PEOPLE'S ASSEMBLY CHARTER OF DEMANDS,

INDIA 2020

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We, a group of civil society organisations organized a national-level People's Assembly on 23rd September, 2020 where more than 200 representatives of various marginalized peoples who participated and raised their voices and concerns. The groups of people included **Adivasis, Dalits, De-notified, Nomadic and Semi-Nomadic Tribes, Elderly, Adolescents, Youth and Workers, Children, Women, LGBTQIA+, Bonded Labour and Human Trafficking, Farmers, Persons with Disabilities, Migrants and Urban Poor, People Living with HIV, Northeast India, Religious Minorities and Refugees.**

As a critical milestone in the SDGs journey, India presented its second Voluntary National Review (VNR) Report at the UN High-Level Political Forum in July 2020. NITI Aayog, as the nodal government body anchoring the SDGs in India, coordinated the preparation of the VNR Report and expressed interest in including inputs from multiple stakeholders, particularly from the vulnerable communities. The Indian civil society welcomed the initiative to hold a series of national consultations with vulnerable communities of India to hear from them directly, how they viewed their progress on SDGs, the challenges they faced and the recommendations they had for the future.

Globally, the COVID-19 pandemic has hit poor and marginalized people the worst and it has further widened inequalities and has had vast impacts on the wider social, economic and environmental fabric of the world.

We are sharing the key issues raised in the discussions and our demands for the government of India to address and implement.

ISSUES:

Adivasis: The primarily urban and competitive approach to development is at variance with the Adivasi way of life. Natural resources in Adivasi areas are continuously overexploited for such 'development', without any meaningful benefits to the local population. Consequently, Adivasis continue to have the highest rates of poverty in the country with 50 per cent of them being poor. This is compounded by their relatively poorer educational attainment and health indicators. Given that tribal communities continue to operate within the overall patriarchal framework, women experience additional and multiple forms of discrimination and disadvantage.
The extraordinary powers under the Fifth Schedule have rarely, if at all, been deployed to benefit Adivasis. They are not fully aware of their rights and entitlements under the FRA and PESA. Consequently, the planning and development activities in the *para/ tola/ mohalla* are not informed by the positive features of these *legislations.*

Adolescents, youth and youth workers: One of the biggest challenges has been India's inability to create enough employment for the burgeoning work force. Unemployment is up, leaving many of the young people feeling financially excluded from the fastest growing economy in the world. Further, studies show that India faces a strange paradox where industries are not finding skilled workers due to low access to skill

building education. Youth participation in formal vocational/technical training remains extremely low at 2.8 per cent.

Spaces for youth development and platforms for youth voices are not part of the mainstream discourse, with very limited large-scale meaningful leadership experience available to young people from an early age. Further, more often than not, there is a lack of safe and non-judgemental space for self-expression, for intergenerational dialogue, especially on young people's agency and aspirations. Unless policies and programmes become more youth-centric, the much-publicised demographic dividend may speedily become a demographic disaster.

Bonded labour and Human trafficking: The issue of trafficking for forced labour is deeply rooted in the discourse of poverty, poor health, lack of education, exploitative labour, gender inequality, migration and effects of climate change. As per NCRB, in 2018, of the 5788 victims of trafficking in India, 1210 were trafficked for forced labour, domestic servitude and beggary. However, annual reports of the Ministry of Labour and Employment do not release data on bonded labour incrementally for each year, but report cumulative figures by state. This type of aggregated data is not a very effective tool for annual target setting, planning and budgeting.

A major problem area is the fact that full rehabilitation is contingent upon the conviction of offenders. The empathy of officials with the accused often results in high acquittals and low convictions, with the rate of conviction merely 8.1 per cent in 2018. In several cases, labourers rescued from exploitative sites are not given 'Release Certificates', thus disentitling them from receiving welfare assistance from the government and increasing their vulnerability to re-bondage.

Children: While there are specific well-recognised vulnerabilities among children (emerging from factors including caste, religion, area of residence, state of residence, gender and disability), there are some particular groups of children that are at higher risk of exclusion and denial of rights as compared to their peers, such as children of vulnerable parents, children belonging to stigmatised or discriminated communities, children affected by humanitarian crises, child victims of sexual abuse, out of school children, children living in street situations with or without parents, among others. These sub-groups of children are among the most marginalised groups and invisible, and thus excluded from the benefits of various policies and schemes. It is, therefore, important to understand the specific vulnerabilities of each sub-group to develop customised interventions that can address them, as prevailing schemes have limited impact on these children.

Dalits: Traditionally, Dalit communities have been considered as unclean communities, assigned to serve the other castes. Earlier referred to as 'untouchables', these communities have faced servitude for thousands of years, resulting in socio-economic backwardness. Despite Constitutional and legal safeguards, Dalits are excluded, segregated and discriminated against with violence, facing mental harm, assault, murder and destruction of property.

The scourge of manual scavenging is far from being eradicated, with more than 90 per cent of manual scavengers from the Dalit community. Untouchability and discriminatory practices are routinely reported in public facilities and services, educational institutions, and health facilities, acting as barriers for them to access schemes and entitlements. Crimes against Dalits continue, particularly violence and atrocities against Dalit women and girls. Over the past five years, more than 40,000 cases have been recorded annually, with

more than 139,000 cases pending trial since 2017. The overall judicial process for the Dalits truly reflects the scenario of 'justice delayed is justice denied.'

DNT-NT-SNT: These tribal communities have a long history of extreme poverty, marginalisation, neglect and oppression. Through the enactment of the Habitual Offenders Act by various states between 1952 and 1976 and the Bombay Prevention of Begging Act, 1959, the post-colonial Government of India ended up perpetuating the systematic branding of these groups as criminals, delinquents, and vagabonds, furthering the consequent harassment of these communities till date.

They do not have a uniform classification across the country and are not recognised as a separate social category under the Constitutional schedules. Instead, they are part of SCs, STs and OBCs in different states, with some of them not even listed under any recognised marginalised category. They remain invisible due to the lack of requisite documentation, awareness and the capacity to demand and secure rights and entitlements. As a result, they have limited access when it comes to availing state-led interventions for marginalised communities.

Elderly: Census 2011 indicates that almost 70 per cent of the elderly live in rural areas. Additionally, studies by UNFPA show that high poverty co-exists with low social security coverage among the elderly, leading to the inevitable conclusion that most of India's elderly will indeed be living in poverty in 2061. Further, women are expected to outnumber men, especially after 70 years of age. However, there is no authentic data published by the government on the number of elderly living below poverty line and their access to public healthcare facilities.

Other significant factors are income, livelihoods, nutrition, morbidity, mortality, healthcare-seeking behaviour, mobility, disability, gender, accessible and enabling environment, social security, informal and institutional care system, and the real-life complexities produced by the intersection of some or many of these factors that make the elderly population vulnerable.

Farmers: Small and marginal farmers with less than two hectares of land account for 86.2 per cent of all farmers in India but own just 47.3 per cent of the crop area. The predominance of smallholdings creates unique challenges in yield maximisation, aggregation, transportation, demand forecasting and wastage reduction. As the NSSO data shows, more than one-fifth of rural households with self-employment in agriculture have income less than the poverty line. Women farmers are particularly vulnerable, with around 80 per cent of rural women dependent on agriculture for their livelihoods but seldom holding land titles and rarely recognised as farmers. They are thus unable to access formal credit and benefits from state programmes and schemes.

Rising indebtedness, continuing farmer suicides, land alienation and landlessness, climate change, disappearing commons, the feminisation of agriculture, deteriorating soil health and farmers' health due to the use of harmful chemical fertilisers and pesticides, and lack of attention to the situation of the often left behind farmer groups are some of the significant challenges.

*Migrants and urban poor***:** Over the years, migrants have experienced exclusion or poor integration into the prevailing social, economic and political rights framework in India. They remain invisible, vulnerable, deprived and often destitute. Absence of domicile papers and identity at worksites in cities deprives them of political voice, rendering them unable to vote for representatives to ULBs, interlinking with the creation of ineffective government schemes and lack of proper monitoring systems for the same.

Absence of safe and affordable housing and land rights, lack of education and skilling all reinforce the vulnerability of the urban poor, which already has no job security, insurance or assurance of minimum wages. While government schemes and programmes aim at inclusion, they paradoxically exclude access based on individual and family documentation.

Northeastern region: Post-1947, the indigenous peoples asserted their right to self-determination leading to widespread unrest. To control the same, the GoI imposed AFSPA in 1958, giving armed forces the power to maintain public order in 'disturbed areas' and leaving behind a trail of violence with frequent violation of human rights. The NER is disproportionately governed by such laws with limited freedom and liberty to the people.

While the Sixth Schedule of the Constitution institutionalised tribal self-rule through Autonomous Councils, they are mostly ineffective, leading to weak policy linkage of a village in the NER to the Parliament.

The NER states (being cash strapped) are unable to invest in industry, innovation and infrastructure, resulting in rudimentary scaffolding for secondary economic activity. There is acute shortage of livelihood opportunities, education, healthcare, physical infrastructure and centres of innovation and excellence in the region.

Persons living with HIV: Limited availability of viral load machines and facilities in most districts hampers effective monitoring of health and HIV care aspects. Further, stockouts and supply chain issues regarding ART medicines hamper the attainment of the goal of viral suppression. The community does not have a full understanding of new treatment guidelines, protocols, drug regimens, government schemes and emerging global developments related to PLHIV. District and state-level PLHIV networks are not adequately supported, and communication channels for community engagement restricted. Additionally, stigma, discrimination, poverty, unemployment, gender inequality, poor nutrition and lack of access to healthcare and education are factors that continue to hinder progress of the community.

Persons with Disabilities: India's policy framework has so far seemed to ignore PwDs. The SDG India Index 2018 included no indicators relevant for PwDs, and the 2019 Index had only one. While there are over 100 current laws that discriminate against PwDs, the implementation of existing disability laws, such as the RPWDA, is inadequate and India is yet to align provisions under RPWDA, MHCA, RCIA and NTA with the UNCRPD and remove contrary stands such as guardianship and legal capacity.
PwDs fare poorly in most development indices, and tend to remain excluded from the development agenda. Women with disabilities are particularly vulnerable, facing multiple forms of disadvantages and discrimination. Though there is a direct link between disability and poverty, poverty line estimates do not consider the cost of living with a disability. There are also considerable gaps in accessing assistive products and technologies for PwDs in India due to lack of availability, accessibility, affordability and information about the same.

Refugees: In the absence of refugee law, the entry, stay and presence of refugees in India are governed by complementary laws which do not differentiate between different categories of persons- foreigners, refugees, migrants and the stateless. Further, the status of different groups of refugees in India varies, with

some refugee groups formally provided protection and access to essential services, while the presence of others is tolerated, without formal recognition of their status and limited access to essential services.

The trauma and loss of assets and capital experienced during displacement, and lack of adequate legal and social protection mechanisms in countries of asylum make refugees particularly vulnerable. Since they are often forced to flee without proper documentation, they are prone to being incarcerated and detained as illegal migrants. In fact, some refugee groups in India live in what can best be described as an indefinite state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled.

Religious Minorities: While India has made significant progress in growth and development since Independence, there are indications that not all religious groups have equally shared the benefits of the growth process. A self-assessment by the participants during the consultation on key development parameters regarding their vulnerability highlighted a very bleak status of their development and progress. Religious minorities perceive that rising majoritarianism and cultural nationalism in India is making it difficult for them to preserve their distinct religious practices, languages, cultures, traditions, places of worship and institutions. Hardships ensure beyond identities, in education, employment, business, and civic life. The general perception among minority groups is that the National Population Register/National Register of Citizens may leave millions stateless- particularly from vulnerable communities such as SCs, STs and religious minorities- depriving them of citizenship rights and any hope of entitlements in government schemes in the future.

Sexual Minorities- LGBTQIA+: The challenges faced by this community are multi-fold—lack of parental and societal acceptance, bullying in educational institutions, disinheritance, eviction, physical assault, sexual assault, forced heterosexual marriages, honour killings, discrimination in the job market especially during recruitment, absence of mechanisms for grievance redress at the workplace, inadequate legal recourse in case of harassment, lack of same-sex spouse benefits, and deprivation of the right to form a family or even to adopt a child.

Additionally, there is no pan-India data available for the LGBTQIA+ population, and they are not included in welfare schemes (except for a negligible proportion of the transgender community that is included in some schemes, implementation of which continues to be a challenge).

Women: There is lack of recognition of the everyday economic, social, political and cultural discrimination and violence faced by women, particularly women from marginalised communities. Women, girls, and sexual minorities continue to endure inequality in all aspects of life in their homes and public places. The violence they face is structural as well as physical, sexual and emotional. As a result, they fare poorly on all development indicators.

Critical challenges remain in the absence of disaggregated data across gender, age, disability, caste, class, tribe, marital status, occupation and location; gaps in the implementation of laws and policies along with inadequate budgetary allocation for programmes and schemes for women and girls. Further, planning of city spaces is not gender responsive and is done without any consultative processes with women.

DEMANDS:

The following Charter lists the recommendations cutting across communities.

1. Design and implement social equity measures, recognising the intersectional dimensions, through targeted policies and provisions, affirmative action, special budget provisions and any other means to facilitate vulnerable communities move beyond the vicious cycle of historical exclusion, discrimination and disadvantage.

2. Ensure local governments have the capacities and resources to deliver on SDGs and are accountable to identify, track and report on the SDG achievements of vulnerable communities in their jurisdiction.

3. Build a robust framework for generating community disaggregated data for vulnerable communities, engaging civil society organisations and community representatives to fill data gaps wherever necessary.

4. Encourage and facilitate participation and agency of vulnerable communities at all levels of governance and in all processes related to development planning and implementation.

5. Strengthen public provisioning and public services to ensure essential services such as education, health, water and sanitation, housing, employment reach vulnerable communities.

6. Build sensitivity among duty bearers and decision-makers to respect, consult and incorporate the values and knowledge of vulnerable communities in fulfilling their roles and responsibilities.

7. Recognise and encourage partnership with CSOs in implementing the SDGs, with particular reference to reaching the vulnerable communities. Consistent and institutionalised engagement of NITI Aayog with vulnerable communities beyond the VNR reporting would be step in the right direction.

8. Translate the Government of India demand on Climate Justice at the international level towards a holistic domestic climate policy to tackle climate change while being cognizant of the specific vulnerabilities of communities most at risk of being adversely affected.

9. Regularise the national and state progress reports on the SDGs, including annual reports to the people on the progress towards the SDGs at the national and subnational levels.

10. NITI Aayog should share this report along with the VNR with all chief ministers and planning departments of their respective states. State governments should be encouraged to establish CSO Committee on SDGs for follow up on implementation for LNOB groups and record progress through formal reporting at regular intervals. CSO engagement on SDGs can be shared with various official stakeholders and other development partners for collective and collaborative strategy building and joint programming.

11. Promote accountability for all agencies, government, and private, to ensure that vulnerable communities are not left behind, and CSOs, media and the UN to integrate inclusion and human rights norms and standards in their work.

We the Undersigned,

Wada Na Todo Abhiyan (WNTA)