job cards** for all 'single' women, regardless of whether they live alone, with dependents, or in their natal or husband's home.
21. Ensure that single women in practice enjoy **at least equal legal claim to employment** in NREGA works as households 'led' by men, and that their work guarantee should be extended to 150 days.
22. Modify the NREGA Standard Schedule of Works (**SSW**) to identify and calculate **women's share of work** and compensate them equitably and justly.
23. The NREGA Standard Schedule of Works can be modified to include and give priority to single women to be hired to fill temporary vacancies (when the staff are unavailable due to maternity leave, vacations, election duty, vacant posts etc) across other social welfare programmes of the government on a time-rate basis for example as cooks or helpers in schools, as anganwadi helpers, additional helper-teachers in schools and ICDS centres, caregivers for disabled children etc
24. Single women should be paid **daily wages**, rather than weekly or fortnightly.

Impoverished and Old

From a social security and policy point of view, the largest concern of the elderly in India is poverty. Thirty percent of the elderly in India are estimated to live below the poverty line. Another one-third is not even acknowledged to be poor; even though live marginally above the poverty line. National policy on older persons estimates that about seventy per cent of the population above 60 are economically 'fragile', of whom half are BPL and the other half APL, belonging to the low income group. However, it is often observed that the assessment of only one-third of the elderly being BPL, is an understatement.²⁵ With their bodily capacities already under the stress of years, most are unable to engage in active employment. Their impoverishment is even more crippling.

Double Burden of Widows

The chances of being taken care of are greater when one's spouse is still alive. One-third of the elderly population is however widowed, and faces a precarious existence.²⁶ There is also a marked gender disparity in the case of widowhood. Though the incidence of widowhood among elderly women is declining, it remains an important social phenomenon affecting more than half of the women who are more than 60 years. The reason for the acute gender disparity in widowhood is largely three-fold. The life expectancy of women is greater compared to men. Secondly, in Indian society, men largely marry women who are younger. Again, due to societal customs widowed men are more likely to remarry than women.²⁷

Ageing Population

The population aged 60 and above is expected to increase from 77 million (7.5 percent) to 301 million (17 percent) in the fifty years since 2001 with a marked increase in the elderly aged more than 70 years. The structure of the population would be undergoing some dramatic changes in the next fifty years or so²⁸. Unlike many parts of the world, in India sex ratios show that for most aged cohorts across time, men outnumber women. This situation is interesting because female life expectancy in India at 60 and 70 is higher than male life expectancy. Some reasons for this higher number of males in old ages are given to be "under-reporting of females, especially widows, age exaggeration, low female life expectancy at birth, and excess female mortality among infants, children and adults".²⁹

Multiple Vulnerabilities

Poverty has many dimensions of deprivation and denial – social, political, economic, psychological - therefore estimates of income and expenditure have limited utility in capturing the depth and range of the deprivation of the impoverished. Where large

proportions of the population are subject to high morbidity and mortality, poor access to even minimal healthcare, lack of clean water and sanitation, inadequate housing, lack of education, social exclusion, etc along with hunger and malnutrition, income poverty measures tend to underestimate the degree of poverty.

This is particularly the case for groups like the aged whose needs and risks are different than the general population. Their material deprivation is exacerbated by their powerlessness and marginalisation, and ultimately their social dispensability. They end up being more vulnerable to risks than the general population, even when they might be technically 'above the poverty line' constructed by planners and economists.³⁰ There is therefore an acute need to define poverty in a way that takes into account the needs of the aged as different from young men and women. The dependency ratio in India has been sharply on the rise. On an average every 1000 persons in the working age in the rural areas had to provide support, physically or otherwise, to 141 aged persons, to maintain their daily life, as opposed to 94 aged persons in 1981. In the urban areas, the number of dependent elderly persons rose to 107 from just 71 in 1981.³¹

Field studies have illuminated the anatomy of such dependency of the aged. A study by Kumudini Dandekar of the aged in rural Maharashtra (EPW, June 5, 1993) found that unlike the small section of the elderly who can fall back on their provident fund, pension, savings, insurance or property, 33 per cent in the rural and 37 per cent in the urban areas are totally economically dependent. Of these, 9 per cent depended on their spouse, 50 per cent on their children, and 6 per cent on their grand children and the remainder on others. Their dependence is aggravated because most elderly people have no financial assets. For the country as a whole, for 1,00,000 old men and women, only 581 and 482 respectively had some financial assets.

Nearly 80 per cent of the dependent elderly expressed a need for old age pension. The fact that they are so dependent does not mean that there are social and cultural guarantees that the family members on whom they are dependent will necessarily provide for them. The state has an obligation to the fully dependent elderly to ensure for them economic support in old age; as many are below the poverty line and suffer multiple disabilities, therefore they should be assisted with poverty alleviation and social security programmes.

But it cannot be assumed that those who are not 'dependent' need no state support. On the contrary, more than 15 per cent of all the elderly live alone or only with their spouses. The study by Kumudini Dandekar of the aged in rural Maharashtra (EPW, June 5, 1993) also found 18 per cent old people in villages lived alone, comprising of 4 per cent men and 14 per cent women. Often, economic 'independence' is forced upon them. Such pseudo- independence, therefore, cannot be taken as a proxy for well-being and there are chances that some amount of poverty gets invisibilised amongst those elderly persons who are technically perceived to be 'not dependent'. The enormity of the degree of dependence is undeniable. 65 percent of the aged depend on others for their day-to-day existence³². Women are particularly vulnerable. 85 percent of women are economically dependent on others, largely

because of cultural constructions of gender relations and opportunities and preparation for self-reliance.

The mere process of ageing - the continuous decline of functional ability of the body and to a point the mind, over time - often creates and exacerbates intra and inter-household inequalities. Visual impairment, hearing problems, difficulty in walking and speech are the most common forms of disability among elderly³³. Senility and neurosis are also common. Without familial or institutional support, these added disadvantages seriously affect their ability to survive and fend for themselves³⁴. 45 per cent of the elderly suffered from chronic health problems in both rural and urban areas. The percentage of physical immobility due to chronic illness and old age was found to be consistently higher for women than men in all states of the country.

Poor health, unfavourable socio-economic conditions, widening inter-generational gaps and non-working status contribute towards added vulnerability to the aged.³⁵ Even meagre financial assistance would substantially alleviate their burden. Their relatively lower bargaining power makes them vulnerable to a higher risk of poverty, especially at the time of contingencies.³⁶

Amongst the elderly; poor people, widows and disabled people are invariably the most disadvantaged. Widows, in particular, face direct and indirect forms of cultural stigma linked with their gender accentuated by their marital status. In comparison to aged widowers, women suffer from lack of ownership of property and financial assets. Even in cases where they may legally inherit such property, they often fail to gain actual control over the property and are harassed by male members of their deceased husband's family. This deprivation, in turn, adversely affects their access to food, housing and health.

Social security in many developing countries like India largely focuses on the workforce in the formal sector. Other provisions that have an old age focus largely 'exist on paper' with their effectiveness 'hardly ever analysed'. Research on old age itself largely has a bias towards the middle class and basic issues like old people's access to food and livelihood are largely left unexplored.

It has been observed that the elderly from indigent groups, when their dependence is accompanied by ill-health, no savings and no assets, complicated further by cultural biases such as against widows and economic pressures faced by poor families such as for distress migration, are viewed as a burden by their families, and are often denied their basic needs in life, including food. They are routinely subjected to neglect, indignity and ill-treatment.

It is estimated that at least 50 per cent of the population of the elderly in this country, especially among the indigent, are in need of some form of supportive services. An analysis of their problems reveals the following major areas of need, namely:

- economic deprivation and insecurity
- restricted mobility due to ill-health
- physical insecurity

- reduction in dignity, self-esteem
- loneliness due to rejection
- lack of meaningful occupation, leisure activities, and
- lack of protective supportive shelter.

Government Programmes for the Aged :

Historically, the focus of social security measures in India has been promotive rather than the protective; justified by the unacceptably high incidence of poverty, the scarcity of resources, and the tacit assumption of the lower claim of those who are perceived to be no longer 'productive'. At the same time, it is well recognised that to achieve higher levels of human development societies need a judicious mix of both forms of social security.

Even though the elderly were identified as a priority group for social protection from the initial years of India's independence, policy initiatives like old age pensions were pioneered by various state governments and not the Centre. It was only in 1995 that an all India pension scheme was introduced, with very small financial provisioning for small numbers of aged people. In effect, to date, pension is not perceived as a right of unorganised workers.

From 2002-03, NOAPS as well as Annapurna have been transferred to the States; money being given in the form of Additional Central Assistance. Every year, the Ministry of Finance, Government of India, releases funds to the states in equal monthly instalments till December, and the payment for the remaining three months is conditional to "reporting of satisfactory progress of implementation of the Schemes and utilization of funds". The ACA thus provided could be utilized by the States/UTs "by taking up one or two or all of the three (schemes³⁷) or in any other combination in accordance with their own priorities and needs". The guidelines categorically state that failure to submit physical and financial progress reports will result in the non-release of funds for the last quarter of the financial year.

This was done, according to the government, to provide States with the required flexibility in choice and implementation. However, in practice, this shift has affected performance of the scheme. Even after the pension amount got enhanced from Rs 75 to Rs 200, many state governments did not pay pensions for more than six months, due to inordinate delays. Old people are politically powerless, and the stepping back of the central government after their belated entry as late as 1995 to first introduce a national programme of (highly modest) pensions for aged people, has tended to erode even the small gains that aged people had secured. The central government even stopped reviewing the performance of state governments in extending pensions to old people, and it required an order of the Supreme Court to direct them to restart monitoring the programme.

The central government contributes collectively to a combination of three schemes and the states determine the proportion to be spent on each of the three schemes. The

total allocation by the Central Government compared with the actual expenditure reported for all the states indicates that the money utilized was close to optimum with less than 5 percent of the funds left unused in 2003-4.

But since then, the expenditure reported has declined steeply. Unused balances were as high as 29 percent in 2004-2005 and 22 percent in 2005-2006. Last year, however, showed lowest levels of utilization with almost half the funds allocated left unused. This surprisingly, despite the fact that the old age pension was increased from Rs 75 to Rs 200.

2007 was perhaps the most significant year for public policy for the aged. The Prime Minister announced in his politically significant address to the nation from the Red Fort in Delhi on Independence Day that old age pensions would at last be universalised for the poor. Accordingly, NOAPS was replaced by the Indira Gandhi National Old Age Pension Scheme³⁸, which would provide a monthly pension to *all* people over 65 years and who are identified by government to be living below the poverty line. The quantum of pension would also be enhanced. The central government would provide Rs. 200 to each beneficiary and the State were expected to contribute an equal amount.

But the actual disbursement varies significantly across state governments. Till the close of the financial year 2007, the coverage of the pension scheme was also been far from satisfactory. However, with the introduction of IGNOAPS, there seems to have been a dramatic improvement, as shown in the following table. However, it must also be borne in mind here that, coverage on paper often does not translate into benefits reaching the needy.

Gap between IGNOAPS beneficiaries (2007-08) and the number of eligible persons (2004-05 poverty estimates) (in Lakhs)	
Bihar	1.120670
Goa	0.065790
Gujarat	3.946050
Haryana	0.390940
Kerala	2.510440
Maharashtra	11.092840
Orissa	3.727600
Punjab	0.826890
Tamil Nadu	3.405660
Uttar Pradesh.	2.240870
Uttaranchal	1.255160
A & N Island	0.022360
Pondicherry	0.105460

Calculations by Ministry of Rural Development, Government of India.

1. Antyodaya Anna Yojana Scheme:

Directions from the Supreme Court of India (order dated of May 2, 2003) specifically instruct that all aged, disabled persons and single women should be given Antyodaya cards which entitle them to 35 kilograms of rice or wheat every month at the rate of 2 rupees per kg for wheat and 3 rupees per kg for rice, which is well below the soaring market rates. However, in reality, some have BPL cards at best, on which the government subsidy is less.³⁹

Distance to government institutions often acts as an access barrier. In some Orissa villages, old people and even those with disability have to trudge more than 7 kilometres to collect their pensions and their rations. However hard and painful it is for them to walk, they have to do so two or three times a month to check whether grains have arrived.

When the rations do arrive, they have to trudge back carrying the heavy load over long distances. Each day spent visiting the ration shop or the office to collect pensions means the loss of earnings or foraging for food. Often at the beginning of each month, the delayed grain arrives earlier than the pension, which causes the elderly much anguish as they do not have the money to buy the grain.

To compound these issues, there are illegal restrictions on the amount of grain that they get from the cards. Most of the elderly reported that they get 4, 8 or 16 kilograms on grain against their BPL cards as against an entitlement of 35 kilograms every month. Many are convinced that they are duped or short-changed by the ration shop dealers, but feel powerless to resist.⁴⁰

2. Able to Work:

NREGA which in principle gives every person who is willing to work, the statutory right to 100 days of guaranteed wage labour at minimum wages per family, is legally open to all destitute persons including the elderly. But in practice, it is found that to most it remains barred. Old people report that they are discouraged to apply for work, with commonplace remarks such as: *'you are too old and will fall sick because of the heavy work involved'*.

Most of the NREGA work involves digging of soil which is often too hard and unyielding. Also workers are paid based not on the time worked but the actual work accomplished, which further leaves them with small earnings. Instead of identifying less physically demanding work like standing guard at the sites, taking care of children, filling stones and soil in baskets, and planting and irrigating saplings, they are given the most back-breaking work, and are therefore themselves eventually compelled to opt out.⁴¹

Recommendations: Old Age Security

The nation must at last redeem its duty to its senior citizens, who have contributed to it in many ways: built it up through difficult times, raised its young, and enriched its diverse wealth of wisdom, songs and material well being. People in the formal sector

have pensions to fall back on, but for the vast majority of men and women who toil in the unorganised sector, there is no retirement: they still have no pension without work, and no food without work. Sickness is an inevitable companion of age, but each time it falls, it is a calamity. We need to ensure that as people grey, they can live with dignity and self reliance, with adequate food and health care, with protection, rest and recreation. This is a public policy imperative that can brook no further delay.

Cash Transfers

1. Every aged person must have access as a legal right to a pension that is sufficient for a dignified, active and healthy life. This means that all workers who are not part of the organised sector of the economy must be covered by pension benefits. The government should ensure within one year pensions for all aged people above the age of 65 years who in rural areas are landless, artisans, and small or marginal farmers, and all SC and ST aged persons; and in urban areas are residents of slums or homeless, and all unorganised workers.
2. This must be secured as a universal entitlement to each of these men and women (in the way that mid-day meals have become for all school going children in government and aided schools). This means that central and state governments cannot plead financial constraints or fix any quotas on the numbers of such persons who are to be covered.
3. The gram panchayat, youth and women's groups, and literacy activists, and college NSS groups may be involved in a campaign to cover all eligible elderly people with old age pensions in a campaign mode. Transparency in selection and disbursement should be ensured by involving the Gram Sabhas, pensioners' organisations, and citizens' committees.
4. The quantum of pension should be adequate. In line with the Working Group on Social Protection Policy's recommendation, the rate of minimum pension should be fixed at Rs.400 per person and the State governments may be required mandatorily to contribute their share of the pension. This can best be done by treating the Scheme a Centrally Sponsored Scheme under which the expenditure is shared by the Central and State Governments in the ratio of 50:50
5. Central Government employees and pensioners get an increment twice a year that is pegged to the Consumer Price Index (CPI). Likewise, the pension amount should also be linked to inflation in the economy and appraised every half a year, using Rs. 400 in the year 2007 as the baseline.
6. The pension should be paid through banks or post offices either via money order or in cash or deposited in the nearest bank accounts. Any commission payable to the Postal Department for making these payments should be waived or borne by the Ministry concerned.
7. Based on the Supreme Court Order dated 28th November, 2001 pensions should be paid to the beneficiaries by the 7th day of each month. Even if the budgeted

funds from the central or state government are unavailable or delayed, the state government should make use of alternative arrangements to arrange these funds and prevent delays in disbursement. In the way that salaries and pensions of public servants are not delayed despite delays in financial allocations and disbursements, the pensions of aged people should also be seen as having a 'first call' on state finances, because they are essential for the survival of a highly vulnerable group.

8. The minimum age criteria for pension eligibility should be reduced to 60 years instead of 65 years, as has already been implemented across many states.
9. Whereas non-pensioners are in most desperate conditions, pensioners, especially those from lower rungs of government and corporate hierarchies, tend to suffer from delays of sanction and disbursements, and other forms of harassment. At present, there are about 25 lakh pensioners of central government and there is an addition of one lakh every year. There is almost an equal number of pensioners drawing pension from state governments. The government pensions include family pensions. More than one lakh persons draw pension from banks, insurance companies and public sector undertakings. In mid 1980s a Supreme Court decision added nearly 10 lakh more pensioners. In 1985, the central government took a policy decision that minimum pension it will pay will be Rs.375/-p.m. Pensioners frequently suffer harassment, humiliation and long delays in disbursement of pensions. For this, a single-window payment with simple procedures for pension disbursement involving also pensioners' groups and local bodies to control corruption in the disbursement needs to be ensured.
10. District officers must held responsible to personally monitor the timely processing of pension claims of all governments servants due to retire in the next three years. Paper work should commence at least two years before the date of retirement, and special pension camps for disposal of pending cases may be organised from time to time. The target should be to hand over pension papers to the retiring functionary on the date of superannuation.
11. National Family Benefit Scheme amount must be increased to Rs 25,000 and must cover deaths of any 18 - 64 year old member of the family in a BPL household. The ratio of 36 percent applied to the current population estimates for 2006-2007 must be used to calculate the percentage of persons eligible. The amount of insurance must be pegged to the Consumer Price Index (CPI) and upwardly revised accordingly at least once every two years.
12. Payment under NFBS must be disbursed to the family within 3 months of the death, failing which interest at the rate of 5 per cent per month should be payable.
13. Families of persons who died allegedly of starvation, farmer suicides, natural and human-made disasters should get first priority in NFBS releases.
14. Measures have to be taken to check an reduce underutilisation of funds in various programmes serving the elderly

15. Ensure that a person entitled to two or more pensions receives all of them e.g. widow and old-age pension.

Social Safety:

16. In view of the universalisation of IGNOAPS, if all the eligible persons over time are covered under the NOAPS, the eligibility for the Annapurna Scheme would become defunct. However, given the multiple benefits of the scheme of direct food transfers, it is instead suggested to modify the programme to
 - a. continue to serve as an additional assistance to the most vulnerable groups amongst the elderly, who have multiple vulnerabilities (such as single women, disabilities or debilitating ailments) and
 - b. Merge its food allotments with the mid-day meal, and all old people from the neighbourhood should be permitted to share in the school mid-day meal of hot cooked meal in ICDS centres without any conditions, as practiced in the state of Tamil Nadu. This serves as a last defence against starvation of the aged destitute, without requiring any additional administrative costs. The presence of aged people when mid day meals are served leads also to greater transparency in the implementation of the programme, as destitute older people, even though relatively powerless, may still have greater voice than children in case food served in schools is of poor quality or of less than prescribed quantities.
17. All old age pensioners should also be given Antyodaya cards which entitle them to subsidised grain. This is in conformity with the orders already issued by the Supreme Court of India dated 2nd May 2003.
18. Modify the NREGA Schedule of Work to specify that all persons above 60 years of age should be paid based on a time-rate of the applicable minimum wages for every day of work
19. The NREGA Schedule of Work should identify physically less demanding work which should be prioritised for older persons like standing guard at the sites, the work of 'mates' who supervise and measure the work, taking care of children, serving water, filling stones and soil in baskets, and planting and irrigating saplings etc.

Health Care Facilities :

20. Keeping the health needs of the elderly in mind, existing government and on-government health facilities in the district may be equipped with geriatric OPD and emergency and special geriatric wards. Elderly typically suffer from arthritis, failing eye sight, hearing impairment, respiratory and cardiac problems, diabetes, blood-pressure, constipation etc. Many, due to these health problems, may not be mobile. Mobile pathological lab equipped to provide physio-therapy, dressing of wounds, checking blood-pressure, blood sugar and other services would go a long way in meeting at least some of their needs.

21. In addition, we may organise systematic treatment of common disabling geriatric problems (e.g. diagnostic and treatment health camps for cataract, hearing, dentistry, arthritis etc).

Measures for self-esteem, support services and morale :

22. Elderly people usually have a wealth of untapped experience and wisdom and potential talents and skills. Their competencies can be effectively utilised for socially productive activities, provided they are properly approached and organised. This would also greatly help build up their morale, e.g. tuitions, adult literacy classes, visiting patients in hospitals, Red Cross activities, humanising children's/women's institutions as visitors or foster-grandparents.
23. Self-help groups such as pensioners' associations, senior citizens' clubs can, in conjunction with youth groups, provide supportive services to the aged. A whole range of services can be envisaged : transportation, hot meals, friendly visitors visiting lonely house-bound old people, services like collecting ration from ration shop, marketing, clearing, payment of electricity bill/house/property tax, sponsorship, ambulance services, escort services for banking, visiting friends.
24. Elderly people are not the easiest people to work with. They may be stubborn, habituated, fussy, and forgetful. Therefore, training of volunteers working with the aged is a must.
25. Wherever possible, separate counters and queues at hospitals, ticket counters, bill collection centres for the elderly may be provided. Concessions on bus/rail for the elderly and their escorts may be made available especially for pilgrimage tour packages.

Old Age Homes and Alternatives:

26. As a last resort, for physically dependent and economically destitute persons, it may become necessary to create old people's homes. At present, only 68 and 40 persons in 10,000 from rural and urban areas respectively live in old age homes. Surveys reveal that not more than 20 per cent of even the elderly who are living alone, are prepared to live in old people's homes, provided it is not too distant from their original homes. In establishing such homes, governments should ensure clean cheerful surroundings, simple nutritious food with variation, a daily routine including recreation and minimal productive activity (e.g. horticulture, chalk-making), structured regular friendly visitors, and trained and motivated managers.
27. Governments should also finance local initiatives to provide care and protection of the dependent elderly in rural areas. In some states, groups of five or six dependent elderly men and women are looked after in a cottage by the entire village. These cottages not only provide meals, but in some cases, also provide day care, leisure activities to other elderly of the area.
28. Perhaps the best alternative for lonely old people with means is to facilitate group housing schemes by convergence of various government and private housing

schemes e.g. by earmarking and allotment of suitable land for housing schemes, formation of housing co-operatives, channelising of soft housing loans, allotment of houses under Indira Aawas Yojana and other housing schemes wherever eligible etc. Governments should have a much more expanded programme not so much of institutionalised old age homes, as much as old age communities, where housing schemes are undertaken of old people who do not have or do not wish to live with their younger care givers. These should have free public health care and recreational services. Homes for children in care of need and protection under the JJ Act (like street children) should be converged with such old age communities, so that children bring cheer in the lives of the elderly, and they get meaning in their lives as foster grandparents.

Persons with Disability

(In)visible Handicaps

In every village and town across the length and breadth of the country, frequently hidden way behind the walls of homes and institutions, unsuspectedly large numbers of these disabled women and men, boys and girls subsist. Rarely do we encounter disabled people in schools, farms, factories, playgrounds, cinemas, streets, markets, temples, mosques, churches, or in family celebrations. Arguably more than any other large dispossessed social group, people with disabilities are invisible also in political agendas, in human rights struggles, in development strategies, and in social science research. Disabled people are disproportionately numerous amongst the poorest of the poor across the world⁴², but special schemes for their upliftment are few. Instead, as they struggle to achieve their potential of a fulfilled, dignified and useful life, they are most frequently victims of extreme, even savage, social prejudice and ostracism.

For disabled persons who also belong to traditionally socially discriminated categories such as females, backward castes, tribals, and minorities, social ostracism is likely to be further greatly enhanced. Since the exclusion that disabled persons face is mediated by social prejudices, a person who is disabled because of leprosy may be much more stigmatised than a moderately mentally slow person, and a woman more than a man. When a *dalit* woman, a homeless man or a tribal child also suffer from disability, they have to contend with vulnerabilities from all extremes. The discrimination is often so strong that it forces them to live in extremely inhuman conditions.

Gaps and failures in village infrastructure like roads, drinking water sources and school buildings disproportionately constrain people with disabilities from moving out of their houses. Temples are built on hill-tops, and roads uneven. Greater barriers are erected by social attitudes, of shame and ridicule, beginning often within the family, which further immobilise people with disabilities. The result is a sense of isolation, dependency and pervasive low self-esteem and compounds their confinement to their homes and their consequent invisibility.

Definition

In accordance with the WHO definition, we may understand 'impairment' as the loss or reduction of normal functioning of any physiological function. When such impairment results in partial or total inability to perform any bodily or mental function in the manner or within the range considered normal for a human being, it is described as a 'disability'. The sum-total of separate disabilities, that limit or prevent the fulfilment of a role that is normal (depending on age, sex, social and

cultural factors) for the individual, is 'disablement' or 'handicap'. It would be clear that this definition hinges critically on the word 'normal' with its vast and problematic normative baggage.⁴³

Disabilities are variously classified as locomotor, visual, speech and hearing, mental (mental retardation, mental illness, autism, other emotional disorders), specific learning disabilities, cerebral palsy and so on. Another set of classifications are based on diseases which cause these disabilities, such as polio, leprosy, cancer, multiple sclerosis and others. These disabilities may further be classified as mild, moderate, severe and profound, depending on their severity.

Incidence

The Census 2001 counted 2.1 per cent of the population i.e. 22 million people to be disabled. The NSSO 58th Round (July-December 2002) has an even lower estimate of 1.8 per cent.⁴⁴ However these estimates are contradictory in themselves too. The NSSO estimates that 51 per cent of the disabled population has locomotor disabilities while only 15 per cent are visually impaired. In contrast, the Census which is enumeration of the entire population finds that almost half of the disabled population suffers from varying degrees of blindness while only 28 per cent are movement impaired.⁴⁵

Other estimates⁴⁶ double the extent of disability in India to around 40 million people. More inclusive definitions of mental illness and retardation increase the population size to 80 - 90 million. Disabilities like autism, thalassemia and many learning disabilities rarely find a mention in these surveys.

WHO estimates that as many as 10 per cent of world population is disabled, which in the Indian context would mean as many as around 103 million persons. However, Dr. E. Helander who had arrived at this 10 per cent estimate in 1974, writes in 1990 that the moderate and severe disability which calls for rehabilitation efforts is 5.2 per cent which in the Indian context would mean around 53 million persons. The UNDP estimates that on an average the global disabled population is 5 per cent.⁴⁷ In other words, one person in 20 has a disability and more than 3 out of 4 of these live in developing countries.⁴⁸ These are likely to be more accurate estimation of the magnitude of the problem.

Cycles of Poverty and Disability

Families in which either the bread winner or a dependent is disabled is more likely to be impoverished; likewise members of indigent families are at greater risk of disability. Of the six hundred million people with disability in the world, over 70 per cent live in the 'developing world'⁴⁹. Disabled people are estimated to make up 15 to 20 per cent of the poor in 'developing' countries.⁵⁰ Reports indicate that a higher proportion of households with self reported disabled members were below the poverty line, had lower total assets, smaller land holdings, and greater debt than households without disabled members.⁵¹ Disability affects not only the individual, but their families and careers too. The Asian Development Bank estimates that 25 per cent of the population in the Asia-Pacific region is impacted by disability.⁵²

Disabled people are more vulnerable to poverty and its financial repercussions. One is their increased requirement for expenditure on health care, basic needs, accessibility and transport. Second is their limited capacity to earn partly due to the impairment and partly lack of access to opportunities. And the third is the indirect cost of care givers. In most disabled families, one adult member misses work because they have to provide care to the disabled members.

In Uttar Pradesh and Tamil Nadu it is reported that in 45 per cent of households almost everyday for an average of 2.5 hours, an adult care giver needs to miss work in order to support their family member with disabilities.⁵³ This exemplifies the indirect cost of disabilities.

Other studies even indicate that disability is more prevalent in poor, scheduled caste⁵⁴, OBC and rural households.⁵⁵

Poverty is both cause and consequence of disability. Living in poverty increases the likelihood of having some impairment, because of poor nutrition, health care, immunisation and physical security. Disabled people generally experience higher rates of poverty as a result of being disabled and when people living in poverty become disabled they are often more severely marginalised than are wealthier people.⁵⁶

Barred from schooling

People with disabilities are also more likely to be illiterate. They also constitute a lower proportion of students in higher education. There is almost 52 per cent illiteracy among people with disabilities against a 35 per cent average for the general population.⁵⁷ This is mainly because the education needs of disabled adults and children have been neglected for a long time. It is only in recent years that their special needs have received focus. Illiteracy is high across all categories of disability, and particularly for children with visual, severe and mental disabilities. The differences in educational attainment are strong even among people with disabilities. The illiteracy rate among female persons with disabilities is 64 per cent while its 43 per cent for men⁵⁸. Amongst visually disabled persons with disabilities the illiteracy rate is 73 per cent.⁵⁹

The share of disabled children who are out-of-school is around five and a half times that of the general population. It is even around four times worse than that of the tribal population.⁶⁰ Even in the best performing states like Kerala (27 per cent) and Tamil Nadu (33 per cent), a significant share of out-of-school children are those children with disabilities.⁶¹ Also the gap in the education achievement further increases with higher education from secondary school onwards, which can be attributed mainly to infrastructural inaccessibility and lack of proper facilities and support⁶².

The Sixth All India Educational Survey of 1993 conducted by NCERT says that 12.59 million children of school going age suffer from one kind or the other kind of disability. Both approaches, special schools and integrated education, have been reached only 1,81,693 children with disability out of 12.59 million children with

disability. The remaining 98.5 per cent are out of schools and their educational needs are not met. They are also denied nutritional supplements in mid-day school meals.

Health Care

In India, people do not have proper access to health care. Therefore, the health care support system for the disabled too is extremely weak. Overall people with disability tended to have low use of health services relative to the general population. Among disabled persons, there are variations in their accessibility to health care depending on the type of disability, their gender, rural or urban location of residence etc. The reasons for not accessing health care are manifold. A number of areas do not have adequate health services available, if available lack of transportation makes these facilities inaccessible, the buildings of the health care centres may be inaccessible in themselves, and the staff are inadequate or without special training to care for the disabled.

One of the reasons is also that a large number of people with disabilities do not have the aids and appliances available with them to help to access services and facilities including the health care system. In Uttar Pradesh and Tamil Nadu, the lack of services is one of the main reasons for not accessing health care.⁶³

Barriers to Food and employment:

In most cases disability contributes to a near closure of opportunities in the local economy. Even in cases where the disability is in no way going to decrease their efficiency of work, disabled people are denied work, or exploited and given work that nobody else is willing to undertake. The pervasive prejudice that they daily grapple leaves them no choice to bargain for better employment. This hinders their struggle to come out of the poverty and usually burdens their children into abandoning school or engaging in hard labour or even bondage.

Food and livelihood security are interlinked to a greater extent. A sustainable source of livelihood to a large extent ensures access to food. Low and uncertain incomes mean that many people with disabilities and members of their family routinely live with hunger. Even the coping mechanism of seasonal distress migration is usually barred to such people. A participatory investigation in rural Rajasthan and Andhra Pradesh⁶⁴ encountered very few people with disabilities who received any kind of disability pension, or food aid, to protect them through seasons of hunger. The situation is even more tenuous for old persons with disabilities who lack younger care-givers.

The discrimination of disabled persons gives a way to their exclusion and in most cases establishes barriers to their access to food and livelihood which results in hunger among the destitute disabled persons with which they struggle unequally to cope.

1. Unemployable or Unemployed?

People with disability who are unable to find employment are driven into deeper poverty. Disabled people also have significantly lower employment rates (approximately 60 per cent) than average, and this gap has been increasing over the past fifteen years.⁶⁵ A recent adverse development is the decline in the employment rate of working age disabled people, from 42.7 per cent in 1991 to 37.6 per cent in 2002.⁶⁶

Controlling for other factors, having a disability reduces the probability of being employed by over 30 per cent for males in rural Uttar Pradesh and Tamil Nadu, though the effect is lower for women.⁶⁷ It has also been found that mental illness and particularly mental retardation have a strong negative impact on the probability of being employed, even in cases where such disabilities are not severe⁶⁸.

Almost all people with disability interviewed in Andhra Pradesh in the *Living with Hunger* study⁶⁹ found wage employment – as farm labour, or basket weaving, or selling *sandhi* or country liquor and so on – but men were paid at half-rate which is perceived as ‘women’s wages’ of 25 rupees a day. It is mainly those who are severely mentally challenged or mentally ill who find their way to temples and mosques to beg.

Mere ownership of land as a productive asset also does not mean that it will guarantee livelihood security. The persons with disabilities should be able to cultivate the land either themselves or with the assistance of their families. 22.5 per cent of the respondents in a study on hunger and disability in villages of Andhra Pradesh, Orissa and Rajasthan, state that they do not have the capacity to invest financially in agriculture. Further 34 per cent of people with disabilities due to their health or severity of impairment are not able to cultivate their own land.⁷⁰ The study also finds that approximately 14 per cent of the disabled population covered did not have a house of their own and thus were without a roof on their head.⁷¹

2. Insufficient calories:

Although the sample was too small to generalise, the *Living with Hunger* study seems to indicate that familial support for persons with disabilities is declining. Almost 76 per cent of the among the disabled respondents⁷² indicated that they had to primarily work to meet just their minimal survival needs like food. Government support as the second most important source of food security catered to only 11 per cent of the the disabled respondents, though most indicated that it was able to only partially meet their food needs.

Food gathered in charity is largely provided without dignity, as the disabled people have to sit for hours at the courtyard of religious places of worship like temples, gurudwaras and mosques and roadside pavements from where they are often chased away (in urban areas) by the police. Even after the hard day’s struggle, one can hardly fill the empty stomachs of the whole family.

Most poor and vulnerable disabled persons have learnt to live with hunger pangs. On the day of their investigation, CES researchers found that almost one-fifth of the

disabled people had not eaten in the morning, three-fifths had foregone their lunch in the afternoon and about 8 per cent, similarly, skipped dinner⁷³.

Figure 3: Reduced Food Security in Households with People with Disability (per cent)		
	HH without PWD	HH with PWD
Three meals per day year round	47.9	36.7
Source: O'Keefe Philip (2007) <i>People With Disabilities in India : From Communities to Outcomes</i> , India: World Bank		

Another World Bank study⁷⁴ which compares food security of households with and without people with disability finds a ten percentage point difference in their access to three square meals round the year.

3. Consumption of Pseudo Foods

Of all ways of coping with hunger, many disabled people wilfully ration their daily intake to levels well below what is being estimated to be absolutely necessary for human survival. Many disabled persons fill their stomachs at night with water or cheap country liquor, rather than food.

4. Cause and Effect of Hunger:

One hundred million people worldwide have impairments caused by malnutrition and poor sanitation⁷⁵. The World Health Organisation estimates that up to 70 per cent of childhood blindness and 50 per cent of hearing impairment in Africa and Asia are preventable or treatable.⁷⁶ These preventable impairments caused by communicable, maternal and prenatal diseases and injuries are particularly common to poor families with insufficient resources to satisfy their basic needs. Malnutrition can lead both to the direct impairment of mental and physical functioning, as well as indirectly to the weakening of the body causing it to be disease prone and likely to suffer impairment⁷⁷. Some common micro-nutrient deficiencies that affect disability include:⁷⁸

- Vitamin A deficiency - blindness.
- Vitamin B complex deficiency - beri-beri, pellagra and anaemia.
- Vitamin D deficiency - rickets (soft and deformed bones).
- Iodine deficiency - slow growth, learning difficulties, intellectual disabilities and goitre.
- Iron deficiency - anaemia, which impedes learning and activity, and is a significant cause of maternal mortality.
- Calcium deficiency - osteoporosis (fragile bones).

Barriers to food and employment schemes:

There are on paper several official facilities and provisions for the empowerment of disabled persons. The Persons with Disabilities Act 1995, extends reservation of 3 per cent to all government jobs and poverty alleviation programs including Swarnjayanti Gram Swarozgar Yojana (providing subsidised credit for livelihoods), Indira Awaas Yojana (free rural houses for the homeless), and the Swarna Jayanti Rozgar Yojana for wage employment for poor rural households, among others.

The exclusion of people with disabilities from these schemes and development programmes is manifold. They are still rare in pre-school anganwadis, in schools and work sites. This raises a number of questions on the effective implementation of these schemes, their sufficient financial allocation, awareness of their existence and more importantly whether there has been inclusive participation of disabled persons in their design and formulation.

1. Ineffective state pensions:

There is no central government scheme for disability pension, but several state governments have established their own schemes. This results in different eligibility criteria across the country. In Tamil Nadu the eligibility criterion is based on so many 'exclusions' to make it virtually redundant. It applies only to physically handicapped persons with more than 50 per cent permanent disability, who are destitute with no source of income or means of subsistence, but should not be a professional beggar, should not be supported by son or sons aged 20 years or above and should not own property valued above Rs. 5000, and finally should necessarily be aged 45 years and above. It is hard to understand how such a person who is completely destitute, unsupported and yet does not beg, would have survived before she would access the government pension.

Across states the same trend persists – the eligibility criterion seeks to exclude rather than cater to the special needs of the disabled. In Chhatisgarh, the disability pension is given only to those identified as 'destitute' which is often difficult for the disabled persons to prove. In Gujarat disability pension caters to a very small section of families which have a severely disabled person (with more than 75 per cent disability) and whose family income is below the poverty line.

These archaic eligibility criteria support a very low coverage. The coverage of disabled persons under disability pension schemes is lesser in almost all the states. To arrive at some conclusion if we assume that the disabled population is equally distributed among all the socio-economic groups, even it is more in poor households, and take into consideration the Census estimates of disability (2001) which is gross miscalculation and seven years older, still then almost 72 lakhs disabled persons are BPL in only 21 States listed in the **Annexure 1**. However, among these BPL disabled persons only about 27 lakhs are being covered in these 21 states which is just 37 percent of the BPL population. Further the coverage varies among the states and states like Delhi (1 per cent), West Bengal (1 per cent), Jharkhand (3 per cent) and Tripura (3 per cent) show almost negligible coverage. The coverage of Disabled Persons under Disability pension schemes by other states is mentioned in **Annexure 1**.

Another reason for the low coverage could also be extremely low awareness of the existence of the scheme among the eligible beneficiaries. A study conducted in three states Orissa, Madhya Pradesh and Karnataka finds that only 60 to 65 per cent in the 1st and 2nd income quartile⁷⁹ were aware about the disability pension.⁸⁰

2. Few children with disabilities in anganwadis:

It is very rare to encounter a child with disabilities in an ICDS anganwadi centre. It is not only their impairment but also the environment that places barriers on their mobility. Anganwadis do not have ramps and the rural roads to the centre are typically uneven.⁸¹ This need not be a barrier, because children below the age of 6, who are eligible to attend an ICDS centres, are almost always accompanied by adults and often carried even if they are not disabled. More pertinently, anganwadi workers are not sensitive to the needs of disabled children, and not welcoming. In the capital city, no child with disability was found to be registered with an anganwadi and only 3 per cent of anganwadi workers had received any special training on disability.⁸²

In a field study in 14 villages in 4 states of Andhra Pradesh, Chatisgarh, Jharkhand and Uttar Pradesh,⁸³ the most striking finding was that in none of the surveyed villages, the study teams came across any registered disabled children, let alone any who actually visited the centre. The parents of many challenged children feared to send their children even outside home, apprehensive about harassment from other children and taunts from adults including the official care givers. The additional reason for not sending the children was the preoccupation of the parents with wage employment and food security.

3. Midday meals not for out-of-school children:

Disabled children are five and a half times more likely to be out-of-school than 'normal' children and even four times more likely to be excluded than children of scheduled tribes.⁸⁴ They are comprehensively denied their fundamental right to education. They are also invariably not covered by the midday meal scheme which applies only to children who attend school and plays an important role in preventing classroom and childhood hunger.

Most children with disabilities remain uncovered as they are unable to come to school, which are often inaccessible and they suffer from insensitive treatment by teachers. To date, pre-service training of regular teachers includes virtually no familiarisation with education of special needs children.⁸⁵ Further, there exists a lack of access, awareness and financial assistance to avail of appropriate aids/appliances.⁸⁶

One of the prominent initiatives adapted under SSA is to provide home based education for children with severe disabilities. Official statistics indicate that this strategy of home based education has benefited almost 61,290 children with severe disabilities so far.⁸⁷ But they are not provided with any midday meals from the nearest schools.

4. Limited quotas for Antyodaya Anna Yojana (AAY):

On May 2nd, 2003, the Supreme Court passed an order, in the Right to Food case that six "priority groups" including those households with a disabled adult and no assured means of subsistence would be entitled to Antyodaya cards. However, the government is yet to implement an effective mechanism to ensure that all households in these priority groups are identified and covered.

A very large number of deserving disabled persons therefore still have not been provided their AAY cards. An important barrier is that their disabilities make it difficult for them, because of their limited capacity and inaccessibility of government buildings, to struggle for and compete to receive an AAY from the limited (often inadequate) quotas amongst the six vulnerable categories. Also, in practice, the beneficiaries for the AAY card are being selected from amongst those on the BPL list despite conclusive evidence that these selection surveys are unreliable. Most destitute disabled persons, therefore, don't possess an AAY card and are consequently left out.

The Supreme Court Advisor in Assam conducted a survey recently in 2008 on access to food and work schemes and discovered that all the 18 disabled respondents in Guwahati, who were also homeless and unemployed, and depended on food distributed at the Sukreswar Temple and Ulubari Mazhar for their survival, did not have AAY cards.⁸⁸ Government authorities⁸⁹ claimed that the AAY quota allocated for Assam had already been distributed, though records on beneficiaries had not been maintained category-wise despite the explicit orders of the Supreme Court, and new cards had not been issued for the past few years.

5. No special provision in National Rural Employment Guarantee Act (NREGA):

Nothing in NREGA prevents disabled people to work in theory. Nevertheless, the lack of explicit mention, results in the local panchayat and officials assuming that people with disabilities are unable and ineligible to apply for guaranteed wage work. The Persons with Disability (PWD) Act of 1995 clearly mention that there should be 3 per cent reservation in all poverty alleviation programs and is therefore applicable to the NREGA as well. Further the Operational Guidelines issued by the Ministry of Rural Development explicitly state that *"If a rural disabled person applies for work, work suitable to his/her ability and qualifications will have to be given"* However, in reality disabled persons are largely unable to access NREGA work. Field studies show that the root of the problem is often that disabled people are not even aware that they can demand work under NREGA. Their exclusion starts from the very first step, and often are not provided with separate job cards nor is their name included in the job cards owned by their family. Out the 19 disabled people interviewed in Sitapur block of Chhattisgarh in December 2006, 15 had no job cards.⁹⁰ In Deogarh panchayat, the sarpanch has refused to issue job cards to all disabled applicants with the disdainful explanation, *"You cannot take care of your own bodies how will you work?"*⁹¹ In Bardihi Panchayat though 6 disabled people had their names on the job cards, but they are not called for work⁹².

The problem also lies in the attitude of the community, local panchayat and government officials, who presume that people with disability are unable to do work. The exception is Badwani block in Madhya Pradesh, where due to a concerted community-based movement and pressure more than 200 people with disabilities have participated in NREGA work.

Almost 20 per cent of disabled persons usually find their place in among the poorest. It is therefore ironical that poverty alleviation programs including the dynamic NREGA exclude this vulnerable section of society in violation of the PWD Act 1995.

6. Other Poverty Alleviation programmes:

Most poverty alleviation schemes like the Swarnjayanti Gram Swarozgar Yojana (SGSY), Indira Awaas Yojana (IAY), Swarna Jayanti Shahari Rozgar Yojana (SJSRY) have stipulated in their guidelines or budgets that a 3 per cent reservation of coverage or finances is mandatory for disabled people. However these targets are invariably not met. In 2006-7 (up to Jan 2007)⁹³, disabled people constituted only 1.07 per cent of Swarozgaris and were allotted only 0.94 per cent of IAY houses. While the performance of SJSRY was better in aggregate terms, it is still below the 3 per cent norm and in the case of states like Arunachal Pradesh, Meghalaya and Goa according to official data is a stark 0 per cent.⁹⁴

The minimal participation of disabled persons in government schemes is a result of a range of issues including lack of awareness about these poverty-alleviation schemes and their specific entitlement based on reservation. It would also be faulty to assume that disabled people through mere information alone would be in a position to come forth and claim the benefits. Societal prejudice and the physical inaccessibility of government offices serve as important barriers. To ensure inclusion, regular awareness campaigns combined with rigorous door-to-door identification of poor disabled persons is a first and necessary step.

Recommendations For People with Disability:

1. Work is the right of every adult individual, not only because it is the source of economic self-reliance but also because it leads to dignity and self-esteem. The state must accept and operationalise **the right to work** of persons with disabilities. Special employment agencies should be created for disabled people. In guiding, training and placement of the disabled for livelihoods, the key is to recognise and build upon the unique strengths of disabled persons; one may be led even to tasks which the disabled can do better than non-disabled. The hearing impaired for instance, can do all jobs except those in which speech and hearing are essential, and would be in fact at an advantage in situations of high noise level such as the aeroplane industry, and have been found to be more accurate in computer data entry work. The mentally slow may be better equipped for assembly-line simple repetitive tasks, as well as tasks requiring physical stamina. In China, under what is described as a 'special warmth' schemes, a number of 'welfare factories' have been established in which the majority of workers are disabled. Able-bodied workers undergo sensitisation workshops to develop appropriate attitudes to the disabled. Such factories are functioning at a profit, and have greatly built the morale of the disabled workers.
2. Likewise, the state must be serious about implementing its constitutional and statutory duty to **educate every disabled child**. Education may be defined as guided learning to help a child gain skills and understanding for meeting life's needs. The school is an important institution for education, but even countries which have successfully implemented programmes for universalising elementary education have often excluded the disabled. It is important for

policy makers and teachers to understand that many disabled children have quick minds, and can do as well or better than other children, but only if they have certain basic facilities and support. What is more, schooling may be even more important, say, for physically disabled children than for able-bodied children in villages, because they may not be able to perform hard physical farm labour, but have a good chance for employment or community leadership through schooling.

The preference should be for the integrated and not segregated special schools, in which model all motor disabled and other mild or moderately disabled children attend regular schools. This is not only cost-effective because it utilises the existing school infrastructure, but it also enables disabled children to aspire for and achieve higher goals and helps disabled and able-bodied children to understand and work and play comfortably with one another. Even for severe disabilities, there may be a special class in a normal school, with shared eating and recreation spaces.

3. Special bus/transport services should be provided for disabled students to go to school/college. For issuing disability and income certificates, and identity cards for availing concessions, district officials may **recognise certificates** issued by notified and specific NGOs especially disability rights organisations, instead of insisting on government doctor's certification.
4. Wherever a disabled children enrolls herself into a school, ramps or other required aids should be put in place within a period of one month and the specific class/group should be made to sit at the ground floor to ensure that the child is **not excluded** from mid-day meals and supplementary nutrition programme (SNP).
5. In all the anganwadis or school where a disabled child has been enrolled, the anganwadi worker or one teacher from the school should be **trained within 3 months** specifically on the disability needs and rights.
6. All anganwadis and schools must consistently show at least **5 per cent attendance** of disabled children, else the CDPO and District Education Officer must be held personally responsible.
7. Any education provided in an alternative setting should be of equal quality, recognition and value as the general school system. Children with disability face both direct and indirect discrimination and exclusion. They are out of school and pre-school ICDS centres mainly due to the inaccessibility of schools, attitude of teachers and workers and lack of proper support for their equal participation in education. There is a strong case, to make arrangements to provide all disabled children (both moderately and severely disabled) who are registered with the nearest schools (but do not attend regularly for any reason⁹⁵) with **midday meals and supplementary nutrition** in the school and ICDS centre during feeding time if the child comes from the nearest school or anganwadi, or at home in the way of weekly dry rations, irrespective of whether they receive home-based education.

8. The government should actively promote **organisations and self-help groups of the disabled** and their families, and work mainly with them. These should not be dominated by middle class, male and urban persons with disabilities but include rural village level groups of disabled people and their families, with equal representation to girls and women. This helps them to realise that they are not alone, promotes mutual support and assistance, and provides important resources for many community based activities. It ensures that government programmes are designed and implemented with the real needs of persons with disabilities. The slogan of disabled people worldwide must be respected, '*Nothing about us without us*'.
9. There should be a **mass education and mobilisation** programme with *jathas*, banners, posters, wall-writing, discussions in schools and colleges, use of mass media and so on on the abilities and rights of persons with disabilities. The success of the campaign would be measured firstly by the extent to which the community begins to introspect about its prejudices regarding the disabled and overcomes these prejudices, recognising both the potential and the right of the disabled to a life of dignity and self-reliance; and secondly to how much more inclusive schools, public buildings and work places become for persons who live with disability.
10. All the states governments should conduct detailed **surveys** to understand the prevalence of disability in total and also separately in different socio-economic groups. It would be useful to commence with a **detailed house-to-house survey of disability**, through youth volunteers including many disabled youth. The surveyors should be sensitised and trained in advance not only with regard to identifying and classifying disability, but also appropriate attitudes towards the disabled, otherwise they would also invisibilise the disabled like census workers. Alternatively, as was successfully tried out in Pakistan, the survey may be conducted through school children.
11. State governments should also undertake a special campaign for the **identification** of disabled persons as beneficiaries for the range of existing government schemes without any ceiling on the number of beneficiaries. All the disabled persons who qualify to be eligible should be able to avail the benefits without any ceiling on number of beneficiaries.
12. All disabled persons should be given '**entitlement cards**' with all benefits - both specific and general - clearly mentioned based on the gender, age and eligibility. The procedure for application for these benefits should also be mentioned, in two languages including the local language.
13. In all **poverty**-alleviation and feeding programmes including the ICDS, MDM, NREGA, AAY, etc state governments should gather information separately on the **coverage** of disabled persons vis-à-vis the total number of the PWD eligible for the scheme.

14. Provide **free healthcare** in government hospitals for all disabled persons without any ceiling on the extent of severity of disability or obligation to produce a disability certificate or BPL card.
15. Most disabled persons require some kinds of **aids and appliances** for a fuller life, for mobility and communication. For mass and locally appropriate production, the best approach would be to develop local design of these aids and appliances using local materials and skills and to train local artisans for cottage-based or cooperative workshop manufacture. Organising training of disabled persons as artisans for this purpose would be an excellent idea, and distributing these through disabled peoples' organisations.
16. The quota of Antodaya Anna Yojana (AAY) should be increased to provide universal coverage among all disabled-headed families or families in which there are disabled children or in which disabled adults are dependent, who are BPL or SC or ST.
17. There should be **clear directions** to issue NREGA job cards and to provide on priority work when demanded by people with disabilities. The Schedule of Works should also be modified to provide a listing of all the physically **light tasks** like carrying drinking water for labourers, looking after children in the crèche who are accompanying nursing mothers, maintaining muster rolls and attendance register etc. which can be allocated for disabled persons.
18. In most families in which disabled children or adults need home based care, one adult member normally misses work in order to provide care for the disabled person. Therefore, all families with a disabled member should be allocated a minimum of **150 days** of work under NREGA.
19. All disabled children under eighteen who cannot take care at themselves should be allowed to join the **worksite crèche** for children under six. Women preferably from the families with disabled children should be deputed to look after the children in the proportion of one woman for every five disabled children and they should be provided the full applicable NREGA minimum wage.
20. Create a **centrally sponsored scheme** for disability pension scheme of a minimum of Rs. 400 covering all BPL, SC and ST disabled persons with a centre-state contribution of in the ratio of 50:50.
21. Ensure that a person **entitled** to two or more **pensions receives all** of them e.g. old-age and disability pension, because such a person suffers from multiple disabilities.
22. Enforce uniform **guidelines** for the **construction** of buildings, roads and other infrastructure to make them equally accessible to the persons with disability.
23. All the **pre-service training** programmes should include a component on sensitization to the needs and rights of the disabled.

Annexure 1:

Coverage of Disabled Persons under State Disability pension schemes				
S. No.	States/UTs	No. of BPL disabled Persons*	Coverage under Disability Pension Schemes by the States**	Percentage Coverage
1	Andhra Pradesh	350527	200000	57
2	Bihar	1037431	150000	14
3	Chhattisgarh	178536	63865	36
4	Goa	2350	4257	181
5	Gujarat	253107	174642	69
6	Haryana	113988	116444	102
7	Himachal Pradesh	63721	26922	42
8	Jharkhand	246428	7980	3
9	Karnataka	311917	453331	145
10	Kerala	218900	176596	81
11	Madhya Pradesh	598906	183620	31
12	Maharashtra	578548	313911	54
13	Orissa	495960	203000	41
14	Punjab	49966	91338	183
15	Tamilnadu	575367	81137	14
16	Uttar Pradesh	1410701	400000	28
17	Uttarakhand	79563	26216	33
18	West Bengal	658702	8264	1
19	Tripura	24083	839	3
20	Chandigarh	1764	1590	90
21	NCT Delhi	34652	200	1
22	TOTAL	7285117	2684152	37

* Calculation based on Census Data 2001 and taking into consideration the BPL percentage what MoFCS is using and assuming that Disability is equally prevalent among all the sections of Society.

** Estimates from Ministry.

Urban Homeless

Homeless people on city streets are invisible to public policy, though they are visible daily to policy makers as they drive the same city streets. Homeless women, men and children share the cities virtually as non-citizens. Many die unmourned in the bitter winter cold, the merciless summer heat or in the deluge of the monsoons. They are forced to live and sleep each night under the open sky. Life for them is an unremitting struggle against hunger, loneliness, sickness.

The bitter winter often proves to be a messenger of death.⁹⁶ In 2002, the police found 3040 corpses of homeless people defeated by Delhi's harsh winters. 400 of these were victims of a single cold wave. The onus lies entirely with the government to build a comprehensive policy to support the city's most marginalised residents, but the governance amnesia across the nation has been acute.

India is estimated to have the largest population of street children in the world.⁹⁷ Often, they escape from abusive homes and get caught in yet another world of exploitation, hunger, physical violence and sexual abuse.⁹⁸ Poor education and the bitter reality of their lives kill any hope of a better future.

'Houseless people', of all age-groups, are defined by the census as those who do not live in 'census houses' i.e. a structure with roof. Enumerators are instructed to observe possible locations where the houseless populations are likely to congregate: roadside, pavements, drainage pipes, under staircases, or in the open, temple-mandaps, platforms, welfare institutions.⁹⁹

Based on this restricted vision, in 2001, the census enumerated 1.94 million homeless people, of whom almost three-fifths live in villages and remaining 0.78 million live a precarious existence in India's cities and towns. However, these numbers are likely to be gross underestimates, because people without a home tend to be a highly invisible especially to officialdom. In Chennai city, a civil society survey in 2003 was able to list twice the official estimate of homeless people (i.e. 40,500 persons from 11,000 households) and also revealed that 83 percent of them are *dalit*.¹⁰⁰

The largest majority of homeless people sleep on pavements and sidewalks, under ledges of shops and homes, in market corridors, at bus-stands and railways stations, outside places of worship often in daily danger to their lives from rash and drunken drivers. In some cities, single women seem to prefer shrines, children bus stands and railway stations and families pavements.¹⁰¹

Street Children

Some estimates indicate that the number of street children alone is 18 million with twice as many boys as girls.¹⁰² Street children belong to two kinds: children *on* the

streets and children *of* the streets. This distinction is very crucial for planning relevant intervention strategies. Children of the street are more vulnerable than children on the streets, because they have no adult protection. They either have no parents or have escaped on the streets abusive, violent, alcoholic or irresponsible parents. They can be mainstreamed for formal education in schools; but they have no home to go back to, only the streets. They therefore need comprehensive long term residential care for the entire duration of their childhood and youth, but in ways that are voluntary and non-custodial.

As distinct from children of the street, children on the street do retain live contact with their families in the city, who may live on the streets or in slums. However, because of extreme poverty, substance abuse or irresponsible parentage, the children are left largely to their own devices especially through the day. At an early age, they often learn to beg, at places of worship or traffic lights, or they forage in rubbish heaps not only for food but also for various materials that can be sold for recycling. As they grow older, girls are often drawn into casual street-based sex work, whereas boys may diversify from rag picking to working in garages and catering establishments.

Undefined

It is remarkable that so little is known about the lived experiences of those without a home: why do they live on the streets, how do they survive; how do they manage to sleep, where do they bathe; what do they eat; what work they do, do they access public services?

As an itinerant population, they are almost intractably difficult to identify, reach and research for many reasons. First, the homeless population is extremely heterogeneous, in terms of age group, gender, livelihoods, place of origin and reasons for living on the streets.

Often the relationship between homeless families and the state is one of extreme mutual acrimony and distrust, an unending undeclared cold war. State authorities are distrustful of homeless people as parasitical, lazy, unhygienic, illegal and largely criminal. Homeless people return the compliment by regarding the government as implacably uncaring, hostile, corrupt and neglectful.¹⁰³

Criminalised

Homelessness itself is perceived to be a crime. Homeless families are wary of both the government and the middle class, particularly because both perceive homeless people of any age and gender to be vaguely dangerous and intractably on the wrong side of the law. Homeless people are taken as illegal elements who need to be weaned out of the city. Due to the above reason police brutality and harassment is more common for homeless people.

Worse still, vagrants, mentally ill itinerants, 'illegal' squatters, pavement dwellers, are all considered 'guilty' of violating penal statutes or those whose entire enforcement is at the mercy of the police and the junior magistracy.

Across India, large numbers of homeless people are routinely rounded up by the police. This is done usually to fulfil targets of 'preventive detention' as proactive measures to maintain civic peace under Sections 109 and 151 of the Criminal Procedure Code, 1973. Homeless people then languish for long periods in the jail, because they are too poor, asset less and without legal aid or literacy, to secure bail.

Even apart from their acute need for shelter, their daily efforts of survival are hindered at every step by their absolute 'illegality' of existence. At the heart of the problem are existing laws and policies of regulating urban land, which systematically exclude the poor from building or acquiring legal shelter. As a result, even all self-help efforts of the poor to live are condemned by law to the twilight zones of illegality.

Invisiblised

The processes of illegalisation and criminalisation work together. Any state would prefer to take steps towards invisiblising the powerless. Imprisonment is one of the common tools. Another is de facto denial of citizenship.

In an age of targeting as opposed to universal access, the fate of the poor increasingly hinges on possession of 'legal' documents. These have become indispensable not only for protecting citizenship and assets but also as instruments for the needy to rightfully avail of the services of a welfare society as enshrined in the constitution of the land.

In the case of homeless people, the very concept of citizenship is denied by the State itself in India. Two basic documents that are widely perceived as de facto proof of citizenship - ration card and voter's card - are not available to the overwhelming majority. The reason often cited by the authorities is their unavailability of a permanent address.

Informal Jobs

The majority of homeless people survive through casual, unprotected, uncertain and hard labour, through a range of occupations like daily wage work, construction labour, pulling rickshaws, carrying and pushing loads, domestic work, street vending and of course soliciting alms. A small number admit to living by professional blood donation and casual street based sex work (both male and female), although the actual numbers in these professions that are in conflict with law and routinely stigmatised, is likely to be larger.

India has an estimated six million beggars.¹⁰⁴ The Delhi School of Social Work reports that over 71 percent of Delhi's, estimated 60,000 beggars, are driven to solicit alms by poverty.¹⁰⁵ But India's anti-beggary laws are derived from obsolete European vagrancy laws, which hold the hapless poor criminally responsible for their situation. The Anti-Beggary laws in particular are used as weapon against

homeless people. Some state laws actually assume that all who are houseless are no more than beggars. The Bombay Prevention of Begging Act, 1959 and its later avatar Delhi Prevention of Begging Act, 1960 define begging as soliciting or receiving alms in a public place and includes any one having no visible means of subsistence and, wandering about or remaining in any public place in such condition or manner, as makes it likely that the person doing so exists by soliciting or receiving alms. This amounts to criminalising destitution and homelessness and even stigmatised ailments like leprosy. This broad definition allows the police to arrest anyone who looks poor and unfairly targets those who are houseless and live in public places such as pavements or parks¹⁰⁶

Last year, more than half the people surveyed by the Centre for Equity Studies¹⁰⁷ reported that work is not available on a regular basis. In Delhi, Chennai and Patna more than three-fifths held the same opinion. Only in Madurai, where the dominant occupation is begging, did 90 percent of homeless people report regular earnings.

Even these meagre urban livelihoods of the poor are subject to a great deal of harassment by the municipal and police authorities. Despite the Supreme Court's ruling, that their informal occupations merit protection based on their fundamental right to livelihood under the Constitution, street vendors conduct their business amidst ominous insecurity. Whenever eviction drives are conducted their wares are confiscated or even destroyed. Section 34 of the Police Act empowers the police to remove any obstructions on the streets. Even licensed street vendors can be evicted under this law.

Often the street vendors organize themselves into unions or local associations who negotiate with the local authorities for occupying public space. This invariably means offering bribes to the authorities for warding off eviction drives or forewarning them of impending drives. In some cases local musclemen, more often than not with the backing of local political leaders, collect protection fees through threats.¹⁰⁸

Delhi itself has about two lakh rickshaw pullers and more than three lakh street vendors, mostly run by first-generation rural migrants. But the city government has put a limit of 50,000 on licences to pull rickshaws. Therefore, every day about 1.5 lakh rickshaws operate illegally in the city. A vast majority of street vendors have no license either. They all operate outside the legal economy and are routinely harassed by the police and municipal authorities. The licence-permit raj remains as entrenched as ever for the poor to earn their livelihood. The formal economy is closed to them and so is formal housing. They are compelled to get their *roti* (livelihood) and *makaan* (living space) from the informal sector, in their case from the road itself.¹⁰⁹

Debt Bondage

As homeless people find their income streams become increasingly insecure in the informal sector and state interventions fails to bring them in the ambit of policy spaces, homeless people are increasingly pushed into unmanageable hunger, debt, sometimes forced to take loans from private money lenders who charge exorbitantly

high rates of interest. While this might ease immediate consumption needs, mainly food expenses, it creates a mountain of future problems.

In fact, there is a great amount of distrust that the moneylenders have for people without homes. If they do manage to procure loans, the interest rates vary between 10-30 percent per month, which is again very high compared to the common bank interest rates. However, they are left with little other options to access credit.

Lack of Access to Public Services

The urban homeless people often have little and troubled access to even the most elementary public services much of which people who are privileged to live on homes take for granted. Worse still, everything that they can use has to be paid for - every visit to the toilet, every bath - must be paid for, in cash, immediately. The wider range of services, including healthcare, education and law and order, on the grounds of cost and discriminatory practices, remain a distant dream.

The Centre for Equity Studies survey revealed that 45 percent of homeless respondents pay for to relieve themselves in public toilets. Drinking water, often not potable and erratic in supply, is however available free at roadside taps. In Chennai, however, women complained that they have to wait at public taps for long, until other more authorized citizens including even slum dwellers, fill their needs before homeless people get their turn.

Even the night shelters sometimes charge a fee. In Delhi, the Municipal Corporation runs 12 night shelters with a total capacity of 2,500. But the occupancy rate is minimal as each person has to pay Rs 6 for 12 hours, but the basic facilities like toilets, blankets, mats, clothing and sense of safety are rarely available or are in terrible disrepair.¹¹⁰

Homeless life can therefore be paradoxically costly! Especially in urban areas, the costs of living are higher than rural areas as all essential items including food, rent, energy, transport, water from private vendors, and sanitation from pay-as-you-use facilities have to be purchased. Poor people's capacity to meet these needs is purely dependent on having a secure to live preferably close to their work, their capacity to sell their labour for money, and their ability to draw on and use social support systems¹¹¹ - all of which are prohibitively difficult for homeless people.

Hunger on the city streets:

The availability of food to urban homeless people is mixed. The quantities may (but are not always) sufficient. The quality however uniformly tends to be monotonous, elementary, often of poor nutritional value and (in the nature of their existence) unhygienic. It is indeed the search of food which has led many to the streets.

Sufficiency of the food seems far more important to the homeless than the nutritional content. Except those with families in the streets, they rarely get home cooked food. Many buy cooked food, sometimes from humble eateries on the pavements

themselves. Homeless people are forced to depend extensively on external sources for their food – through purchase, foraging, or receiving food in charity.¹¹²

Many who live by soliciting alms, eat only what they get as charity and save all the cash they are given as alms to send back to their village. At times, they have to be content with only one meal, but usually they are able to manage two half meals a day. Leprosy patients in Madurai, Patna were found to depend upon stale leftovers that they are given as they beg in the day. But at night, they try to set up a makeshift stove between two bricks, and boil some hot rice.¹¹³

Street children buy their food from food stalls. On bad days the younger ones even forage for food in rubbish heaps. The rag pickers start their day with a single cup of tea as they can spend only a little money and only after they complete their work by late afternoon do they buy their first meal of the day from the stalls. When they have enough money, they eat from relatively good places as violence of the streets makes it difficult to save money. Later they forage in the bins for bits of biscuits and samosas, and sometimes beg at temples.

Unhealthy Diets

Recurring bouts of irregularity in food consumption also deprives them of nutrition and poor health. Repeated infections result in low food absorption, further worsened by their substance abuse, including excessive drinking of tea in cold winters. Yet they spend the greatest part of their earnings in the daily struggle to feed themselves and their dependents.

In Chennai, homeless women set out their stoves only close to midnight after the streets are emptied of pedestrians, and they wake their sleeping children to groggily eat their only 'home'-cooked meal for the day. But during the rainy season, it is an almost impossible luxury as their fires burn under the pouring rain. Many resort to other modes of foraging their food.¹¹⁴

Nearly half of the respondents of the CES study reported that they have taken ill during that last one month due to which they could not continue their work and had to forgo their earnings. Nearly one fourth of those who experienced illness were unable to access any medication. 56 percent who were advised to be hospitalized, were unable to afford to enter one. Shockingly, hazardous drug usage is found more among the street children than adult homeless persons. In Bangalore city¹¹⁵, seven of every ten street children were found to be drug users. These habits add to their poor health.

In Patna, none of the homeless respondents store any food due to its perishable nature. Besides, fuel is something that is beyond their means. Often they cook on fires burning between bricks with dry twigs or cakes of cow dung collected with great difficulty.¹¹⁶

Myth of Public Help for the Urban Homeless¹¹⁷

Across cities, invariably 60 percent or more of the homeless people reported never receiving any form of assistance either from non-government organizations or the

government. This assistance mainly consisted of provision of food or shelter during rains and a few relief measures during the tsunami in Chennai.

Some charitable organizations are focused on not serving any able bodied homeless person with free food but only the elderly, disabled and mentally disturbed. However, there is a singular lack of a long term vision for rehabilitation.

There is also a general but illusory idea that the free food provision in religious places serves the homeless people. In Madurai Meenakshi Temple preference is accorded to devotees and homeless people are served only left overs, if available. In major Gurudwaras of Delhi like Sis Ganj in Chandni Chowk, our researchers have observed that it is often college students, who eat the free food while homeless people often are not allowed to enter the premises, which is a grave distortion of the religious teachings on which the practice is based.¹¹⁸

Schemed Out

Food and livelihood schemes of government often fail to reach poor men and women, boys and girls who live in urban slums and shanties, because they most frequently face a hostile administration who believes they should not live in the city, and wishes only to break their makeshift homes and drive them out. But those who are most comprehensively excluded are those who are forced to make the pavements and railway platforms their home - because they need to save every rupee to keep alive family in their villages, or because they are brutalised and abandoned by those who should have cared most are also those who are most comprehensively barred from every government initiative.

1. Integrated Child Development Scheme (ICDS) and Midday Meals

In any Indian city, one would invariably come across homeless children playing on the streets and dirty by-lanes, who never go to schools or anganwadis. This stark exclusion of homeless children in the two major food schemes of India is very visible across cities. Either the schools or anganwadis do not exist at a convenient location, or what is much more the case, the homeless are routinely turned away, for want of a permanent address and also because of stigma.

Chennai seems to be the interesting exception. Homeless children have been found sometimes to be allowed to join government schools, on the basis of their living in the same pavement for generations. But mothers reveal that most of the children go to school but on an irregular basis.¹¹⁹

As for those street children who live away from their families, there arises no question of admission without familial or external support. In Delhi, even children of rag-pickers, construction workers and migrant labourers were found to be left out from the ICDS.¹²⁰ Irregularities and the inconsistencies with the anganwadis that are function in urban areas is a different issue altogether.

2. Public Distribution System (PDS)

Not having any proof of identification and address proof means not being able to claim BPL or Antyodaya cards and the other food schemes, which in practice depend

on this. The other menace that homeless people face is the perpetual threat of being forcibly displaced or dislocated from their place of stay.

Only one-fifth of the respondents of the CES study possess ration cards and the rest either have never been issued one, or have it in their village address which cannot be used once they migrate. Others have lost them in their transition from the native houses to the homeless life. Some lose it if they lived in slums earlier and these were demolished without notice.

Of course, mere possession of a ration card does not assure them any food security. There are often discriminated against them in the PDS outlets. Even if majority of adults without a home are aware of ration card and voters id, due to their powerlessness they would be able to rarely access it.

Due to the recent civil society efforts, some state governments have considered the need of homeless people for having a ration card.¹²¹ In Chennai in early 2007 many homeless persons had been issued with a ration card recently but had yet to start availing the benefits. Other were denied the cards as they claimed

“We are also denied ration cards as the officials fear that we may claim for houses and televisions¹²² by showing the BPL cards”.

3. Other Welfare Programs

Other social assistance programmes such as old age pensions, NFBS (death insurance) and NMBS (maternity benefit) are simply out of the reach of urban poor, either due to their contested citizenship because of no permanent address, or due to the lack of political will and administrative rigour in delivering the benefits to the homeless.

Rashmi Singh¹²³, Joint Director, Social Welfare Department, in a recent consultation in Delhi¹²⁴, emphasised the need for the convergence in the social sector programmes to reach the urban poor, as there was lack of clarity in the official mandate which was unable to fix the responsibility of service delivery with any particular department.

Recommendations

The homeless have a seamless continuum with those who are precariously housed under a plastic sheet, often on pavements or construction sites, and those who live in illegalised and insecure slum shanties. Therefore recommendations have been listed together for all these segments of the city's poorest, and the end of the subsequent chapter on slum dwellers.

URBAN SLUM DWELLERS

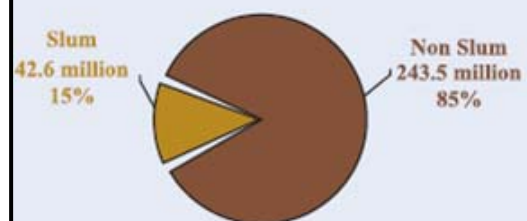
The term 'slum' is used in a loose sense to designate such settlements of the urban poor, that are overcrowded, dilapidated, faultily laid out and generally lacking in essential civic services. NSSO defined 'slum'¹²⁵ as 'a compact area with a collection of poorly built tenements, mostly of temporary nature, crowded together usually with inadequate sanitary and drinking water facilities in unhygienic conditions'. UN HABITAT¹²⁶ has officially defined as, "a heavily populated urban area characterised by substandard housing and squalor.....and lacking in tenure security.....usually inhabited by the very poor or socially disadvantaged. Most slums lack clean water, electricity, sanitation and other basic services".

In 2001 census enumerators estimated that 42 million people live in slums, in 640 cities and towns spread across the country. They constituted 4 per cent of the total population and a seventh of the total urban population and almost a quarter of the population in the 640 cities and towns which officially report the existence of slums. However, even this is likely to be a gross under-estimate, due to definitional problems, and problems of dealing with the transience of marginal populations, forced on to the wrong side of the law. Many slums are not recognised by the state, as it can then refuse to provide it any amenities. Independent studies have established that any thing between a quarter or one-third of the population in most cities and towns lives in slums or are precariously housed or houseless, and that at least half the population in slums are below the official poverty line.

India is home to two-thirds of all slum dwellers in South Asia¹²⁷. The distorted world map indicates that 17 per cent of the world's slum dwellers reside in India (represented by the orange bulge). These 170 million urban dwellers with legally insecure housing and poor conditions are spread across 640 cities and towns in India and constitute 32 per cent of the urban population.¹²⁸ Today, there are about 52,000 slums in India, but only half are 'legal' or slums which are authorised and recognized by governments.

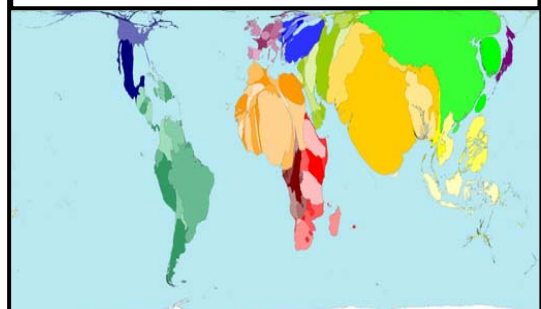
Most urban poor people are believed to be migrants from villages i.e. as temporary visitors to cities. Therefore, governments and city dwellers themselves regard them as a corrupting influence, disregarding their contribution to the city economy and its

Figure 3: Slum and Non-Slum population in urban India (millions)



Source: Slum population report, Census 2001

Figure 2: This distorted world map in proportion to the number of slum dwellers indicates that two-thirds live in South Asia



Source: worldmapper.org

development. Rural and urban poverty are inextricably inter-linked and urban poverty is not merely a spill-over of rural poverty. They must therefore be seen together and addressed simultaneously as two aspects of a single problem and at the same time as autonomous problems that need to be addressed in distinct ways.¹²⁹

A Profile

Interestingly, the male population in slums is far more predominant on an average. The sex ratio is skewed in favour of men. For every 1000 men there are only 876 women, which is lower the proportion in the general urban population. The only exception is in states with matriarchal communities like Meghalaya, Pondicherry and Kerala.

But the sex ratio in slums is lower than non-slum urban population in 9 states and union territories, while in the remaining 17 states/union territories the sex ratio of slum population is higher than the non-slum urban areas of the respective states. Contrary to the expectation that migration to slum areas would be of males initially and is followed by their families which would give a lower sex ratio in slum areas, the higher sex ratio in slums for many states is suggestive of the migration to slums more often of the complete families.

More than 6 million children i.e. 16 per cent of the total child population live in slums. In other words, every sixth urban child in the country who is less than six years is a slum dweller.

In another contrast, while 81 per cent for male slum dwellers are literate, only 64 per cent of women have been imparted the same skills. The 16 percentage point differential in literacy levels is large and the male-female gap among slum dwellers is highest in Rajasthan at 26 per cent. Across cities and towns, the literacy level among the slum dwellers is lower than the general population.¹³⁰

Surrounding Insecurities

*Livelihoods of slum residents are typically unorganized, insecure and the wages irregular, uncertain and nominal. Many a times, their occupations are even illegalised.*¹³¹ For children in slums who are forced to work, conditions are particularly precarious.

Despite all their toil, the sense of social security is minimal. Slum dwellers constantly live with the fear of losing their homes (where they have often invested their life savings) and their possessions due to demolitions. Many settlements have been demolished repeatedly. Though many of these people have proper legal documentation (ration cards, voter ID cards) to prove their domicile, there is often no justice. Often the residents are not even provided advance notice, which is mandatory, to at least recover their valuables. After all, demolitions are perfect opportunities for money to pass hands between the police, criminal gangs and corporations and for grabbing of prime urban real estate.

Slums are the direct outcome of the failure of state policy and law to intervene effectively to ensure legal access of the urban poor to land and financial resources, which would be necessary to enable them to construct for themselves legal and adequate shelter.

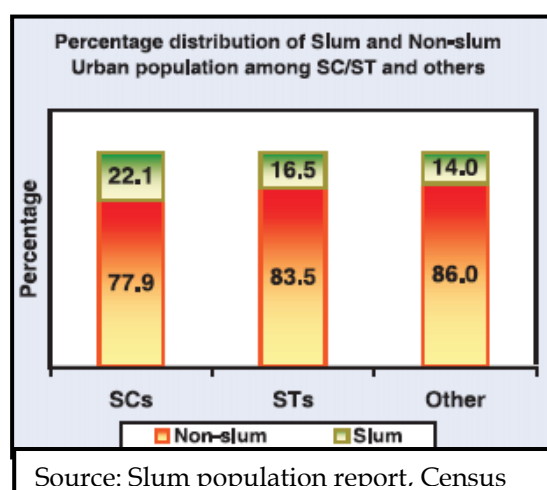
Despite stated commitment in official documents to ensuring access of housing to the poor, we shall see that actual investments in this regard have been niggardly and misdirected. Law as well as administrative and judicial prejudices aggravate this. In effect, these have not only consistently blocked the access of the urban poor to shelter, but have actually rendered illegal and criminalised the spirited, sometimes valiant, endeavours of the poor to survive, not with the help of but despite the state.¹³²

Exclusion Path

Often the urban poor, residing in slums, are worse off than their rural counterparts. They face issues of legitimacy, insecure tenure rights, are cut off from their community and are thrown into anonymity and formality of urban life. They have to pay for every civic amenity like, toilets and water.

Urban slums are characterised by unhygienic and unsanitary conditions, high levels of environmental pollution. The poor repeatedly confront the police and civic authorities, face exploitation because of their low literacy and are highly dependent on the government to provide legal housing, livelihoods, health care etc.

India's slum population has doubled since the eighties¹³³ as rising urbanisation has not been coupled with rise in infrastructure facilities. But governments have sought to reduce the visibility of mushrooming slums by pushing them to periphery and refusing to notify or legalise them. Further, slum dwellers face constant neglect from the administration and are forced to live in terrible squalor. Given the commercial value of every square inch of urban space, every attempt is made to push slums to periphery, deny them any access to sanitation facilities, credit, legality and often even citizenship.



One-fifth of the slum dwellers belong to either the scheduled caste i.e. *dalits* (17 per cent) or scheduled tribe (2 per cent). The *dalit* population is far higher in the slums than in non slum areas (11 per cent). In fact, of the total *dalits* in urban areas, 22 per cent live in the slums. Similarly, 17 per cent of scheduled tribes find themselves in the same situation compared to only 14 per cent of the general population.

Food Insecurity and Issues of Malnutrition

In the city, the poor are necessarily immersed in a cash economy and informal employment. Their incomes are often erratic and meagre. The purchase of basic food is therefore often threatened by employment and income crises.

Slum dwellers not only suffer from lack of nutrition but since they are able to buy only in small quantities, they also spend more. In urban areas, the higher prevalence of stunting implies that malnourishment is not as much a function of lack of access to food; but is primarily because of lack of access to infrastructural and institutional factors like health care, clean drinking water, mother's nutrition.

Absorption or assimilation of food by the slum people constitutes the major barrier as it makes them food insecure. They largely live in unsanitary conditions, amidst high levels of pollution, with limited access to clean drinking water and sanitation facilities. Within a city, per capita availability of water varies ten times between rich and poor areas.¹³⁴ Lack of public health facilities is also pitiable in most slum areas.

More than half of the children under six years were found to be malnourished in the slums in Rohtak town in Haryana.¹³⁵ But the situation is even worse across the country. 70 per cent of slum children are malnourished compared to the national average of 46 per cent. Due to low calorie intake, children suffer the most as they need a proportionately higher intake for their growth and development.

Long term food security is dependent on livelihood security. However, most slum dwellers continue to work in the informal sector, with harsh work conditions and payment much below minimum wages.¹³⁶

State and the Schemes

1. Public Distribution System: Low coverage, lower consumption

At the turn of this century, the average cereal consumption of the poorest decile in cities was 9.55 kg/month¹³⁷ and less than 1 kg of this was obtained through the PDS. More recently, the 'National Sample Survey Organisation (NSSO) 61st round report¹³⁸ indicates startling facts:

- Since the launch of Targeted PDS in the late nineties¹³⁹, BPL card holders in urban India have risen only by 10.5 per cent
- Among the poorest decile, only 29 per cent hold BPL cards (as against 41 per cent in rural areas)
- PDS rice is consumed by only 5 per cent of urban households in West Bengal, 2 per cent in Assam and 0.7 per cent in Bihar, even though rice is the major cereal food
- Only 9.5 per cent of the urban poor have benefited from any government food assistance scheme

People's tribunals in Mumbai and Delhi found that unlike for rural areas, there are no systematic BPL surveys. People apply for BPL ration cards, and food department officials estimate people's income, processes testified to be corrupt and arbitrary. Almost every state has faltered on conducting regular urban BPL surveys, while it has been done regularly for rural areas. Regular surveys are necessary to eliminate the bogus cards¹⁴⁰, renewal of old cards and sanction of new cards to overcome

exclusion errors and also ensure that the food grains meant for the poor actually reach them.

A pilot study from Cuttack¹⁴¹, Orissa, estimates that as many as 78 per cent households in the surveyed slums of the city have no ration cards. From amongst those who do have cards, only about 15 per cent have Antyodaya cards (although 40 per cent of all BPL persons are deemed eligible officially for Antyodaya cards). Not only the quality of food grains was rated as bad, the quantity was insufficient and most families had to buy rice also from the local market. The shops usually open only for 2-3 days or even if it opens regularly, they are allowed to collect their ration during certain days of a month. From amongst families without ration cards, about 42 per cent of them have not even applied for cards. The most commonly encountered reason is lack of awareness of procedures and documents to be submitted. Next is because the process is cumbersome and results uncertain. From amongst those who have applied, most cite the elected councillors' and government officials' negligence for rejection. About 31 per cent are not sure why their application has been rejected, whereas, 12 per cent were refused ration cards for lack of documents.

For migrants, accessing the PDS has become increasingly difficult. Those who move from other states generally do not have ration cards. This restricts their ability to economize by purchasing food at lower cost from PDS. A study in Bhuj town¹⁴² revealed that only 22 per cent of migrants were able to purchase food from the PDS largely due to difficulties in the application process, eligibility requirements and distance.

2. Anganwadis (ICDS)

Every sixth urban child in India who is less than six years is a slum dweller. Nevertheless, although government claims that a little more than one-third of the urban poor are covered by the existing 360 ICDS projects,¹⁴³ the coverage of the poor in slums and on the streets is probably even far less. Only 10 per cent of the anganwadis are located in urban areas. The National Advisory Council in 2004 recommended that 2970 additional ICDS centres need to be operationalised in urban India to ensure universal coverage. All of these need to cater to the poor in slums.

As many as 40 per cent of slums are routinely excluded from ICDS coverage as they are construction is 'illegal' or 'unauthorised'. Further, BPL lists used to identify ICDS beneficiaries may exclude the 'hidden' construction site workers, pavement dwellers and other homeless populations. This is despite the Supreme Court order¹⁴⁴ to ensure the coverage of all children below six years, all pregnant and lactating mothers and adolescent girls in all urban slums with all nutritional and health services of the ICDS in a phased manner latest by December 2008.

Of the existing ICDS centre in urban areas, only 40 per cent have adequate separate cooking space. Cooking utensils were also available in only 49 per cent of anganwadis¹⁴⁵.

In Madanpur Khadar slum pocket of Delhi city, Mobilie Crèches¹⁴⁶ ascribes high frequency of diarrhoea and other illness among children to lack of child care facilities and supplementary feeding. Dehydration due to diarrhoea and acute respiratory tract infections are the largest reason for mortality and malnutrition for children under six. Only 53 anganwadis of the 67 allotted are functional in Madanpur Khadar. In Dakshinpuri, “the anganwadi is merely a distribution centre for some food like biscuits, bread. Even this has not been available for many months. Anganwadi workers have not received either rent or salary for about a year”. The anganwadis in slum areas are clearly crying for attention.

As another disturbing example, in Cuttack city¹⁴⁷ though most of the Anganwadis open everyday, the supply of food grains to anganwadis is irregular and it takes a fortnight to replenish the stock. As a natural consequence no supplementary nutrition (either cooked meal or raw material) could be provided and the attendance of children falls very low in these no-food days.

3. Mid Day Meal: Contractor’s quality

In many urban areas, mid-day meals are contracted out to either NGOs (many with religious identities) or contractors who use centralized kitchens to prepare in bulk and supply to several schools. There have been a few media reports that this food is served stale and the quantities are inadequate or excessively wasteful. On the other hand, in urban areas due to lack of space, it has also been argued that, it makes sense to have centralized kitchens.

The Comptroller and Auditor General’s (CAG) 2006 report, however, has indicated that a large proportion of the children in the urban areas of Arunachal Pradesh (87 per cent), Chandigarh (95 per cent), Mizoram (84 per cent) and Punjab (88 per cent) do not receive mid-day meals. There is also the possibility of false reporting by schools and diversion of funds allotted.

Low financial allocations are a major problem as suppliers get only Rs 2 per child. There are also delays in reimbursement for upto 3 months. Foodgrains provided by the government are also erratic, insufficient and of very poor quality. Nutrition Federation of India¹⁴⁸ found that the minimum goal of 300 calories and 8-12 gms of protein was rarely met.

Further, the dominance of the suppliers is so entrenched that in none of the 60 households visited across Delhi was any parent involved in cooking or distributing the meal (as part of a SHG or an NGO). Neither did were they involved in monitoring the midday meal (by tasting it at the school) or in giving the authorities feedback on the content, quality or quantity of the food. Dalits, scheduled castes (SCs) and scheduled tribes (STs) are also not given preference in appointment as cooks and helpers. But fortunately there have been no reports of segregated distribution of food as in some rural areas.

4. Swarna Jayanti Shahari Rozgar Yojana (SJSRY)¹⁴⁹ This centrally sponsored scheme was launched afresh in 1997 in lieu of the erstwhile urban poverty alleviation

programmes. Its two main components are Urban Self Employment Programme (USEP), and Urban Wage Employment Programme (UWEP).

However, it is questionable to which extent these wage schemes are of real help to the urban slum dwellers (and even less the homeless). As for the self-employment component, many small entrepreneurs face genuine problems, such as lack of markets and infrastructure which is not addressed by SJSRY. It is based on the simplistic assumption subsidized credit alone will help in creating new entrepreneurs and augmenting incomes. However the high cost of appraising, monitoring and enforcing small loan agreements deters the banks from extending credit and therefore the overall coverage of the scheme is still limited. It is also inconceivable that traditional banks, with their emphasis on collateral and credit-worthiness, would provide loans to homeless people irrespective of their entitlement under the scheme.

Recommendations for Urban Slum dwellers and Urban homeless:

Urban governance in India and most parts of the world is not geared to identify and deliver social services to the urban poor, especially to the most vulnerable segments of society, in slums and on the streets. We therefore need to rise to the challenge.

1. Identifying the most vulnerable urban poor:

The first challenge is to find a mode of identifying the urban poor and vulnerable people using the existing administrative machinery, with least dangers of corruption. This is possible if discretion is reduced, and the criteria are clear and verifiable.

Directly asking people's incomes is not a reliable and verifiable criterion. And asking people only to certify income without any objective criteria is bound to be misused, and the poorest will be left out.

The way forward: It is possible to identify the most vulnerable segments of urban populations by identifying them along objective and verifiable criteria of vulnerability and denial of rights. These are:

Place of residence and access to public services: (Shelter-less, unauthorized slum dwellers, authorized slum dwellers (both owners of the shanties who actually live in these and those who live on rent to owners or slum lords) and residents of resettlement colonies {only direct allottees of houses in resettlement colonies and not second or third purchasers})

Social Vulnerability: Children without protection and child headed households, single women and single women headed households, disabled people and family with PWD, old people without care givers, people in destitution,.

Occupational Categories: Rag pickers, casual daily wage workers, rickshaw pullers, porters, construction workers, street vendors, domestic help etc.

Affirmative Action Categories: Scheduled Castes/ Scheduled Tribes, Muslims.

Income Factor:

It is important to note that these criteria do not address household income directly, because it is very difficult to assess and verify. But these are in the nature of reliable proxy indicators of income.

Household income is indirectly addressed by the occupational categories, because these characteristically have low and uncertain incomes. Also that this does not necessarily claim to be a *measure* of urban poverty, but of providing an instrument to identify the most vulnerable segments of urban populations, so that government can better target these programmes to those who are genuinely most in need.

Higher income in itself does not mean better food, shelter, health and a better life. In the absence of public services, with high social vulnerability and in unprotected and unorganised occupations, the same income can amount to very little of nutrition, health and well-being.

Operationalising this identification process:

Residence in authorized and unauthorised slums, and resettlement colonies { only direct allottees of houses in resettlement colonies and not second or third purchasers} would prima facie make you eligible for BPL or AAY, subject to further criteria as below:

For these residents, they will be considered BPL if they are also in the unorganized sector: such as rag pickers, casual daily wage workers, rickshaw pullers, porters, construction workers, street vendors, domestic help etc.

For these residents, they will be considered AAY if they belong to these socially vulnerable categories: Children without protection and child headed households, single women and single women headed households, disabled people and family with PWD, old people without care givers, destitute people.

All homeless people will be eligible for BPL with no other qualifying criteria. Homeless people will be included for AAY, if they are also in the unorganized sector: such as rag pickers, casual daily wage workers, rickshaw pullers, porters, construction workers, street vendors, domestic help etc.; and if they belong to these socially vulnerable categories: Children without protection and child headed households, single women and single women headed households, disabled people and family with PWD, old people without care givers, destitute people.

Conduct detailed surveys of urban slums with community participation, both authorised and unauthorised, and homeless populations to identify and officially legitimise their existence through provision of voter ID and ration cards and to make them aware of their rights and entitlements. The residential address can be the nearest building to where they reside, stating that they live on the pavement near it, or care of the nearest PDS shop.

2. Rationalisation of Schemes for the most vulnerable segments:

i) The Groups to be Served: The existing range of food and livelihood schemes and programmes for the various departments need to be reviewed and only those retained which are most suited to the problems and needs of the most vulnerable segments of urban populations.

We should not take the schemes as given, and then try to adapt them into needs that they may not fulfil. Most schemes are inappropriate as they are designed with the rural poor in mind.

Let us first identify which groups we wish to serve. It must be those identified as most vulnerable:

- Shelterless, especially street children and single women
- Slum residents and residents of resettlement colonies { only direct allottees of houses in resettlement colonies and not second or third purchasers})
- Children without protection and child headed households, single women and single women headed households, disabled people and family with PWD, old people without care givers, destitute
- Unorganised workers especially in unclean, unsafe and hazardous occupations

Based on their need identifications, appropriate schemes can be identified and converged. To take one illustration, the Sarva Shiksha Ashiyan (a programme to bring every child to schools) and the Women and Child Department's night shelter programmes for hostels for street kids could be converged to meet the needs of these children for comprehensive long term care in open voluntary residential homes.

For those marginalized groups whose needs are unmet, there can be additional programmes.

ii) Adopt a single-window approach to make all applicable social security schemes available for urban homeless people from a centralised location e.g. the municipal office, or the office of the district collector.

iii) Distribute Food and Pensions:

- a) Identify the urban poor based on the process indicated above
- b) Provide AAY and BPL ration cards and pensions to *all* households who qualify by this identification process.
- c) Ensure that there is sufficient expansion of food and financial quotas to ensure universal coverage of all segments of the urban poor and vulnerable.
- d) Ensure that ration shops are open on all designated days throughout the month in urban slums
- e) Migrants should be allowed to use their ration cards across the country,.

iv) Cooked Food:

- a) Establish community kitchens across cities and urban settlements to provide inexpensive, subsidised nutritious cooked meals, which are managed by community groups of homeless people, preferably women, and will provide employment as cooks to homeless people themselves
- b) Fulfil the Supreme Court order to ensure that anganwadis cover all urban slum and street habitations, both authorised and unauthorised
- c) All old people from the neighbourhood slum area should be permitted to share in the school mid-day meal of hot cooked meal in ICDS centres without any conditions, as practiced in the state of Tamil Nadu
- d) Ensure the non-profit credentials of all centralised kitchens for mid-day meals and that they are not run by contractors based on the Supreme Court Order
- e) Ensure that all children receive hot cooked mid-day meals in sufficient quantity and of good quality
- f) Ensure that the cost of mid-day meals provided by the government is greater for urban areas (with a higher cost of living) and pegged to inflation (especially given the rising food costs)
- g) In an unauthorised slum, if there is no space for an anganwadi, a pre-fabricated structure could be build to function as anganwadi centre. In theory, if the slum is shifted, the building of the centre should be able to move with it.
- h) Create an ICDS anganwadi in slum areas for every 1000 population
- i) Children of migrants should be permitted to receive the services of any ICDS centre with no requirement of any documentation. The mere presence of a child of the required age group should qualify her for ICDS services.
- j) Ensure that school authorities admit street children and those from homeless families without asking for any identity or address proof to ensure that they are not excluded from mid-day meals

v) Residential care of children most in need:

- a) For children of rural seasonal migrants, the village school should be converted into a community based temporary residential school, to enable the child to access food and education, without having to migrate every year with their guardians. The aged of the village who are often left behind in destitute conditions, may take care of the children in return for sharing the food in the community based hostels.
- b) For children who still migrate, it should be the duty of the education department of the host state to provide education in local language at work sites, and permit the child to access mid day meals at the nearest government school.
- c) For children who live and work on the streets, the only way to secure their right to food (and with this their rights to education, health and protection)

is to provide them alternatives to move decisively away from the streets and any kind of work. This is possible only through guarantees of comprehensive long term care in open voluntary residential homes. Every city would need a large network of such schools. As stated already, this could be done by converging the Sarva Shiksha Ashiyan (a programme to bring every child to schools) and the Women and Child Department's night shelter programmes for hostels for street kids, and greatly enhancing allocations.

'Primitive' Tribal Groups

Constituting about eight per cent of the total population of India, the tribal people are among the most vulnerable groups in the country. Not only do they share with other disadvantaged groups the common travails of economic deprivation, they are also faced perennially with grave threats to their cultural integrity and socio-political freedoms, and their access and control over their natural environment and resources in ways that imperil critically their sustainable existence.

Due to faulty processes of declaration of forest lands in the past, the rights of the tribals over their traditional land holdings have gradually been extinguished. Insecurity of tenure and fear of eviction have led the tribal communities to feel emotionally as well as physically alienated from forests and forest lands. The condition of the tribals living in and around forests is becoming increasingly precarious and vulnerable due to displacement threats due to forest conservation initiatives etc.

The 2001 Census enumerated the total population of the country as 1027 million, out of which the population of Scheduled Tribes was 84.3 million, constituting 8.2% of the total population. The population of tribes had grown at the growth rate of 24.45% during the period 1991-2001. [Government of India 2005-06:39] India is by this count, home to more tribal people than any country in the world, exceeded only by the continent of Africa taken as a whole.

It has been observed that not all of these communities are at the same level of development. In fact, there are certain communities which are at a much lower level of development even compared to other Scheduled Tribe communities. In the matter of devolution of funds for the development of Scheduled Tribes, the major share was taken by those communities who are more assertive and in a better position to demand their rights. As a consequence, the marginalised Scheduled Tribes have been systematically left out of the process of development.

Officially 'Primitive'

In order to ensure the development of these communities, certain groups were identified, for the first time in 1975-76 and thereafter in 1993, which are regarded as the poorest of poor amongst the STs and were called Primitive Tribal Groups (PTGs). The criteria fixed for their identification was the presence of pre-agricultural level of technology; very low level of literacy; and declining or stagnant population.

Seventy-five tribal communities were identified as PTGs spread over 17 States and one Union Territory (Annexure a). State Governments submit proposals for identification of PTGs in accordance with the prescribed criteria and their proposals are examined by the Ministry for Tribal Affairs in consultation with Planning Commission.

In fact even the usage of the word ‘primitive’ by the Government to define the most vulnerable tribal groups is highly debatable. The National Tribal Policy¹⁵⁰ proposes to use the alternative term Particularly Vulnerable Tribal Groups (PVTGs) instead of ‘Primitive’ Tribal Groups. However this report retains the word ‘Primitive’ but uses it in inverted commas to mark our disagreement with that usage.

The population of PTGs has increased marginally from 2.04 million in 1981 to 2.4 million in 1991.¹⁵¹ The PTGs have been systematically identified since 1975-76 to 1993-94. No additional PTGs have been included based on the 1991 census.

In its twenty eighth report, the Standing Committee on Labour and Welfare (2002)¹⁵², notes down that the Ministry of Tribal Affairs, Government of India has requested the States and Union Territories with PTG population to undertake a baseline survey. Accordingly, a set of questionnaires and schedules have been circulated to collect information on population, literacy etc. along with other required information on the socio-economic status of each group so that plans and programmes can be formulated for their overall development. The results of this exercise are yet to be fully disclosed till date.

Continuous Negligence

Historically independent and relatively self-sufficient societies have succumbed to a variety of pressures, both external and internal, leading to a state of intense deprivation. Primitive Tribal Groups are characterised by low literacy rates, stagnant populations, lack of basic amenities, and virtually no viable economic options. The situation of children and women is particularly vulnerable since they are the last to gain access to basic services and decision-makers.

Scheduled Tribes are far more likely to be poor than the average Indian (Figure 1).

	India	STs
Rural Areas	27.1	45.9
Urban areas	23.6	34.8
Source: National Sample Survey Organisation 1999-2000		

The poverty ratios for ‘Primitive’ Tribal Groups are not available separately; but it is certainly even worse than that of Schedule Tribes as a whole. This report will illustratively focus on the conditions of three of these acutely marginalised

‘primitive’ groups: Pahadi Korwas of Chhattisgarh, Saharias of Madhya Pradesh and Chenchus of Andhra Pradesh.

‘Saharias’ of central India are a major ‘Primitive’ Tribal Group who traverse difficult terrains in attempting to strike a balance between forests, across states and between mainstream and community life.

93 per cent of Saharia children are malnourished, with 15 per cent of the children being found to be ‘severely malnourished’.¹⁵³ The percentage of children

underweight, 'wasted' or 'stunted' are above 70 per cent. With such high rates of malnutrition among children, one cannot expect to see healthy adults. Anaemia is found in close to 87 per cent of adults with over half of them suffering from 'mild to severe anaemia'. These figures are among the worst in the world.¹⁵⁴ An unpublished survey available with the Commissioners of the Supreme Court in the right to food case reveal that more than 95 per cent children, 39 per cent women and 29 per cent men, suffered from chronic grade III malnutrition, which makes them persistently vulnerable to sickness and death.¹⁵⁵

The loss of their livestock due to the lack of water and food has further reduced their slender asset base and exposed them to greater risks. Although 26 per cent of Sahariyas possess 5-8 *bighas* (1 bigha = 0.4 acre) of land, 70 per cent of it is non-irrigated, stony and situated at mountainous slopes.¹⁵⁶ Unless these lands are developed properly, they cannot be put to any useful purpose. But the Government has not initiated any long-term plan for its development.

Unlike the central districts, the remote and densely forested northern and southern districts of the state Chattisgarh remain poorly served by social infrastructure and demonstrate significantly worse levels of human development. It is in these areas where the highest concentration of tribal (including pahadi korwas) populations resides. Despite posing many challenges these are areas of acute destitution where targeted interventions could achieve substantial impacts on poverty reduction.¹⁵⁷

It is ironical though, that while the government has launched an ambitious project to help the Pahadi Korwas, a 'Primitive' Tribal Group (PTG) in Chhattisgarh, simultaneous plans are afoot to uproot them from their homeland on the ground that tribals are destroying the forest and damage the eco-system. Living in abject poverty in mud houses in far-flung areas with no electricity, proper roads or safe drinking water, the tribals hardly present the face of the timber mafia that the forest department charges them with. The tribal people cut wood mostly for domestic purpose like building houses or lighting their *chulhas* (clay-burned stoves) and not for commercial exploitation. They depend on farming to sustain themselves.¹⁵⁸

The Chenchus are an aboriginal tribe of the central hill regions of Andhra Pradesh. Their traditional way of life has been based on hunting and gathering. In general, the Chenchu relationship to non-tribal people has been largely symbiotic. Some have continued to specialise in collecting forest products for sale to non-tribal people. The Chenchus are referred to as one of the Primitive Tribal Groups that are still dependent on forests and do not cultivate land but hunt for a living. They typify many PTGs who are living in the southern Indian hills.

Prof. Kodandaraman, Adviser to the Commissioners of the Supreme Court (CWP 196/2001), reports¹⁵⁹ based on a visit to the Nallamala forest areas of Mehboobnagar district in November 2007¹⁶⁰, that many of the Chenchus, in Appapur for example, live under the trees. Being a food gathering and forest dwelling community with unique way of life, Chenchus were provided with safeguards like the declaration of their area as 'Chenchu reserve' by the British and Nizam governments in the pre-Independence era. Even the latest Scheduled Tribes and Other Traditional Forest

Dwellers (Recognition of Forest Rights) Act 2006 also recognized various individual and community rights for similar forest dwelling communities. None of these safeguards however protect the Chenchus who are constantly harassed by the police and the forest department.

Livelihoods in Peril

Developmental journalist, Sachin Kumar Jain, observes that if anybody visits any Saharia village¹⁶¹ in Madhya Pradesh, it is impossible for him not to come across the news of a child death or maternal death because of starvation. ¹⁶² Even to a lay observer, it is clear that there is an extremely grave persisting nutritional emergency among the Sahariya tribal community.

A sombre situation of chronic mass destitution among the Sahariyas is also confirmed by the study by the official Centre for Tribal Development. It reports for the year 2002 an annual per capita income among Sahariyas of Rs. 2691, which is around seven rupees a day. Not surprisingly, more than half the Sahariya households are in chronic debt to private moneylenders.

The low availability of food grains to Sahariya families, as it is reported only 65 kilos per year i.e. 180 grams per day per person. For other items like salt, pulses, vegetables, spices etc., they had to manage within their meagre income which turns to be the sole reason of malnutrition amongst their children. The average age of the Sahariyas is 45 years which is one-fourth less than the national average.

In case of Chenchus, if rice is not available they are forced to eat tubers, leaves and fruits gathered from the forest. Most tribals prefer to depend upon their forests to satiate their hunger. But even their most basic access forest resources often falls into question in this era of forest conservation by environment protection lobbies. The Chenchus collect gum, honey and seeds. Despite their hard work, no family is able to earn more than Rs 1000 a month. They walk long distances and stay in the forest for days together.

For centuries, the Chenchus have been living in their forest which they consider as their mother goddess. Now, authorities are ready to evict them, destroy their livelihood, having made several promises shifting them from place to place. Homeless in their own habitat seeking shelter here and there deprived even of drinking water, with no access to hospitals when sick, a local Telugu newspaper¹⁶³ reports that 60 Chenchus have died in the last year and half most of them being children and women. Starvation deaths among Sahariyas are something which is much discussed in the public domain and excessively reported in the media.

The Right to Food Campaign in Chhattisgarh has brought to light the condition of three of the highly marginalised primitive tribal groups, namely, Baigas, Pahadi Korwas and Kamars. These groups suffer from the worst levels of malnutrition and morbidity. Most of these tribes are settled in thick forests and remote hilly areas. ¹⁶⁴

Most of the mainstreaming efforts by the state and other agencies have succeeded only in distancing the tribal people from their indigenous way of living, but unfortunately (if not willingly) failed to promise them a healthy life. When their non-

tribal poor counterparts at least struggle hard to smoothen their hardship, uprooted tribals are just left pathless. Their natural living is on the verge of being illegalised and they do not have the energy or resource to sustain a 'modern' existence.

State and Schemes

1. Integrated Child Development Scheme (ICDS)

In 2006, Madhya Pradesh Right to Food Campaign team which was investigating the incidence of malnutrition deaths amongst Saharia in Patalgarh village, found that there was only a temporary Anganwadi in the village visited and the nearest anganwadi was situated some 17 kms away. While, 70 children had been enrolled by the villagers in the Anganwadi, Supplementary Nutrition Programme (SNP) had been unavailable from January - June 2006.¹⁶⁵

The 2006 Joint Commission of Enquiry (JCE) in Sheopur¹⁶⁶, found that 850 ICDS centres were required but at the time of the investigation in only 647 had been sanctioned and amongst them only 587 were actually functioning.¹⁶⁷

The greatest exclusion the Pahadi Korwas face too is in the ICDS programme. Out of their 500 odd habitations, only about 100 have *anganwadis*. Of the remaining some children from 150 odd hamlets were able to partially access ICDS facilities. Therefore children from 50 per cent of the Pahadi Korwa hamlets do not have any access to any of ICDS services.¹⁶⁸

The outreach of ICDS to these groups is minimal, because:

- (a) villages exclusively inhabited by these groups have not been allocated any AWCs (e g, in Achanakmar area of Bilaspur district, there are sufficient centres as per the population norm, but in a majority of the cases, the *anganwadis* are located in non-Baiga villages);
- (b) They stay in hamlets which are far from the main village, where the *anganwadi* is typically located. In Beerupalli village in Andhra Pradesh, for instance, both the tribal and dalit hamlets were located at a far distance from the main village where the *anganwadis* was located.¹⁶⁹
- (c) Their own hamlet is often considered too small to open even a mini-*anganwadi*.¹⁷⁰

The main reason for this degree of exclusion is related to their settlement pattern. Pahadi Korwa habitations are often on the edge or on top of the hills while the nearest main village lies in the valley. The distance and terrain makes it difficult for them to access the anganwadi. Despite Supreme Court orders, no preference has been given by the State Government to give a preference to Pahadi Korwa habitations while opening new centres. The common excuse is being that Pahadi Korwa habitations are too small (average size 40 households) to deserve an anganwadi.¹⁷¹

Other Primitive Tribal groups like Chenchus face similar tales of exclusion due to their remote settlement patterns.

2. Midday Meals (MDM)

A field visit by Harsh Mander, the Special Commissioner to the Supreme Court (CWP 196/2001) in Sahariya villages of Madhya Pradesh September 2004 found that children remained deprived of their daily food entitlements because the teacher came to school only twice a month. In some villages even if the school is functioning, children were given only a ladle each of *ghoogri* or dry wheat porridge each day. Some children took this dry food home as the only major meal for the entire family!

Given the destitution of several 'Primitive' Tribal Groups, it is pathetic state of affairs that a large proportion of children who have no access to schools either due to their non-existence or unwillingness of children to attend mainstream education. Absence of schools would be justified by the State based on the physically isolated lifestyle of 'Primitive' Tribal Groups. The official alibi of the alleged unwillingness of tribal children to attend schools which merits careful interrogation.

A child-protection action research undertaken in tribal villages of Rajasthan¹⁷² clearly elucidates the barriers which alienate tribal children within the mainstream schools. Urban-based curricula without any reference points to tribal history or culture, stigmatisation and racism against tribal students, timing of schools and teacher absenteeism are important hurdles. Tribal community members also were wary that after receiving an education (sometimes by staying in hostels) their children often did not identify themselves with their tribal community.¹⁷³

3. Targeted Public Distribution Scheme (TPDS)

In conditions of stark and extreme impoverishment, an overwhelmingly large majority of Sahariya households surprisingly had Above Poverty Line (APL) cards. In other words, according to the government survey they were not classified as poor, and therefore not entitled to subsidised grain. Even for those with cards, ration shops often did not function; therefore most villagers were compelled to purchase wheat from the open market as Rs. 8 a kilogram.

This situation is despite the Supreme Court order of 2nd May 2003 in Right to Food Case, which specifies that all Primitive Tribal Groups (PTGs) are entitled to an Antyodaya Card. There are also media reports which shows that fair price shops in Sahariya villages has been distributing rice to the Antyodaya Anna Yojana cardholders at twice the stipulated price (i.e. Rs. 6 per kilogram)

The Madhya Pradesh Right to Food Team found that in one of the Sahariya villages visited, only 70 Antyodaya Anna Yojana cards were issued last year despite the total population of the village being 580. However, even those villagers, who are fortunate enough to have a card, have not received rations for the past three months.

The administration has opened temporary Fair Price Shops at the village but according to the villagers it rarely opens. When the fact-finding team visited the village it found about 36 quintals of grain in the shop. When the issue was raised with the local administration, the very next day the ration was distributed.

In case of Pahadi Korwas, the level of exclusion has come down in last four years after the State Government implemented the SC order on Antodaya cards for all 'Primitive' Tribal Groups. Pahadi Korwa Mahapanchayat was instrumental in aiding the process of card distribution. Almost 98 per cent of the surveyed families have received their ration cards at which they can get 35 kgs of rice at Rs 3 per kg per month. The only discrepancy is in the case of around 1000 Pahadi Korwa joint families who got divided after their son's marriage and now have only one card instead of two.

Most Pahadi Korwas reported that they were able to access their 35 kgs of rice every month at the stipulated rate. However they expressed one problem that due to the fair price shops (FPS) remaining open only for 2-3 days per month (in more than 50 per cent of cases), they had to face problems in arranging lump sum money at a short notice. However, most were still able to access their quota and the rice reached the shops in the first week of the month.¹⁷⁴

4. National Rural Employment Guarantee Scheme (NREGA)

The Report of the Joint Commission of Enquiry found that some of the villagers have been registered and have also received their job cards but neither have they applied for work nor has work started in the village. The villagers had gone to meet the Panchayats Secretary, but he misled them by saying that there is no need for application and that the work would begin soon. The job cards were with the Panchayat Secretary, who makes all entries in the card and there were cases noted where the entries in the job card did not match the money reportedly received by the worker, which suggests leakages.¹⁷⁵

The media reported that in a Chenchu village the forest department stopped a scheduled NREGA work that was supposed to take place.¹⁷⁶ The government had promised Chenchus work under NREGA and inaugurated road construction. However, as the forest department objected to digging, the work had to come to a halt. Although all of them found work for a month, only half of them were paid their wages and the others have not been paid.

In Chhattisgarh, only 20 per cent of the Pahadi Korwa households are estimated to have participated in NREGA works. The main reasons for low participation are twofold. Worksites are seldom close to Pahadi Korwa habitations. They have to come down from hills to work. Secondly, there are long delays in payment of wages (average delay of more than 2 months). Such uncertainty in timing of payment makes it difficult for the poorest of the poor like Pahadi Korwas to participate.

Recommendations

i) Dry Rations

- Ensure the distribution of Antyodaya Anna Yojana (AAY) cards to every single family of all designated primitive tribal groups (PTGs) as per the Supreme Court order of 2nd May 2003

- Enable tribal panchayats to run their own PDS shops, with grants of working capital from the tribal department.
- Introduce mobile ration shops in all the PTG areas, where ration dealers are unable to establish their shops, and ensure their regular distribution of food grains on fixed days coinciding with the weekly *haat* or tribal market.

ii) Cooked Food

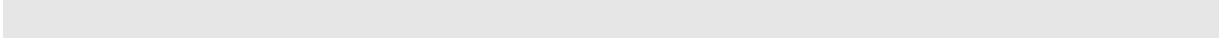
- In primitive tribal group areas,
- Recruit local anganwadi workers and helpers from amongst the local PTG itself
 - Sanction mini-anganwadis exclusively for PTG hamlets irrespective of their size without any ceiling of minimum population
 - Ensure that anganwadis or at least mini-anganwadis are opened in every primitive tribal hamlet.
 - Ensure that only hot cooked meals are served in anganwadis cooked by PTG women's groups, mahila mandals etc. Make arrangements for the provision of supplementation of key nutrients in pockets of high malnourishment
 - Provide additional foodgrain quotas to ensure that all old people from should be permitted to share in the school mid-day meal without any conditions
 - Ensure that all PTGs are served by tribal hostels dedicated for their children, with majority staff, non-negotiable of care givers, and - if available- teachers, from the PTG community, as there is much higher chance that the PTG children will feel accepted and secured with them. A campaign should be run with the assistance of the tribal panchayat and village leaders, youth and women's organisations, for full enrolment of all PTG children in these homes.

iii) Livelihoods and credit

- All PTG households should be given job cards under priority, and 2 members of the family entitled to get employment under NREGA.
- To prevent further indebtedness, all released bonded workers should also be permitted to draw their full entitlement of grain on credit from PDS shops every month. This should be adjusted against one-third of their daily wages once NREGA works are commenced.
- Joint forest protection committees should be constituted in all PTG areas, giving full rights over non timber forest produce to these communities, and taking their active support to prevent timber mafias.
- A special task force should be created in all tribal districts to ensure time bound implementation of laws to restore land illegally appropriated from PTG members.
- Governments should abjure by law from further acquisition of land from tribal people who are designated to be 'primitive'.

iv) Sentisization

- Change the school curriculum with reference to the richness of tribal culture to arrest the drop-out rate of PTG children
- From PTGs, wherever first generation high school graduates are found, recruit them to give primary school instruction in the tribal dialect, and as care givers in tribal hostels.

- Ensure full implementation of the Panchayats (Extension to Tribal Areas) Act, 1993 (PESA) in PTG areas, which give control over forests and other commons to tribal communities.
 - Adopt a single-window approach to make all social security schemes to reach out PTGs through the tribal panchayats
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Annexure (a)

a. List of Approved Primitive Tribal Groups	
1. Andhra Pradesh	1. Bodo Gadaba 2. Bondo Poraja 3. Chenchu 4. Dongaria Khonds 5. Gutob Gadaba 6. Khond Poroja 7. Kolam 8. Kondareddts 9. Konda Savaras 10. Kuttiya Kondhs 11. Parangiperja 12. Thoti
2. Bihar (including Jharkhand)	1. Asur 2. Birhor 3. Birjia 4. Hill Kharia 5. Korwa 6. Mal Pharia 7. Paharias 8. Sauria Pahariya 9. Savar
3. Gujarat	1. Kathodi 2. Kotwalia 3. Padhar 4. Siddi 5. Kolgha
4. Karnataka	1. Jenu Kuruba 2. Koraga
5. Kerala	1. Cholanaikayan (A section of Kattunayakan) 2. Kadar 3. Kattunayakan 4. Kurumbas 5. Koraga
6. Madhya Pradesh (including Chattisgarh)	1. Abujh Maria 2. Baiga 3. Bharia 4. Hill Korwa 5. Kamar 6. Saharia 7. Birhor
7. Maharashtra	1. Katkaria (Kathodi) 2. Kolam

	3. Maria Gond
8. Manipur	1. Maram Naga
9. Orissa	1. Birhor 2. Bondo 3. Didayi 4. Dongria-Khond 5. Juang 6. Kharia 7. Kutia Khond 8. Lanjia Saura 9. Lodha 10. Mankirdia 11. Paudi Bhuyan 12. Saura 13. Chuktia Bhunjia
10. Rajasthan	1. Seharias
11. Tamil Nadu	1. Kattu Naickans 2. Kotas 3. Kurumbas 4. Irulas 5. Paniyans 6. Todas
12. Tripura	1. Reangs
13. Uttar Pradesh	1. Buxas 2. Rajis
14. West Bengal	1. Birhor 2. Lodhas 3. Totos
15. Andaman & Nicobar Islands	1. Great Andamanese 2. Jarawas 3. Onges 4. Sentenelese 5. Shompens

Most Discriminated Dalit Groups

The word '*dalit*' in Marathi literally means 'broken'. Popularised as an assertion of social anger and self-respect by the father of the Indian Constitution, Dr. B.R. Ambedkar, it reflects to this day the situation of millions of *dalits* within South Asia, who are systematically deprived of their civil, political, economic, social and cultural rights. The caste system, which has existed for more than 3000 years on the principle of social and occupational segregation based on notions of purity and pollution, lies at the root of this ugly reality.¹⁷⁷ Traditionally treated as 'untouchables', *dalits* occupy the lowest position in this abhorrent social system. Untouchability is the practice of imposing social disabilities on persons by reasons of their birth in certain castes, and involves avoidance of physical contact with persons and things because of beliefs relating to pollution.

It is important to state at the outset that the central problem and paramount aspiration of *dalits* has not only been for economic emancipation and improvement in conventional quality of life indices, but also for equality and dignity within the traditional social order which has denied them justice and self-respect for centuries. This is by no means to deny that the 'pollution line' and the 'poverty line' do very substantially overlap.¹⁷⁸

Although untouchability is a feature of Brahminical Hinduism, it permeated even egalitarian religions such as Christianity and Islam when transplanted into Indian soil. For instance, the Helas of the Malwa and Nimar regions of Madhya Pradesh are manual scavengers, and no other Muslims are willing to share food with them or marry into their families. Similarly, the Pulaya Christians of Kerala, formerly untouchable Hindus, even after more than 80 years of conversion to Christianity, continue to be treated as untouchables even by the Syrian Christians.¹⁷⁹

Life at the Margins

The constitutional abolition of untouchability implied that caste Hindus could no longer be able to force *dalits* to perform any "polluting" occupations. But even today, degrading tasks like sweeping, scavenging and leather tanning continue to remain the monopoly of scheduled castes who are threatened with physical abuse and social boycotts. Barriers to education and other forms of employment have ensured that these occupations continue to be hereditary.

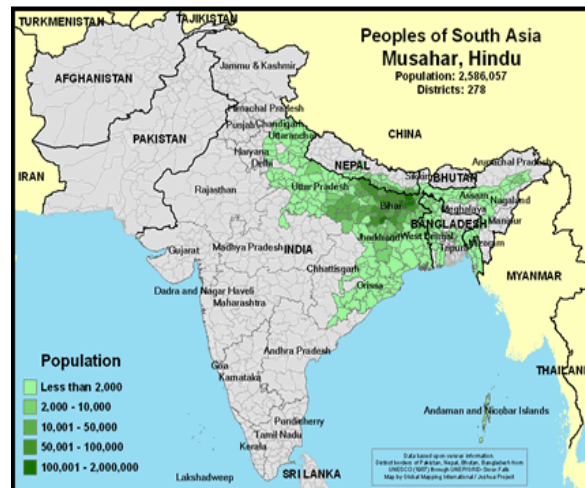
The injustice of social discrimination based on caste is part of a shameful and troubled historical legacy, which compels modern day challenge for the people of India, from the standpoint of equality and democracy. It is varied in its dimensions and has a vast geographical spread. This report restricts its scope to focus on barriers that *dalits* face in accessing food (and livelihoods), and three most oppressed dalit communities have been purposively selected for a more detailed analysis, the

Musahars, Madigas and Safai Karmacharis, as they represent some of the most extreme hardships of *dalit* life in India.

Musahars

The word Musahar literally translates into ‘rat-eater’ which is a pointer towards the extreme destitution (and humiliation) experienced by this community. Musahars live in Eastern Uttar Pradesh and the East Champaran¹⁸⁰ district of Bihar (Figure 1). Of the 1.3 million Musahars in Bihar, less than 1 percent are literate¹⁸¹.

Ninety-eight percent are landless labourers, who live in a stretch of fertile agricultural land but go without work for eight months in a year. Their unemployment has been aggravated by the mechanisation of agriculture, especially combined harvesters. They live in tiny huts made of leaf or thatch, in hamlets which are only allowed to be located at a great distance from all other communities.



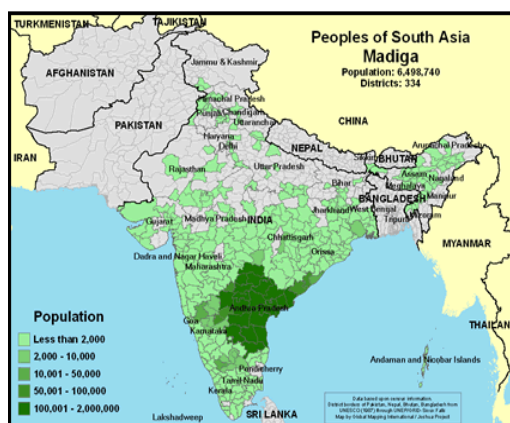
Source: <http://www.joshuaproject.net>

Besides that there is a sort of identity crisis which adds to the derailing of their existence. Musahars as a community perform unskilled agricultural labour and in the ‘brahmanical’ caste hierarchy are considered to be *shudras*. Historically, ‘untouchability’ was not practiced against the *shudras* but with the consolidation of Brahmanical emphasis on the purity and pollution, ‘untouchability’ became prevalent against the *shudras* as well. *Musahars* consider themselves above other *dalits* like *chamars*, but this does not win them the favour of the dominant class (not necessarily upper-caste) as far as their landlessness is concerned.

For them other *dalit* communities are ‘*harijans*’, the term which they are sure does not denotes them, though the state lists them as Scheduled Castes (SCs). Other *dalit* communities however see the *Musahars* as below their rung. Both, the plight of landlessness and the non-identification with other *dalit* communities, alienate them equally from the dominant class as well as the oppressed class of the village.¹⁸²

Madigas

Madiga¹⁸³ is a caste which is largely confined to the drought-prone Telangana and Rayalaseema and constitutes one of the largest *dalit* populations in Andhra Pradesh. The majority of Madigas are landless agricultural labourers but some continue their traditional occupations as leather tanners, cobblers and scavengers. Their



Source: <http://www.joshuaproject.net>

hamlets with "mud-walled, one-roomed, mud-floored, thatched-roof huts"¹⁸⁴ are increasingly being pushed to the fringes of village settlements.

The extent of social discrimination meted out to the Madigas over centuries is appalling. They continue to be denied use of the village well, and are not allowed to walk on the roads, since even their shadow is considered to be polluting. The smoke from their funeral pyres is feared to contaminate and so they are forced to bury their dead. It is bizarre that even the sound waves of their voices are considered foul; and they have to cover their mouths with a pot when speaking to caste Hindus!

In the race for the benefits of reservation too, powerful *dalit* communities like the Malas have left them behind, and Madigas have only recently begun to assert their rights. The recent State wide agitation by the Madigas demanding separate safeguards for them in public employment, political office and educational institutions in proportion to their population in the overall category of Scheduled Castes, is a manifestation of the extent to which the community of the Madigas has been and feels neglected and ignored.

Manual Scavengers

Dalit manual scavengers or *safai karmacharais* have different caste names across the country¹⁸⁵, but they uniformly belong to the very bottom of the *dalit* sub-castes. Manual scavenging is largely a hereditary occupation reserved for *dalits*. *Dalit* manual scavengers are compelled to undertake their task, often being prevented from taking any other job. They are the worst victims of untouchability as they are considered unclean, impure and placed at the lowest level of the caste hierarchy. Even other *dalits* often consider them as untouchables. Manual scavengers, or *safai karmacharis*, are considered to be the most oppressed and disadvantaged of any community in India.

Their employers include both private individuals and government departments including the military, engineering services, the army and the railways¹⁸⁶. After decades of denial and despite being a gross under-estimate,¹⁸⁷ in 2002-03 the Ministry for Social Justice and Empowerment finally admitted the existence of 6,76,000 manual scavengers in India and the presence of 92,00,000 dry latrines across 21 States and Union Territories. The irony is that although it is outlawed, dry community latrines continue to be maintained by large numbers of local city governments throughout the country, who employ manual scavengers for handling human shit.

Social discrimination against scavengers is rampant. Most live in segregated rural or urban colonies and are unable to make use of common resources. In many communities, in exchange for leftover food, scavengers are also expected to remove dead animal carcasses and deliver messages of death to the relatives of upper-caste neighbours. Their refusal to do so can result in physical abuse and ostracism from the community.

Systematically Denied

The economic trap that entangles the most discriminated amongst the *dalits* also curtails their socio-political mobility. It never allows them to move upwards in the caste hierarchy. Forced to stand in the end of the 'democratic' queue, starting with unequal income distribution to the denial of quality education and unavailability of healthcare; due to systematic denials and neglect, they are forced to stare at a bleak future.

Figure 1: Population below poverty line, 2004-5

	India 2004-5	Scheduled Castes 2004-5
Rural Areas	21.8	36.8
Urban areas	21.7	39.9

Source: India: NSSO 2004-5. Information on Scheduled Castes reported by Minister of State for Social Justice and Empowerment, submitted in response to Lok Sabha question, April 28, 2008

More *dalits* are below the poverty line than the national average (Figure 1). Surprisingly, this difference is even more acute in urban areas with almost two of every five *dalits* finding themselves below the poverty line.

The most discriminated amongst them are so poor that they often live in near starvation conditions. With no grain to store, *Musahar* homes often have two empty vessels as their only valuables. They are not even allowed inside other hamlets, unless summoned. There may be *pucca* or semi-*pucca* roads leading to other hamlets but the *Musahar* hamlets are invariably not connected.

Declining dependence on leather across rural society has further limited the livelihoods of the *Madigas* who are also politically deprived of programmes meant for the upliftment of other scheduled castes. Similarly, *safai karmacharis* across India find themselves deprived of most government amenities.

Economic Deprivations

Land ownership among *Musahars*, in particular, is negligible. Landlessness in *Musahars* case not only refers to the lack of agricultural land for cultivation but also land on which they have resided for generations. Even the implementation of the Land Ceiling Act proved futile as most the village land that was taken into state custody was redistributed amongst all other villagers, but not the *Musahars*.

Musahars have taken to working in the fields of dominant castes after. They are paid a pittance for their labour, but with the advent of modern agricultural techniques, even this option is no longer available. Many are therefore forced to work under appalling work conditions in brick kilns. Others migrate to towns and cities, leaving behind women, children and the aged.

In cities and towns too, *safai karmacharis* experience similar economic hardships due to irregularity in the payment of wages. Those working on contract are kept unpaid for several months. Those who joined the municipalities in the hope it would ultimately relieve them from indignity of manual scavenging later feel betrayed, for they not only lose their earlier work but now have no chance to go for any other work. In many places the municipal officials not only threaten the husbands of the

women involved in scavenging but also do not give them any other opportunity of survival with dignity. No action is normally taken against the municipalities who have failed to comply.¹⁸⁸

Distress migration is often the last resort for discriminated *Madigas*, who often move to nearby towns in search of employment. But with a very poor skill base, they often find only low end, low wage, unorganised, arduous and sometimes humiliating work. Most eke out their livelihood as rickshaw pullers, head load workers, cobblers and shoe shiners and construction workers. That has made these people into a vastly migrated community and now *Madigas* are present in all the parts of South India.

In the case of *Madigas*, the visible imbalance in accessing the benefits of reservations forms the basis for their economic insecurity. In Andhra Pradesh, there has now emerged conflict for Scheduled Caste entitlement between the two groups *Malas* and the *Madigas*.

Hunger and Starvation

Voiceless *Musahars* die silently, *safai karmacharis* painfully bear the burden of a distressing profession to feed their stomachs and *Madigas* migrate to distant lands in search of livelihoods and a dignified existence.

"We beat our hungry children to sleep" that is what a *Musahar* woman told to the People's tribunal on starvation in Eastern Uttar Pradesh. Other coping option to ensure food during off seasons is to avail loans from the local moneylender. Many *Musahars* are in debt for expenses incurred for marriages, deaths etc., and this further tie them in the vicious cycle of poverty. Starvation deaths of *Musahars* are now a popularly recognised concept among development journalists and mainstream media to routinely garner public sympathy.

Most, *safai karmacharis* want to change their livelihood option, but have few alternatives. Bezwada Wilson, the convener of SKA, says that if they are made food secure through other means, they would obviously leave this occupation. Few *safai kamdars* who are employed by government bodies like the Municipal Corporations or panchayats have little trade union support. Even in supposedly wealthier states like Haryana, Gujarat and Tamilnadu there are grievances about perennially late salaries. Most *safai kamdars* though, work in private homes for measly amounts of money such as Rs. 5 or 10 per month and waste food is provided as a bonus. They are subject to demeaning, humiliating practices such as begging for food every evening and accepting stale leftover food, sometimes not fit for dogs.¹⁸⁹ Majority of them, 76 percent are sinking in heavy debt.

30 percent of *Madigas* migrate each year in search of livelihood options¹⁹⁰. But often they need to depend on moneylenders from whom they have to pay a minimum of 10 percent interest per month. These loans ultimately put them into an endless cycle of debt bondage.

Hunger as a way of life is not very uncommon in this country. But *dalits* have a disproportionate share of this extreme suffering. History reveals the ugly roots of

this persisting inequality and the modern day offers little to change this course. Nutritional indicators such as body mass index, anaemia and child malnutrition, indicate that *dalits* are consistently worse off than caste Hindus.

Figure: Scheduled Castes suffer from high-levels of malnourishment				
	SC	ST	OBC	Other
Stunted Children under 3 years (percent)	44.1	44.3	39.2	31.1
Wasted children under 3 years (percent)	20.5	25.7	18.9	16.4
Underweight children under 3 years (percent)	52.2	56.7	46.4	37.3
Women whose Body Mass Index is below normal (percent)	39.5	46.6	32.6	26
Men whose Body Mass Index is below normal (percent)	33.7	38	27.7	21.9
Children age 6-35 months who are anaemic (percent)	82.3	85.1	79.7	74.4
Ever-married women age 15-49 years who are anaemic (percent)	58.8	69.2	55.2	52.1
Ever-married men age 15-49 years who are anaemic (percent)	26.5	39.7	22	21.3

Source: National Family Health Survey III

State and Schemes

When the basic needs of a population are denied, the state is expected to intervene with remedial measures, mostly in the mode of welfare schemes. But, there can be three ways which (mis)lead eligible beneficiaries out of the purview of their rights to food. (i) Lack of awareness about the schemes themselves, (ii) an eligibility criteria with selection in the hands of local elites and (iii) tardy program implementation, all exclude the needy.

Another reason why most of the schemes fail to reach these groups, *Musahars*, *Madigas* and *safai karmacharis* is due to the exclusions that they have to face from both the sides, from dominant as well as other oppressed sections of the society. Policy design and local government machinery both determine the success of the food schemes in reaching *dalits*. From school teachers to panchayats presidents to electoral system where everyone and everything is ruled by caste, the reach of welfare schemes is filtered.

In Dogra village in Eastern Uttar Pradesh, where the starvation death of the, Nagina Musahar was reported in October 2004, the government immediately intervened, provided his widow with National Family Benefit Scheme (NFBS) and included many villagers in different schemes. But *dalit* communities across the country can scarce afford to have such 'martyrs' to hunger simply to gain their rightful access to food schemes.

1. Public Distribution System

The targeted public distribution system (TPDS) which is designed with strict eligibility criteria subject to manipulation by local elites is often mired in problems of exclusion. *Dalits* invariably face the brunt of deprivation.

(Un)Fair Price Shops

- **Less Foodgrain:** In two of every five villages *dalits* regularly receive lesser quantities of foodgrains. In the Kushinagar district BPL card holders have reported that they get only 17 Kgs of food grains in a month. In Gopalganj District of Bihar, the situation is even worse as *dalits* have not been receiving any foodgrains for the few months
- **Higher Prices:** In a quarter of villages, *dalit* are charged higher prices by the PDS dealer. *Musahars* in Eastern districts of Uttar Pradesh routinely need to pay Rs. 5 or 10 more than the actual rates fixed by the Government to get their monthly quota of grain
- **Dalit days:** PDS dealers in many villages service dominant castes throughout the week, while they arbitrarily designate "*dalit* days" once or twice a week with reduced hours
- **Untouchable:** PDS dealers practice 'untouchability' in a quarter of villages, i.e. the dominant castes drops foodgrains from above into the cupped *dalit* hands below, so as to avoid "polluting" contact
- **Unseeable:** In Bihar, dominant caste PDS dealers hang cloth screens in front of their shops before dealing with *Musahar dalits*.
- **Denied:** In Gorakhpur, 69 percent manual scavengers do not have a ration card.

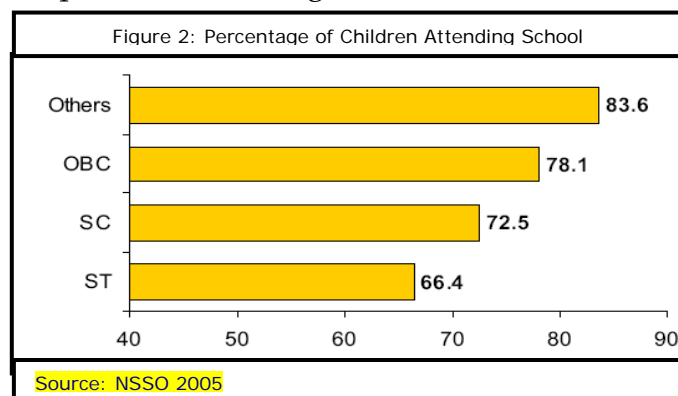
Sources:

1. Rawat, Vidya Bhushan., Ram Bhuvan and Kirti Singh (2007) 'Status of Manual Scavengers in Gorakhpur, Uttar-Pradesh', <http://www.countercurrents.org/dalit-rawat250207.htm> (last checked by author May 2008)
2. Personal observations made during the visit to Musahar dominated districts of Eastern Uttar Pradesh, in February 2008

A study of a village in Andhra Pradesh, where a considerable majority of Madiga families live indicates that the PDS scheme does not necessarily address the food security problem comprehensively. Rice available from PDS outlets meets only part of their total food consumption.¹⁹¹ Even if rice is available in the ration shop, unless Madiga households have money in hand to purchase it, it is as good as no rice. The PDS also plays marginal role in providing accessibility as the food grain made available through its outlets are not sufficient to meet the complete food requirements of the people. 15 to 20 Kgs of rice provided per family per month, largely proves insufficient. Only rice is available while the staple food here is *sorghum*.

2. Midday Meals

Segregation encourages high drop-out rates among *dalits* [one of every three *dalit* children do not attend school (Figure 2)] and by implication teaches children that “untouchability” is both an acceptable and ‘normal’ practice. It also increases the drop-out rate amongst *dalit* children. In Punjab, 66 percent of children of *safai karmacharis* have dropped out from school due to caste abuse¹⁹².



In its order dated 20 April 2004, the Supreme Court specified that for the mid-day meal programme “In appointment of cooks and helpers, preference shall be given to Dalits, Scheduled Castes and Scheduled Tribes”. This landmark order ensured that for a developing

country like India, the 8,000 crore rupee programme embodied the twin objectives of not only feeding India’s children but also nourishing their minds and freeing these of prejudice.

When a *dalit* cook does get hired despite the opposition, dominant caste parents threaten to withdraw their children from school, send home-packed lunch boxes or insist their children come home for lunch. Their children are forbidden to eat food prepared by the *dalit* cook. The pressure to dismiss the cook or shut down the mid-day meal program is insistent.

3. National Rural Employment Guarantee Act (NREGA)

On the verge of starvation, the most discriminated *dalits* like the *Musahars*, *Madigas* and scavengers, have the greatest need for guaranteed employment with dignity. But unfortunately so far the evidence shows that the National Rural Employment Guarantee Act (NREGA) has failed to reach many *dalit* families, due to local level discrimination.

Though the *Musahars* in most of the villages of eastern Uttar Pradesh districts, had heard of the 100 days work programme, they are largely unaware of their rights. Many of them have job cards even though they have submitted photographs. Even in those *Musahar tolas* where cards had been issued, were kept with the village Pradhan for safe keeping! NREGA works are largely concentrated in the main villages. *Musahar tolas* are excluded as sites not for creating common infrastructure due to local politics, which are typically dominated by upper caste influences. In dominant castes areas, *Musahars* are sometimes not even allowed to enter or work on NREGA sites.¹⁹³

4. Integrated Child Development Scheme (ICDS)

The Supreme Court of India, by order dated 13.12.2006, issued the following directions to the Union Government in relation to the Integrated Child Development Services (ICDS) Scheme:

- (i) *Government of India shall sanction and operationalize a minimum of 14 lakh AWCs in a phased and even manner starting forthwith and ending December 2008. In doing so, the Central Government shall identify SC and ST hamlets/habitations for AWCs on a priority basis.*
- (ii) *Government of India shall ensure that population norms for opening of AWCs must not be revised upward under any circumstances. While maintaining the upper limit of one AWC per 1000 population, the minimum limit for opening of a new AWC is a population of 300 may be kept in view. Further, rural communities and slum dwellers should be entitled to an "Anganwadi on demand" (not later than three months) from the date of demand in cases where a settlement has at least 40 children under six but no Anganwadi.*

However, studies¹⁹⁴ indicate the long prevailing trends of exclusion of the most discriminated dalits even in pre-school education. *Madiga* children for example are excluded from being registered in ICDS anganwadi centres.

Arundhati Dhuru, Uttar Pradesh State Adviser to the Commissioners of the Supreme Court (CWP 196/2001), during a visit to the Gopalganj district of Bihar in March 2008, found that in the *anganwadis* in the *Musahar bastis* where the Anganwadi Workers (AWWs) belonged to other castes or other villages, the centres were usually closed. As a community with weak bargaining power, they have never even tried to pressurize the anganwadi worker to open the centre everyday. There are indeed many other *Musahar* hamlets, with no Anganwadis. Most of their children are therefore not registered as the nearest centres were in fact not in their accessible limits.

Recommendations

There are provisions for positive discrimination in favour of dalit groups under many anti-poverty and livelihoods. There are however large gaps in implementation, and needy dalit potential users of the programmes often fall through the cracks, or are blocked by continuing barriers of caste discrimination in ways that we have seen above. These barriers are most severe for the most oppressed and deprived dalit groups, and occur resolutely also in food schemes, many of which are theoretically universal in their coverage like MDMs, ICDS and NREGA.

Each of these programmes need to accommodate a clearly articulated policy of affirmative action favouring pro-active inclusion of *dalits* even in universal programmes like ICDS and MDM, and demand-led programmes like NREGA. The schemes, for instance, need to locate work-sites, and institutions like ICDS centres closer to *dalit* habitations; and to deploy a greater number of administrators – from state and district to local village and slum levels - from *dalit* communities, especially those who suffer greatest discrimination.

We have noted that even dalits are not a homogenous group. We have observed that there are most discriminated communities even within the dalits, like the *Musahars*, *Madigas* and *safai karmacharis*. The difficulty is that unlike so-called 'primitive tribes', most discriminated dalit communities have not been identified. It is

important that these communities are identified on objective criteria, especially because of their enormous proneness to malnutrition, hunger and starvation.

The first criterion would be those communities in which the majority of members (more than 50 per cent) still engage in 'unclean occupations' like manual scavenging, disposal of human and animal carcasses, and tanning and leather work.

The second criterion would be those dalit communities in which at least 2 of the following criteria are fulfilled:

- more than 75 per cent households in rural areas do not own their homestead lands.
- more than 75 per cent in rural areas do not own agricultural land.
- more than 75 per cent children under 3 years are underweight.
- more than 75 per cent have BMIs below 18.
- more than 75 per cent children are out of school.
- more than 10 per cent are in debt bondage.

This identification would of 'most discriminated against' dalit groups would be only for purposes of food, livelihood and social security schemes. It will be done by the respective state governments, in consultation with the Commissioners of the Supreme Court, as long as they are in position. After their offices lapse, the state governments would consult with National Commission for Scheduled Castes and Tribes, in finalising these assessment. For all dalit communities which are identified as 'most discriminated' against, by these criteria, every household should be entitled to AAY cards.

All settlements of these communities should be covered by ICDS centres in one year, and children should be given supplementary nutrition twice a day, instead of once.

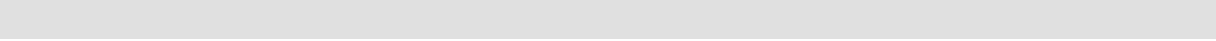
NREGA works should be started in SC ST hamlets in particular, and in the rural hamlets occupied by these 'most discriminated' against dalit communities every year, in order to facilitate the participation of SC ST households in this programme, and incidentally also ensuring that benefits of the public works accrue to people of these communities.

The figures for job cards and employment should be disaggregated for SC ST, as well as for identified 'most discriminated against' dalit communities and PTGs, to enable review of adequate coverage of these groups, and the need for greater locational focus, and information and mobilisation campaigns among these communities.

A commission should be established by the Ministry of Rural Development, Government of India, on whether legislation is feasible and desirable to prevent large scale rural unemployment through in agricultural workers through regulation of mindless mechanisation of agriculture, especially through the use of combined harvesters. The Commission should include one Commissioner of the Supreme Court, and one Member of the Planning Commission.

There needs to be a renewed thrust to end manual scavenging, including deployment of municipal workers in open sewers, by strict enforcement of the law, and a special programme to train youth and women in these communities in computers and information technology, to enable their engagement in the modern economy

There should be a country wide campaign to make the school a zero discrimination zone. Separate seating and feeding of dalit children should be gravely penalised. Supreme Court orders for hiring of *dalit* cooks in mid day meals should be enforced strictly.



Bonded Labour

Introduction

A bonded worker is one who works against an advance which is to be repaid with interest through labour, is paid less than the statutory minimum wages, and lacks the freedom guaranteed by the Indian constitution to terminate or change one's employment or employer. Despite constitutional bans, unequivocal legal measures to outlaw bondage and forced labour, and the transformation of Indian society and economy since Independence, this repugnant system has endured across generations. The root causes of the stubborn survival of this oppressive mode of labour relations include the high instance of intense poverty, desperate chronic hunger, unemployment, debt, usury, failures of public sources of credit, landlessness, caste oppression, feudal agricultural relationships, denial by the state and continuance of the historical hierarchy of castes.

Legal Loopholes

Article 23 of the Constitution of India (1949) also bans all forms of trafficking in human beings and forced labour. However, the legislation Bonded Labour Act specifically abolishing bonded labour was passed by Parliament only in 1976.

The Bonded Labour Act 1976 Act defines 'bonded labour' as a service rendered under the 'bonded labour system'. This is a system of forced, or partly forced, labour under which the debtor enters into an agreement, oral or written, with the creditor. The 'advance' taken by the debtor or by any of his lineal ascendants and/or in consideration of any customary obligation (for belonging to particular caste or community), the debtor has to work him (her)self, or through a member of his/her family. This arrangement is either without wages or for nominal wages, where much of it is deducted against debt and interest. There is no freedom to engage in any other occupation or move about freely till the loan is repaid.

The Act cancelled all the liability to repay bonded debt and called for restoration of property of the bonded labourer. District Magistrates were entrusted with the responsibility to oversee the implementation under the act, and vigilance committees were constituted at local levels for identification and rehabilitation, along with specific provision for rehabilitation of rescued child bonded labourers.

The Supreme Court of India has, through its judgments taken a broad interpretation of the word 'force'.¹⁹⁵ It states that the word 'force' includes not just physical or legal force, but also force arising out of economic compulsions. This has caused some ambiguity particularly, in the case of certain sectors where market wages are normally below the legal minimum (as in agriculture).

The Report of the Central Committee in 1994¹⁹⁶ which was appointed to draw up a workable definition of Bonded Labour has concluded that all cases of payment of wages below minimum wage could not straightforwardly be brought under the Act. The issue of minimum wages is simply one measure (and by no means a necessary or sufficient measure) to judge whether the person is bonded or not.

However, the National Human Rights Commission (NHRC) Expert Group in 2001¹⁹⁷ concludes that all kinds of forced labour, not just debt bondage should be considered while identifying bonded labour. A number of other labour laws also explicitly or implicitly forbid the use of bonded and bonded child labourers - including the Child Labour (Prohibition and Regulation) Act; 1986¹⁹⁸, the Factories Act; 1948¹⁹⁹; the Beedi and Cigar Workers (Conditions of Employment) Act; 1966²⁰⁰, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act; 1979²⁰¹, Juvenile Justice (Care and Protection) Act; 2000.²⁰² While the legal framework is extensive, there exist several legal loopholes and weak enforcement mechanism, which are conveniently exploited by the employers.²⁰³

Disputed Claims

After a brief phase of relative official candour, and in some notable cases even official activism, during the 1970s and 80s, most governments have gone back into the most improbable denial. The Government of India has often taken refuge by only monitoring the traditional character of bonded labour and to avoid addressing the shameful facts of contemporary forms of debt bondage, which are described below. Despite staunch denials from the state, several independent studies, and civil society organizations, had shown empirical evidence of existence of bonded labour in India.

The International Labour Organisation (ILO)²⁰⁴ in 2005 estimated that at least 12.3 million people worldwide were trapped in forced labour, out of which, 9.5 million live in Asia Pacific region especially in conditions of bondage in India, Nepal and Pakistan.

In the more recent past, however, the Minister of State for Labour and Employment, Oscar Fernandes in March 2008, has admitted that despite being banned by law nearly 32 years ago, bonded labour is still in practice in India.²⁰⁵ He has, nevertheless, sought to imply that South India (with the exception of Karnataka) is bonded labour free.²⁰⁶

The government has released 1,855 such labourers from various states, and according to official data during April - December 2007, 395 bonded labourers were reported, from the states of West Bengal, Uttar Pradesh and Bihar.

Circular Migration

Many traditional forms of agrarian relations have declined with diversification of economy and proliferation of occupations. Agricultural relations have metamorphosed in parts of the country from semi-feudal to semi-capitalist. However, bondage continues, not as a vestige of the past, but as a thriving contemporary form of labour exploitation and control, spreading to modern industries, the informal sector and the capitalist mode of agriculture including in

states like Punjab. ²⁰⁷ Circular migration and short term contracts characterise bonded labour in agriculture and industries.²⁰⁸

The contractual or migrant bonded labourers are the most vulnerable to exploitation. Employers prefer to hire migrant labour, as they are cheaper, more susceptible to exploitation and bondage than local labour. ²⁰⁹ Many economically buoyant states like Andhra Pradesh host large numbers of hapless workers in semi-bondage from impoverished states like Orissa, Chhatisgarh and Jharkhand, but significantly Andhra also exports migrant workers in similar conditions of semi-bondage to other states.

Migrant workers in all destinations are then subjected to oppressive and insecure work conditions, with nominal wages, and can be laid off at will. Many a times, a migrant worker is not paid the complete amount, often because usurious rates of interest have been applied to the initial amount if advance received by the worker. This forces him to come again in the next season. This ensures stable labour over four hundred thousand children work in cottonseed fields across India.

Ascribed Bondage

Bonded labourers are among the most marginalized, both socially and economically. Officially, 86.6 percent of bonded labourers are identified as belonging to Scheduled Castes and Scheduled Tribes.²¹⁰ Allocation of labour on the basis of caste is one of the fundamental precepts. *Dalits* as untouchables were provided with the most menial and *polluting* jobs. Most bonded labourers are low-caste, illiterate, and extremely poor. Even in the non-agricultural sector and in relation to tribals, forms of bondage draw on traditional hierarchical social and power relations. In the tribal areas, land alienation has resulted in increasing vulnerability to debt bondage. Further, displacement of tribals and increasing deforestation together create the need for credit and for seeking employment and livelihoods under bondage, often through migration. ²¹¹

Child Bonded Labour

In 1996, Human Rights Watch had estimated that out of 3 lakhs child labourers in carpet industry, most are bonded. ²¹² There is a huge proportion of *dalits* and Muslims among children in bondage. In Orissa, they are usually known as '*buturu*' and work as agricultural labour, domestic help or at *dhabas* (roadside eateries) or hotels in nearby towns. These children work for long hours, are often beaten up by their employers and miss out on schooling. They become impoverished, unhealthy and illiterate.

(Wo)man in Bondage

Gender distribution varies depending on the sector of activity. In Tamil Nadu it is estimated that 70 percent of women are involved in floriculture, 40 percent in beedi making, while men constitute an overwhelming majority of bonded labourers in almost all other sectors.²¹³ Women, however, are estimated to form an increasing numbers of migrants in bondage, as migration increasingly happens in family groups. Industries like quarry mining, brick making etc increasing use women as labour.²¹⁴

Even while husbands are bonded, women of the household are severely affected by it. It means more economic hardship for them. As there were no daily wages coming in to sustain the household, the responsibility of running the household put greater burden on women. Often, unable to meet the needs, they end up taking additional loans from the same employer for exigencies. Thus, such labour relationships put the family into a cycle of exploitative debt.

Women complain of verbal abuse, aggressive behaviour and sometimes even sexual exploitation by masters, employers or contractors. At a brick kiln in Andhra Pradesh it was reported that male workers were made to work as bonded labourers while young girls were sexually exploited on a daily basis, threatened at gunpoint.²¹⁵ Women face greater burden of caste discrimination too. They were called by their caste names, and not their individual name, which makes them feel humiliated.

Although older women are often spared of this ignominy, their age increases their vulnerability. As they can offer no hard labour, and help family in repayment, they are taken as a burden. To escape this, it was not uncommon to find that they too indulge in bonded labour to supplement the family income²¹⁶.

Released from Hell?

The Bonded Labour Act (1976) established institutional mechanisms in the form of Vigilance Committees at the district and sub-divisional levels. Vigilance Committees, under the chairmanship of District and Sub-Divisional Magistrates are to receive complaints regarding bonded labourers. Executive Magistrates conduct summary trial of offences, to release the bonded labourers and to issue release certificates.

However, at most places Vigilance Committees are either non-functional or dominated by government officials and/or political appointees. In Bargarh, Orissa, a study found that though the vigilance committee met regularly, it echoed government's argument about non existence of bonded labour. When one of the members repeatedly demanded a fresh identification and release of bonded labourers, an NGO, known to take side with government was given the responsibility of conducting the survey. As a result, none of 1,200 bonded labourers who had filed a petition for release were identified as bonded labour. Similarly in Malkangiri, the vigilance committee, under political pressure has started to deny the existence of bonded labour²¹⁷.

A centrally sponsored scheme for rehabilitation of released bonded labourers was launched in 1978 where the assistance provided was shared on a 50:50 basis between centre and state. Centre released Rs. 10,000 per labourer. Expenditure incurred in 8th Five Year Plan amounted to Rs. 40.51 crore, while it Rs. 24.50 crores during the 9th Five Year Plan. During the 10th Five Year Plan (2002-07) Central Grants amounting to Rs 97.28 crores was provided to various State Governments under the said scheme. The latest budget for 2008 -9 has a provision of only Rs 1.8 crores for the rehabilitation of bonded labourers indicating the low priority attributed.²¹⁸

Even after release, issuing of certificates takes a long time and rehabilitation happens only in few cases. Prosecution of 'masters' have been almost completely ignored.

Many a times bonded labourers suffer more at the hands of bureaucracy, than they did under their masters. It has been reported that out of 40 bonded labourers (including minors) from Madurai who were rescued from the states of Andhra Pradesh, Orissa and Uttar Pradesh, only 8 have been paid rehabilitation money of Rs 20,000. The remaining thirty two labourers have received only an 'interim relief' of Rs 1,000 each. The reasons for denial in release money were because they had not been issued release certificates from the district collector of the place where they were bonded. A man was denied assistance as his name was spelt wrongly in the release certificate. In a yet another case, the released labourer had to bribe a village administrative officer for releasing a cheque for Rs 10,000.²¹⁹

The greater problem in the implementation of the 1976 Act is that from the start, official activism in 'freeing' bonded labour extends at best to identifying a few, and releasing them, often with a lot of publicity, and 'rehabilitating' them with the release of a grant. But ever since the Act came into force, it is remarkable that almost never, in any part of the country, have employers of bonded labour been prosecuted or punished. It is therefore a 'painless' process, and on occasion, employers of bonded labour have been happy to participate, as bonded workers get 'dues' from the government rather than the employer, none answer the law, and 'freed' bonded workers can return to their employers after all the dust settles!

Hunger Trap

Their food security status is so fragile that a single failed crop, drought, or health emergency can disturb the delicate balance of surviving. Credit is not taken only for emergency situation but also for everyday life necessities. Most often, bondage is adopted as a coping mechanism from absolute hunger. Even the children surrendered to bondage indicate the extent of household food insecurity.

Their cash loans are sometimes extremely small. A few tens of rupees or a few kilograms of paddy, is sufficient to create a life of servitude. This bondage occurs because the poorest of the poor are largely uncovered by government food and livelihood schemes. In bondage, they often receive no wages. Much of their earnings are deducted against the advance.

Thus, bonded labour is the result of acute hunger, even though ironically through bondage, families try to ensure some buffer against hunger, albeit for short term benefit. In the long run, bondage furthers food insecurity. Added to this is the exacting work and loss of freedom. More favourable options of livelihood and income generation are closed and wages are so low that they do not support savings or movement out of bondage. Food given to the person in bondage is ungenerous and usually at the minimum survival level. Most often, this food, meant for a person's meal is taken home to be shared by the family. Not only food is served in an undignified manner (instances of food thrown away at the bonded labour, or separate utensils, untouchability etc), it is also monotonous, low quality (left over, stale, watery) and in insufficient quantities.

Chicken Feed

Those engaged in agriculture, most of them are given a meal or two; however, it is usually consists of inferior cereals. For example, in Andhra, bonded labourers are mostly given *taidal* and *korabua* (coarse cereals), and not paddy. As no or very little cash wage is paid, there is often not much food at home, and so the family shares much of what is given to the bonded labour member of the family. There were instances where food was stale, left over or even worms were found in the food.

Newer forms of bonded labour, for example migrant bonded labour face chronic food insecurity. Here, as the period of work is specified and an employer has no long term interest in keeping the bonded labour alive and active, their exploitation is greater. In far away cities, confronted, with unfamiliar people, language and with worksites on outskirts of human habitation, the problem is further aggravated. Migrant workers live in sub human conditions, often sleeping in open air or living in makeshift houses. They are continuously overworked and eat much less than what is required for such heavy manual labour. Their diet is not only insufficient and monotonous, but also unhealthy and lacking in nutrition.

For migrants to brick kilns of Andhra Pradesh, weekly markets come up for migrant labour, selling the poorest quality of food, like broken rice or chicken feed, dried or rotting vegetables and discarded portions of meat. Not only are they are poorest in quality, the price charged is also exorbitant. Broken rice or chicken feed costs them Rs 7-8 per kg, as against market price of Rs 3-4. Their drinking water is same as that used for mixing clay for brick making. Also, the sanitation and toilet facilities are virtually non existent leading to poor absorption of food.

Labourers are forced to work even when sick or injured, as employers do not want slackening production. However, if employers need to slow down for their own reasons, payments are stopped. Most of these labourers live under open sky or in makeshift arrangements, in absence of even the minimal amount of facility. There are numerous health hazards, from contaminated water, respiratory diseases and infections, occupational injuries and accidents and malnourishment due to lack of proper food. There is no availability of medical facilities, no insurance and no sick leaves with pay.

Recommendations

It is hunger that drives most people to bondage. The only way open to the country's most impoverished and disenfranchised people to feed their families and themselves is to sell away most cheaply not just their labour but also with it their dignity and their freedom. The country's Constitution and laws, the state, its food and development programmes, all fail them so profoundly that they are able to survive only through forms of slavery.

Yet it would be a grave mistake to believe that bondage at least ensures the food security of the bonded family. It is true that a bonded worker must be fed to be able to toil the many hours that his employer demands from him. But the food is without freedom, and therefore without dignity. It is often the cheapest and most monotonous food available. It also does not guarantee the survival of the family of

the bonded worker. It rarely opens even future paths of freedom from want and indignity. It rarely leads to hope.

Acknowledge Bondage

1. No problem can be solved unless it is acknowledged. The central and state governments must resolutely end their stubborn denial, of the persistence of classical forms of adult and child bonded labour, and the emergence of dangerous and oppressive new forms, adapted to the globalised economy.
2. There must be a new national resolve to end this practice as utterly incompatible with India's claims of global economic leadership.
3. District Collectors should reconstitute vigilance committees under the Act at various levels, and collaborate with these to freshly survey truthfully the scale and forms of bonded labour.
4. Implement **Bonded Labour Act, 1976** with new vigour. A close cooperation between vigilance committees and civil society organizations is required.
5. In this round, stress should be on not just identification and release, but also enduring rehabilitation and above all criminal prosecution of the employers of bonded labour.

Distribute Grain

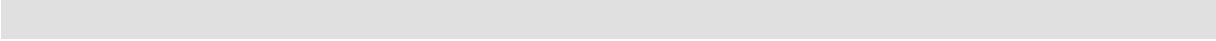
1. Once released, give **Antyodaya Anna Yojana (AAY) cards** to all bonded labourers.
2. Also, they could be given a special **pension for first six months** (equivalent to the NOAPS pension prevalent at that point of time) to help them start afresh.

Prevent Fresh Bondage

1. All released bonded workers should be given **job cards under priority**, and 2 members of the family entitled to get employment under NREGA.
2. All released bonded workers should also be permitted to draw their full entitlement of **grain on credit** from PDS shops every month. This should be adjusted against one-third of their daily wages once NREGA works are commenced.
3. If they do not own their homesteads, they should be given first priority for free housing under the Indira Awaas Yojana.
4. All children (who may be themselves bonded or the children of released bonded workers) should get admission, if their parents choose, in SC ST hostels. If they choose otherwise, they should be admitted to local schools, if necessary after organising residential bridge courses under SSA, and are also provided MDMS.

Recommendations for bonded migrant workers:

1. Registration norms for contractors under the Inter-State Migrant Workers Act must be rigorously followed
2. Residential schools must be opened for children and elderly, in the 'sending areas' so that they can be taken care of and continue with schooling even when their parents migrate
3. Registration of 'receiving' factories like brick kilns, stone quarries etc under Factories Act

4. Ensure payment of minimum wages
 5. Temporary anganwadi centres at the sites where migrants work, such as construction or brick kiln sites, must be opened to take care of children under six.
 6. Transfer of entitlements, also across states (this will require proper registration and knowledge of people who are migrating, and would be taken care of by registration of factories and contractors). Also, it will need interstate cooperation. But if it is to work for people who are most powerless, it should involve the least paper work.
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- ⁴ Census 2001
- ⁵ Based on Census 2001 figures almost 99 per cent of women in India are married by the age of 30, and therefore 30 is taken here, as the cut-off age for determining those who come in the 'single women' category
- ⁶ This paragraph draws from Census 2001. The per centage distribution is similar to NSS 61st round
- ⁷ The Khasi and Garo tribes of Meghalaya, Nair and Mappilles communities in Kerala and the tribal groups of Minicoy Island in Lakshwadeep
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- ¹⁷ Calculations made by the Office of Commissioners to Supreme Court CWP 196/2001, based on data received from state governments
- ¹⁸ BARC (2007), *ibid*.
- ¹⁹ For details on old age pensions in different states see the chapter "Burden of Age" in this report
- ²⁰ The current All India poverty line is around Rs. 360 per capita per month. Assuming a family of three, the poverty line for the family would be Rs. 1080. Rs. 500 is about 50% of this.
- ²¹ The total number of beneficiaries reported from all the States/ UTs is 1,71,232 as against a numerical ceiling of 5,71,500..
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- ²³ Gopal K.S. (2007), *op.cit*.
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- ¹³⁴ NFHS - 3
- ¹³⁵ On 540 children aged 1-6 years and the relation of under-nutrition with age, sex, birth order, and type of family, literacy, and calorie intake were studied and analyzed. 57.4% (310) of the children were undernourished and less than 16% of the undernourished children were consuming not more than 90% of the recommended calorie intake and intake of calories decreases significantly as the nutrition status of the children deteriorates.
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29.04.2004 interim order: 'We ... direct that the sanctioned AWCs shall supply nutritious food/supplement to the children, adolescent girls and to pregnant and lactating women under the scheme for 300 days in a year'
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- ¹⁷⁷ Not only is it integral to Hinduism, but is also practiced by Muslims, Sikhs and Christians. Indian society is accordingly divided into four hierarchical castes: Brahmins, Kshatriyas, Vaishyas and Shudras. The 'ati-shudras' or dalits, fall outside this fourfold hierarchy.
- ¹⁷⁸ Mander, Harsh. (2004) *The Ripped Chest*, Bangalore: Books for Change.
- ¹⁷⁹ Mander, Harsh. (2004) *The Ripped Chest*, *ibid*.
- ¹⁸⁰ They are spread over Kushinagar, Gorakhpur, Deoria and Mahrajganj over an area of 11718 sq. kms
- ¹⁸¹ Tewary, Amarnath. (2006) 'India's feisty untouchable woman', http://news.bbc.co.uk/1/hi/world/south_asia/4723680.stm (last checked by author May 2008)
- ¹⁸² Based on the personal observations made during the visit to Musahar dominated districts of Eastern Uttar Pradesh, in February 2008
- ¹⁸³ The Madiga community is known as the Mang in Maharashtra, the Chakkaliya in Tamil nadu and possibly the Matang in North India.
- ¹⁸⁴ 'Madiga', <http://en.wikipedia.org/wiki/Madiga> (last checked by author May 2008).
- ¹⁸⁵ They go by many names in various parts of the country: han, hadi (in Bengal); balmiki, dhanuk (Uttar Pradesh); methar, bhangi (Assam); methar (Hyderabad); paki (coastal Andhra Pradesh); thotti (Tamilnadu); mira, lalbegi, chuhra, balashahi (Punjab); bhangi, balmiki, methar, chuhra (Delhi). Gita Ramaswamy, "India Stinking"
- ¹⁸⁶ (2007) 'Hidden Apartheid - Caste Discrimination against India's "Untouchables"', <http://www.hrw.org/reports/2007/india0207/> (last checked by author May 2008). Hidden Apartheid was produced as a "shadow report" to the UN Committee on the Elimination of Racial Discrimination (CERD), in advance of its February 2007 consideration of a report by the Government of India. The report was produced by Centre for Human Rights and Global Justice & Human Rights Watch.
- ¹⁸⁷ But the Government data is viewed as gross under-estimation as Safai Karmachari Andolan, claims through their survey that the total number of safai karmacharis would approximately be 13 lakhs.
- ¹⁸⁸ Rawat, Vidya Bhushan. (2007) 'Is It Emancipation or Elimination of the Scavengers in Laar Town (Deoria)' <http://www.countercurrents.org/rawat251007.htm> (last checked by author May 2008)
- ¹⁸⁹ Thekaekara, Mari Marcel. (2007) 'The "Night Soil" Carriers', infochangeindia.org/index.php/200708296709/Agenda/Women-At-Work/-This-is-our-fate.html - 38k (last checked by author May 2008)
- ¹⁹⁰ Deshingkar, Priya. and Daniel Start (2003) 'Seasonal Migration for Livelihoods in India: Coping, Accumulation and Exclusion', Working Paper 220, London: Overseas Development Institute.
- ¹⁹¹ Reddy, M. Thimma. 'Kollur Village Profile', www.cphp.uk.com/uploads/disseminations/R7828%20013%20Kollur%20Village%20Profile.pdf (last checked by author May 2008)
- ¹⁹² In a recent documentary film on Untouchability, "India Untouched", directed by Stalin, three girls explain to the director how they need to clean the premises and toilets of the school. When the director asks them why they are ought to clean toilets and not other caste students, a smart girl in that group replies that other children are from upper castes. The director again insists his question, "But why you have to do this?". The same girl replies with an unbearable smile, "You know the reason". In another instance in the same film, a mother says by weeping, "We send our children to school so that they need not do this for their livelihood, but the teachers ask them to do the same in schools". Her son was stopped from going to that school.
- ¹⁹³ Based on the personal observations made during the visit to Musahar dominated districts of Eastern Uttar Pradesh, in February 2008
- ¹⁹⁴ Mander, Harsh and M. Kumaran (2006) 'Social Exclusion in ICDS: A sociological whodunit?', http://www.righttofoodindia.org/icds/icds_surveys.html (last checked by author May 2008).
- ¹⁹⁵ The Asiad Workers' Case (1982) and the Bandhua Mukti Morcha Case (1984), Srivastav, Ravi S (2005), Bonded Labour in India: its incidence and pattern, 2005. Working paper commissioned as an input to the ILO Director-General's second global report on forced labour, entitled *A global*

alliance against forced labour, prepared for the 93rd session of the International Labour Conference, UN.

¹⁹⁶ Srivastav, Ravi S (2005), *ibid*

¹⁹⁷ Srivastav, Ravi S (2005), *ibid*

¹⁹⁸ The Child Labour (Prohibition and Regulation) Act; 1986 defines a child as "a person who has not completed their fourteenth year of age". It does not prohibit child labour per se, nor does it set a minimum age, hours and conditions of work for child laborers, while prohibiting the employment of children in twenty-five hazardous industries. The Act also envisages punishment for violation including for parents who induce their children to work in hazardous industries. However, implementation of the regulatory provisions of the act requires each state to formulate an act-specific set of rules and regulations; the majority of states have not done so. Further, it gives tacit government approval to the use of child labor, when the child is a relative of the family, including in hazardous occupations or industries. The act is also inapplicable to government-sponsored schools or training programs.

¹⁹⁹ The Factories Act 1948 strictly forbids the employment of children less than fourteen years old in factories, but applies only to factories employing ten or more people with the use of electric or other forms of generated power, or twenty or more people without the use of power.

²⁰⁰ It explicitly prohibits the sue of child labourers in beedi and cigar manufacture

²⁰¹ It requires establishments to register inter-state migrant workers employed. Contractors must be licensed and keep records of all migrant workers recruited. Migrant workers should be paid at the same rate as non-migrant workers, and regular inspections be carried to ensure compliance

²⁰² All cases related to children under the age of 14 are governed by the Juvenile Justice (Care and Protection of Children) Act, 2000, which is based on the principles of the United Nations Convention on the Rights of the Child (CRC), 1989. Section 26 of the Act pertains to procuring a child for hazardous employment, keeping him/her in bondage and withholding/using those earnings is punishable

²⁰³ The South Asian (2005), *Indian Laws Against Bonded Labor*, 15 March 2005

http://www.thesouthasian.org/archives/2005/indian_laws_against_bonded_lab.html (Last checked by the author May 2008)

²⁰⁴ International Labour Organization (2005), *'A Global Alliance Against Forced Labour'*, United Nation

²⁰⁵ Government of India, 2008, *Bonded Labour Released and Rehabilitated*, Press Information Bureau, Rajya Sabha, 5th March. Minister of State for Labour and Employment Shri Oscar Fernandes (Independent Charge) in a written reply in the Rajya Sabha

http://pib.nic.in/release/rel_print_page1.asp?relid=36020 (last checked by author May 2008)

²⁰⁶ 2008, 1,855 bonded labourers released: Minister, 6 March,

<http://www.nerve.in/news:253500133540> (last checked by author May 2008)

²⁰⁷ Brass, Tom (1995), *Unfree labour and agrarian change, A Different view*, Economic and Political

Weekly, Jodhka, Suriendar S. (1994), *Agrarian changes and attached labour*, Economic and Political Weekly, Singh, Manjit (1995), *Capitalist Agriculture and Freedom of labour*, Economic and Political Weekly

²⁰⁸ Bremen, Jan (1996), *Foot loose labour.: Working in India's Informal Economy*, Cambridge University

Press, Oslon, Wendy K and Murthy, R.V. Ramana (2000), *Contract Labour and Bondage in Andhra Pradesh* (India), Journal of Social and Political Thought, Volume 1, Number 2

²⁰⁹ Srivastava, Ravi S and Sashikumar (2003), *An Overview of migration, its impacts and key issues*, Paper No. 2, Migration and Development and Pro-poor Policy Choices in Asia, DFID, London

²¹⁰ Ministry of Labour (200-01), Annual report, Government of India, *Annual Report 2000-2001*, p. 181. This figures appear to be based on both 1991 Report of the National Commission on Rural Labour and reports from thirteen states through March 31, 2000, of bonded laborers identified, freed, and rehabilitated

²¹¹ For a review of labour migration in India and its impacts, see Srivastava (1998) *ibid* and Srivastava and Sasikumar (2003), *ibid*.

²¹² Human Rights Watch Children's Rights Project (1996), *The small hands of slavery, Bonded Child Labor In India*, Human Rights Watch/Asia,

²¹³ Sugirtharaj and Sait (1995), Tamil Nadu Commissioners' Report, as cited in Srivastava Ravi (2005), ILO, *ibid*

²¹⁴ The Commission report says that women constitute 20 percent in the brickyards and 10 percent in the quarries.

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- ²¹⁵ 2004, Orissa's migrant labourers: victims of sexual abuse, exploitation, 13 January, The Pioneer
<http://infochangeindia.org/200403303291/Human-Rights/News/Orissa-s-migrant-labourers-victims-of-sexual-abuse-exploitation.html> (last checked by author May 2008)
- ²¹⁶ Chakraborty, Bhaswati (2004), *Gender issues in Bonded labour, A study of Ranga Reddy district, Andhra Pradesh*, ILO, New Delhi
- ²¹⁷ *Analysing the effectiveness of the programmes for the eradication of bonded labour system*, Abhay Xaxa, 2006, *ibid*
- ²¹⁸ GOI (2008), *Notes on Demands for Grants, 2008-2009, Ministry of Labour and Employment*
<http://indiabudget.nic.in/ub2008-09/eb/sbe60.pdf> (last checked by author May 2008)
- ²¹⁹ Indian Express (2002), *Bonded to Bureaucracy*, Indian Express, April 19
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