

# **Conference Report**

**The Role of Mediation and Advocacy in the Empowerment process within Social Movements and NGOs**

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**Organized by: Pipal Tree**

***Venue: Fireflies Ashram, Bangalore***

**Organizing Team**

**Siddhartha, Anugraha John, Eugene Lawrence & Shabin Paul**

## **Conference on the Role of Mediation and Advocacy in the Empowerment process within Social Movements and NGOs**

### **Introduction**

The purpose of this workshop was to concretely look at fresh non-violent options for the liberation of the poor and the oppressed.

It is clear to all of us that while we need to creatively campaign and confront urgent and critical issues related to poverty and human rights we also need to simultaneously explore ways and means to engage in 'hard dialogue' in the interests of excluded sections of society. This workshop is to learn more about the ideas and methods related to this dialogue process which will defend and promote the interests of the affected parties and yet gain short and mid terms gains.

How do we mediate through the construction of coalitions of multiple stake-holders who may not see eye to eye on all issues of theory and practice? What are the skills needed for such a process? Is it possible to bring together a variety of stakeholders (Movements, NGOs, government, business, media etc) in the resolution of conflicts related to communal harmony, employment generation, water issues, child rights, Adivasi issues, HIV / AIDS etc?

This was a workshop on methodology as well as the issue-specific strategies and processes of concretely solving problems through mediation and advocacy.

The workshop was inaugurated by Siddhartha.

Siddhartha talked about the objectives of the workshop, which had to do with conflict resolution and conflict transformation. He talked about the need to go beyond existing ideologies and personality cults to solve problems. He was not against people holding on to ideologies, but it was important to dialogue and listen to different parties in a conflict.

Mediation meant that those who were promoting conflict transformation stayed in the background and created conditions for dialogue and listening to happen. They did not try to become heroes or prophets, but modestly and humbly helped with bringing different actors together to solve problems of a social and environmental nature. This kind of effort created coalitions that were composed of multiple stakeholders: NGO's, Social Movements, Political leaders, Bureaucrats, Media, Intellectuals, Artists, etc. These coalitions put their collective wisdom together to solve conflicts. This approach may also necessitate going beyond the present Left-Right boundaries, as well as Religious and Ethnic differences.

### **Mediation and Advocacy Strategies for Conflict Resolution and Problem Solving**

**Speaker: Sushobha Bharve**

**Chairperson: Ram Esteves**

Sushoba Barve is an outstanding woman who has spent many years with conflict resolution within India. She worked for twenty years on resolving Hindu-Muslim conflict within the slums of Mumbai and elsewhere. Presently she has shifted base to Delhi, where she has taken up the challenge of working for peace in the Kashmir conflict.

When she worked in Mumbai Sushoba worked on forming Mohalla committees. These committees were 'peace committees' that went into action as soon as a small conflict arose. The work of these committees prevented the conflicts from mushrooming into bigger conflicts.

Within the Kashmir conflict Sushoba met organizations and individuals in both India and Pakistan. While the governments of India and Pakistan continues their own diplomacy (track one diplomacy) Sushoba contributed to developing a 'people to people' understanding between different groups in both countries. This 'people to people' effort she called 'track two' diplomacy. In such large and complex conflicts like the Kashmir one both Track One and Track Two diplomatic process were necessary to arrive at Peace.

Ram Esteves spoke about the methodology of organizing 'coolie sanghams'. These were organizations of the poor and excluded that were networked into a vast social movement for Social justice, Women's Empowerment and environmental action. He believed that this approach helped to promote sustainable development of the poor as well as deepen their democratic rights to them. Rams' contribution was very important to understand how conflicts could be solved by the people themselves at grass-roots level. The scale of this kind of conflict resolution could involve thousands of people.

## **People Centered Advocacy for Social Change**

**Speaker: Amitabh Behar**

**Chairperson: Sebastian**

Sebastian introduced Amitabh Behar as Director of National Centre for Advocacy Studies (NCAS), an organization based at Pune and working for strengthening the capacity of social action groups to advocate issues of public concern.

Amitabh started the session by recollecting the campaign word which BJP used during the election in 2004 – India shining. Rights make a person citizen, he stated. 80 to 85% of the people in India have been denied their rights and hence there is a wide gulf between citizens and people in India. This is the context BJP used this slogan in their election campaign.

The concept of People Centered Advocacy for social change should be discussed in the context of the wide gap between institutional and substantive democracy. Substantive democracy is the realization of human rights in its all dimension - political, economic, social and cultural rights. Participatory democracy is an essential factor in making social justice a reality.

The Historical context: The Gandhian movement and naxal movement contributed to the transformation of society. Now the system has changed in this era of innovations, where people are consciously and systematically excluded from the development process.

Advocacy efforts are used in different circumstances in different ways by various social movements - in partnership with the government, in part partnership and part negotiation, part negotiation and part opposition, part partnership, part opposition or anti state. He described the various forms of advocacy practices which exist today through examples. We cannot say that this method is better than the other; there are various ways to influence the government policies.

Advocacy is a systematic, planned political process (flexible) within a democratic framework for the advancement of human rights. In the whole processes people will be at the centre. Above all it is a process of empowerment.

When coming to the concept of People Centered Advocacy it has certain elements; research and knowledge base, networking and alliance building, mass mobilization and effective and strategic communications.

In this political process of fighting for the rights in the democratic set-up the state will be at the centre;

Amitabh concluded by saying that power lead to structural violence and participatory governance is the only way to solution. So advocacy can be seen as a way to use the space of democratic system by enhancing community organizations to look at issues of all kinds which relate to them.

NGOs and People's organizations are complementary; NGOs work as facilitators in the process of advocacy. At the same time people's organizations have control over things in their area since it is related to them.

### **Discussion:**

**Tomy Jacob:** Change is effective when it comes from within; since it comes from people, people centered advocacy is more powerful.

**Baby Paul:** Adding to the various existing model of advocacy, Amitabh suggested another model of advocacy where government partners with NGOs in response to the need of the children, the Childline Project.

### **Conclusion:**

Amitabh believed that one had to recognize that we were in a global neo-liberal economy and that it would be naïve to think that we could solve conflicts without addressing the basic structural problems of society. He believed that unless there was active struggle the oppressors would not cede to the oppressed. He believed that there were different approaches to social transformation being practiced in India. Some approaches worked actively with the government. Others were opposed to the government. Still others were opposed to the government but were willing to negotiate.

## **Reflection on the implementation of the National Rural Employment Guarantee Act (NREGA)**

**Speakers: Subash Lomte & Dileep Kamat**

**Chairperson: Ram Esteves**

The session began with Mr. Subash Lomte, Convener, National Campaign Committee for Rural Workers sharing from his vast experience in the state of Maharashtra with reference to Maharashtra Employment Guarantee Act (MEGA) being implemented since 1977. In his presentation, he gave a brief summary about the process, enactment and implementation of both MEGA and NREGA. He highlighted the importance of the NREGA and put forward the reasons why he believed NREGA is a wonderful opportunity and a great Act in Indian History to eradicate poverty, if implemented effectively.

To begin with, he explained how the progressive politicians, bureaucrats and social activists passed the Bill due to continuous pressure since 1965 which was further given a boost during the major drought that affected Western Maharashtra during 1972-74. The massive and relatively successful public works programme provided a stimulus for its continuation in the post drought period. There were also agitations by left parties and trade unions for drought relief. This movement eventually supported the demand for a permanent programme like the MEGA in 1977.

The MEGA was a bold step by the people for the people. Half the money for the Corpus came from the tax of the Organised workers and half from the state government. At present 16,000 crore rupees is available in the corpus fund. The distinct difference between NREGA and MEGA was that no money would come from the central government to the corpus of MEGA and each adult member of the family can get manual work (but no skill work) for 365 days. Most of the work under the EGA were for creating assets for the community and thus involved lot of construction work. Unfortunately as per legislation, the wages of the construction workers will be as little as an agriculture worker - say about Rs.45 per day. Issues such as Minimum Wage, etc are still debated within the framework of MEGA.

After a brief background to the MEGA, Mr.Subash went on to speak on the NREGA. He said that since 1977, there were numerous campaigns for the adoption of an Employment Guarantee Act in other states. A draft National Rural Employment Guarantee Act was prepared by the National Advisory Council, and was revised by the Ministry of Rural Development. The UPA led, Prime Minister later announced that the draft would be tabled in Parliament in December 2004, and that the Employment Guarantee Act would come into force in a phased manner starting on 1 April 2005. He gave full credit to Mazdoor Kisan Shakti Sangathan (MKSS), Rajasthan for the enactment of NREGA.

Mr. Subash strongly felt that it was against the Political agenda to see that such an Act was passed but not effectively implemented. He was disappointed with the present scenario of the implementation of the MEGA or NREGA. There are so many loop holes such as siphoning of the money in the name of bogus muster rolls, corruption, etc. to be monitored and evaluated. In his conclusion, he stated that the demand for an Employment Guarantee Act goes hand in hand with the demand for a strong Right to Information Act. The right to information is an important tool for the eradication of corruption and is essential for the success of the Employment Guarantee Act.

There is an urgent need for NGOs, Civil Society, etc to step forward and Monitor the NREGA programmes. There is much to do at all levels. The first step is to spread awareness and understanding of the Employment Guarantee Act. They can contribute by organising a discussion about EGA in their own organisation or neighbourhood. Perhaps you can use a booklet (after translation in local language if necessary) for this purpose. Beyond this, many things can be done to strengthen public demand for an Employment Guarantee Act: rallies, yatras, dharnas, kala jathas, symbolic shramdands, postcard campaigns, public debates, media campaigns, among other possibilities.

He believed that there are strong provisions for transparency and accountability at all levels. For instance, job cards to be issued to all labourers; wages to be paid in front of the community on pre-specified dates; all relevant documents are to be available in some convenient form for public scrutiny; regular social audits of all Programme works to be conducted; muster rolls to be displayed at the Gram Panchayat office until the wages are paid; utilisation certificates to be issued by the Gram Sabhas; and so on.

Mr. Dileep Kamat began his session with appreciating his old friend and colleague, Mr. Subash for the wonderful presentation and decided not to make a presentation with the repetition of the already highlighted remarks by Mr. Subash. He in fact, spoke from his experience in Belgaum, Karnataka and kept focus on his personal experiences/ stories and facts from Karnataka.

Mr. Dileep highlighted five important aspects of the NREGA: A full-fledged NREGA would enable most poor households in rural India to cross the poverty line. Secondly, it would lead to a dramatic reduction of rural-urban migration: if work is available in the village, many families will stay in place instead of heading for the cities. Thirdly, guaranteed employment would be a major source of empowerment for women. Based on past experience, a large proportion of labourers employed under EGA are likely to be women, and guaranteed employment will give them some

economic independence. Fourthly, the Employment Guarantee Act is an opportunity to create useful assets in rural areas. Fifthly, guaranteed employment is likely to change power equations in the rural society, and to foster a more equitable social order.

He highlighted the situation of the NREGA implementation programmes in the five districts (Bidar, Chitradurga, Davangere, Gulbarga and Raichur) in Karnataka. According to him, more than 10 lakhs have got a job card and 60% are applied for work. Unlike Maharashtra and other states, In Karnataka the wage per person was increased from Rs.69/- to Rs.80/-. He said that if a study is done even 180 days of work is not available in Dakshin Karnataka (coastal area). And there is a need to demand for work for 180 days. He explained with simple mathematics that if a job is given to 2 members of a BPL family (husband and wife) for 180 days they would together earn Rs.160 per day, enough to bring their status to Above Poverty Line.

He further spoke about his personal experience about an incident in Raichur. In this case there were 200 people (from 3 villages from a Panchayat) who had applied for job cards and finally when the work was allotted to them an issue like who is suppose to bring the tools and equipments marred the progress of the work. The Officers argued that they were supposed to get their own tools since nowhere in the Act is it mentioned that government has to provide the same. When the people brought this incident to the notice of Mr. Dileep, he immediately called the Higher Official, District Administrator and questioned if it was mentioned in the Act. Well obviously, it wasn't mentioned and the District Administrator without arguing arranged equipments and tools and the work started in 3 days.

Mr. Dileep said that there is not enough information given to local people from the Gram Sabha and Gram Panchayat and this makes the NREGA programmes not function to its full capacity.

There is lot of information not known to the common public about the NREGA related programmes such as:

1. NREGA programmes demands 7 hours of work only and no piecework payment should be taken up since in some cases it would depend if the land is soft or hard.
2. On site of a NREGA programme, sheds should be provided to the working people. But unfortunately nowhere in the 5 districts in Karnataka there were shed.

Apart from this there should be availability of drinking water and if there are more than 5 children an *Aiya* should be made available to look after them.

Necessity of understanding of NREGA has to be propagated.

Another incident Mr. Dileep shared with us was with regard to the issue raised by men working on a NREGA Programme site. The argument by the men was: why were they being paid equal wages as women when they did all the digging and the women cleared the rubble? Men couldn't think of this as an opportunity where husband and wife could earn equal wages, which means more money for the same family. Mr.Dileep felt that, in this context, the male mindset had to be changed.

Although Belgaum, Karnataka which is not one of the districts in Karnataka for the implementation of the NREGA Programmes. Mr.Dileep who is working there has made use of opportunities such as the **Sampoorna Grameen Rozgar Yojana (SGRY)** and has asked others working in rural areas to make use of this scheme. SGRY is a scheme in every panchayat/rural area, which provides additional wage employment with an annual allotment of Rs.1, 00,000. And with the support of Taluk and Zilla Panchayat's approval Rs.5,00,000 can be approved for such a programme.

Mr. Dileep concluded with a plea to disseminate proper information about NREGA and to use the Right to Information as a complimentary tool to bring change and effective implementation of the NREGA.

With these two presentations, the floor was open for discussion and questions.

Mr. U. Thirumala Reddy, from RDT, Ananthpur thanked both the Speakers for a wonderful presentation. He strongly felt that NREGA is an important tool for the government to eradicate poverty from their state. There is so much of corruption that the purpose of the programme is diverted and corruption is at rise and most importantly, people are not benefited. Although the statistics show that Andhra Pradesh and Rajasthan are the two states which have utilized most of the funds under this programme, he was doubtful about workers being paid what they deserved. He further confessed of having learnt a lot from these presentations and will use the RTI and schemes like **Sampoorna Grameen Rozgar Yojana** and integrate in their project areas.

Another participant brought to light how people misuse this programme in Karnataka. In one of the villages five members of the same family have applied for fresh job cards to work another 100 days showing themselves as a separate family.

Baby Paul highlighted the situation in West Bengal which is a CPI led state. Government was not able to implement NREGA programmes effectively. People have worked for only 11 days. It is the political agenda not to implement these programmes.

There was a question raised as to what the age limit to work under this programme was and if a project under NREGA can be a long term project. And Mr. Dileep replied that every employee should be above 18 years and any project can continue for one year to four years or more. But every employee can work only 100 days per year.

Participants agreed that Gram Panchayats and Gram Sabhas have a critical role in the implementation of the Act and using RTI these government bodies should be pressurized.

Programmes related to NREGA have less chances of corruption since it doesn't directly involve the Village Secretary to handle the accounts but a bank account is in function at the Post office.

A question was raised by one of the student from St. Josephs College Devagiri about the future of NREGA. Mr. Subash instantly replied to this, the ultimate goal of the NREGA is to become redundant.

Mr. Baby Paul said that the good news about NREGA is that it will be soon implemented in 676 districts instead of the pilot programme of 200 districts.

Mr. Subash said that NREGA is an opportunity for agricultural workers to come together as an organisation for wages (potential for forming a union). This group will take action if issues such as work not being provided to voice the opinion and get the Rs.20 per day compensation according to the Act.

Mr. Siddhartha proposed to the speakers and the group if an informal committee should be formed (with prominent people be it a teacher, Economist, NGO activist, etc) to play a lead role to monitor and evaluate NREGA. These could be two pressure groups, primary groups is the one in which people are involved, the beneficiaries and the secondary pressure groups should be the journalists/media, NGO activists, etc.

There was a suggestion by one of the participants that like RTI if there is no reply given after queries, the officers are liable to be charged Rs.250/- per day and this should happen in NREGA as well.

Finally, an important question, what is the role of RTI for effective implementation of NREGA. The speakers said that through RTI one can cross check the registered job cards, work given to the number of job card holders. And if the payment is delayed through RTI one can expedite the process. Sometimes one can ask for all these information ordinarily and if need be use RTI.

## Fresh Approaches at Water Conservation, Management / Distribution

**Speakers: G Vishwanath**

**Chair: Dr. Bhavani Shankar**

Mr. Vishwanath in his pictorial and informative Power Point Presentation focused on the importance of Managing India's water resources and proposed solutions for the same.

He began his presentation with the global viewpoint and then later narrowed down the present situation at the Indian level on the usage of water.

According to the statistic (World Water Use – 2000)

	<b>Global</b>	<b>National</b>
<b>Agriculture</b>	70%	92%
<b>Industry</b>	22%	3%
<b>Domestic</b>	8%	5%

In the era of globalization, there is a huge demand by the Industry for the usage of water from the agriculture sector. There are several conflicts already seen and countries like Australia, China, Spain and others have already increased its demand for water in the industry sector.

Mr. Vishwanath strongly believed that "Unless water is priced it won't be taken seriously and used efficiently". For example in India, many farmers have taken water for granted which is provided to them free of cost or which is subsidized heavily. In South Africa and many other parts, there is an argument by the people that God gave water and it should be given free to the people. However, we tend to forget that for the water to come to the taps at home or at the farm, we need infrastructure and equipments and hence Mr. Vishwanath puts forwards the argument that water should be priced.

If tariffs are too low and revenues come from subsidies, water and energy wastage increases because there is minimal investment and no incentive to conserve water or repair inefficient distribution systems. On the other hand, public policy makers must bear in mind that if tariffs are increased, they must be linked with better services. If subsidies are required, they must be carefully targeted for the poor and most needy sectors of society.

Mr. Vishwanath through the Dublin principles attempted to state the main issues and thrust of water management:

- Freshwater is a finite and vulnerable resource, essential to sustain life, development and the environment;
- Water development and management should be based on a participatory approach, involving users, planners and policy-makers at all levels;
- Women play a central part in the provision, management, and safeguarding of water;
- Water has an economic value in all its competing uses, and should be recognized as an economic good.

According to Mr. Vishwanath not many people are aware of the fact that in semi-arid areas forests consume more water than contribute to the ground water table and unfortunately not even ten people knows what the volume of water available in India is.

There is a misconception that India's groundwater is not in a very good state. The annual recharge of water is far less than what is consumed. But the fact is that 60% of the water comes from the tube wells. We have enough water. We only need to manage the available water resources properly. Instead of developing big water systems, we should go for smaller ones. In other words, we should decentralize the water system. Different areas should have their own water system so that it can be managed properly.

Without going into the details of the most controversial project which is backed by none other than our present scientist genius, Dr. Abdul Kalam, President of India. He highlighted to the following points:

Propents of Inter-linking of rivers:

- Will solve water problem - drinking and agriculture
- Will mitigate floods
- Will generate hydro-power
- Will drought proof the nation
- Much water goes 'waste' to the sea, will be made 'useful'

Critics of Inter-linking:

- No surplus in any river except Barak and Brahmaputra
- Is enormously costly
- Ecological and environmental impacts negative
- Likely to cause displacement of people
- Will transfer pollution

Mr. Vishwanath brought to light the important issues for concern:

- Unsustainable use
- Groundwater 'bubble'
- Ecological and environmental degradation.
- Water as a sink for cities waste

He explained the alarming situation in Bangalore, which gets its water from the Cauvery River which is 95 kms and 500 metres below the city. The production cost of water is very high at Rs.18 a kilo-litre which will become Rs.26 a kilo-litre. The ceiling on the availability of water - 1500 mld is good enough for 7 million people only i.e. by the year 2011 and the surface and groundwater is on the decline

In his conclusion, he said there is hope for the situation of water but we need to revise, learn from the past mistakes in Water Management and put effective implementation of the Basin Management, Rainwater Harvesting, Recycling, Demand management and Integrated water management Participatory management.

Dr. Bhavani Shankar the chair person for this session applauded the wonderful presentation by Mr. G. Vishwanath and later gave few technical alternatives/comments on the controversial Inter-linking of river project planned for India he further went on to condemn the need of such a project. He ended the session with PowerPoint presentation that was apparently used by the President of India, titled Letter written in the year 2070.

This presentation was highlighting the importance of water and if proper management and environmental care is not taken today, it will ruin the living conditions for the generation to come.

Some of the other issues discussed and raised during this session were:

#### 1. Private – Public/Private Partnership

In India, almost all water and waste water systems are currently managed by the public sector, and most fail to meet the needs of the citizens or businesses they serve. The private sector has therefore stepped in obviously for profit but also it brings finance, reduces waste and lowers costs when supported by effective governance and transparency.

Partnerships between public and private entities have a proven record for raising project financing and bringing in technical expertise for infrastructure projects, including water and sanitation. They can accelerate solutions and enhance operations and service.

One of the major challenges for India is the capacity to manage a comprehensive program to reduce leakages or lost revenues. A number of utilities continue to lose close to 50% of their water to leaky pipes, illegal connections and unbilled or unpaid for water. Not only is the water itself wasted, so is the energy required to treat and pump the water. By using performance-based management contracts to draw on the technical and managerial skills of the private sector, public utilities can enhance their ability to tackle such operational and maintenance problems and improve service to their customers.

#### 2. Rain fed crops or cash crops

The shift from rain fed coarse grain crops to irrigated cash crops like sugarcane has meant higher incomes. But the costs have been heavy. Farmers and villagers have benefited financially but have lost materially because of sugarcane production and the related increase in groundwater exploitation. From the point of view of the farmer with access to inputs for sugarcane, this crop is the most profitable, from the point of view of public interest it is extremely wasteful and resource destructive. Perhaps a speedy adoption of the technologically proven "Madagascar Method" of paddy and sugarcane cultivation should be adopted in India which will result in a 30 per cent to 40 per cent saving of water and a 50 per cent to 60 per cent increase in yields.

The traditional methods of Check dams should be practiced and encouraged. The major environmental benefit of the same is the replenishment of nearby groundwater reserves and wells. The water entrapped by the dam, surface and subsurface, is primarily intended for use in irrigation during the monsoon and later during the dry season, but can also be used for livestock and domestic needs.

### **Child Rights situation today**

**Speaker: Ashok Mathew Philip**

**Chairperson: Baby Paul**

According to Ashok Mathew Philip, 'child rights' is becoming a popular idea in the country since it is less controversial and a soft human rights issue. In India the worse form of child rights violation is in the form of child labour.

Mathew Philip explained about a situation which led them to the idea of starting non-formal education centers for children who are working in Sericulture Units. Though they were getting an education, these children continued as child labourers. To most of the children it became a burden. Later they understood that this will not make much a difference in the life of these children.

So they decided to move to the policy level. They met the labour commissioner and made him to visit the place where children were working. And immediately after this organized a

public hearing in Margadi town under the banner of Campaign Against Child Labour (CACL), where 25 child labourers participated. This programme grabbed the attention of the Media. And as follow up of this, Advocate Ram Babu submitted a PIL in the High Court of Karnataka on this issue. On this PIL a historical judgment has come out to prohibit and regulate child labour and the Court asked the department to release all the child labourers. At the very same time UNICEF started a project for running four bridge schools for child labourers.

He opined that the problem with the education system is an important cause for increasing child labour in the country and hence education is the only alternative to child labour. But unfortunately there is no legal backing for this. Education is the directive principle of the state policy till the 86<sup>th</sup> Constitutional amendment. So it will never be a priority to the state.

Educational activists and movements like CACL campaigned for the constitutional amendment to include education as a fundamental right and organised several programmes including round table discussion in the Parliament.

The constitution was amended three years before and this 86<sup>th</sup> amendment of the constitution included education as a fundamental right and as part of the Right to Live. Now there is a hope for educational activists since it offers right to free and compulsory education to all the children.

But the Right is given only to children who are in the age group of 6 to 14. But what about the children in the age group of 0 to 6? If an Anganwadi is closed down there is no remedy at all. There is no legal backing that can advocate for them.

Even though India has adopted the UN Convention on the Rights of the Children in 1992 definition of children under various laws differs. The only law which adopts the same definition as CRC is the Juvenile Justice Act 2002. Most of the laws define children as those who belong to the age group under 14. This reflects in the survey figures also.

In Uduppi district one school denied admission to a child belonging to Scheduled Caste. On this issue a WRIT Petition filed saying that Article 21A is violated in the case of this child. When the teachers came to know about this, they themselves approached the parents of the student and requested them to withdraw the petition.

Under the Convention on the Rights of the Children every child has right to survival, protection, development and participation. If a school denies admission to a child it is denial of their right to development.

Among all forms of employment, domestic work seems to be the worst form since the children are more vulnerable to physical, mental and verbal abuse and exploitation. Recently Article 24 of the Child Labour (Prohibition and Regulation) Act 1986 was amended by including domestic work and work in hotels, restaurants and dabbas under the category of hazardous employment.

Even before this amendment, the Karnataka government released a GO prohibiting the employment of children as domestic workers by government employees. Also some of the corporate sectors included this as a norm in their policy.

Under the minimum wages notification, child labour is also banned. But there is no penalty for those who employ children.

Child Labour (Prohibition and regulation) Act, 1986 gives a penalty of Rs. 25,000 for those who employ children. This amount is a corpus fund to be ministered by the District Collector and this amount is to be utilized for generating employment to the parents of the child labourers. Studies show that there is a large amount of money in this account; but not used for the purpose.

As per the Right to Education Bill, which is drafted by the centre and sent to each state as a model, this makes education compulsory. It is the responsibility of the parents and local civil society groups to see the children are getting quality education. By ensuring that the committees like SDMC – School Development Monitoring Committee - are working properly the work can be started in a village. Enrollment campaigns can make a remarkable difference in ensuring that each child in the village is enrolled in schools.

Any child who is out of school is a child labourer. Poverty can be seen as a major problem and food security is the need of the country. By withdrawing children from employment it is possible to generate more employment for adults.

### **Child Rights in the context of Tribal Children: Baby Paul**

The historical deprivation of access to resources and opportunities to the Tribals of India is very evident also in the educational status of the Tribals. There is a growing gap between literacy rates of ST communities and general population (29.60% as against the national average of 52.21%).

The Right to Education Bill (2005) makes Education compulsory and free for children within the age group of 6 to 14. But what about the children who die out of poverty and illness related to malnutrition, even before the age of 6? Is it their fault they died when they were not even 6? Did we look in to the matter whether there are some ICDS centers around their habitat?

When coming to enrollment, the campaign for enrollment is ok, but what about after that?

The child enrolled in the first standard, for the first time hears an alien language. The medium of instruction is not in their mother tongue. The teachers generally do not want to entertain children who have come dressed shabbily. They love to be with the butterfly children. The Tribal children are always subjected to verbal abuse. From the very beginning the children are cornered; never attended. They are considered to be children coming for the noon meals.

They continue to be in school for one or two years out of the fear towards their parents. A large number of ST students drop-out at lower levels of school education. From 3rd standard onwards they refuse to go to school. They go to Kodagu for ginger (and the like) cultivations along with their parents.

There is no tribal representation in PTA, MPTA or VECs etc. What is the meaning of punishing a tribal parent (The Right to Education Bill, 2005) who has failed in sending his child to school; he himself does not know where to go.

The ban on child labour in eateries and households may not become effective in the absence of adequate rehabilitation mechanisms

Elimination of child labour and poverty and retention of children in schools are linked intrinsically. The failure to implement the statute change making education a fundamental right is proof of the government's apathy. According to figures from the office of the Registrar-General of India, in 2001 there were 1.26 crore working children in the 5-14 age group as compared to 1.13 crore in 1991. The country is nowhere near the elimination or even the mitigation of child labour.

In this context it should be noted that recognition of the rights of the tribal communities is only to realize the rights of tribal children.

### **Discussions:**

**Simon Joseph:** The greatest hurdle for the poor is livelihood. It is impossible for them to afford an expensive education. Schemes like SGRY (Sampoorna Grameen Rozgar Yojna) and the Acts NREGA & RTI give hope to the rural poor. Instead of making education common to all,

government is trying to satisfy the poor with some cheaper alternatives like bridge education. By doing so, the government is dividing the citizens of India as rich and poor. Enhancing the quality of education is the need of the hour. Common school system can be an alternative to reduce this widening gap.

**Baby Paul:** Government is happy to close down schools and they are asking private sector to control the sector. We need to see that the government schools are functioning properly. The quality of education is a question of local governance.

**Shiju:** It has been noted while working with the local PRIs that they are more interested in the infrastructure facility of the school than the quality. The schools except those run under SSA are not at all child friendly.

**Mathew Philip:** Even though there is a GO banning corporal punishment in schools it continues in several schools. Without legislative support which prohibit corporal punishment and humiliation the GO can not be implemented. SICHREM is closely working with 64 schools in Kerala and Karnataka and trying to incorporate human rights education as part of the syllabus. To an extent we are successful in making teachers aware about the consequences of corporal punishment. The Kerala High Court permits corporal punishment if it is done in good faith.

**Raghavendra:** In Tribal residential schools the teachers are not from the tribal community and they are insensitive to the needs of the tribal children where a majority are first time learners. The retention rate is very low even in these schools. It is not because the children are not interested in education it is because of the school atmosphere there is a large number of drop-out among tribal children.

**Ram:** By responding to the statement of Raghavendra he suggested that there should be an equal proportion of tribal teachers to the tribal children.

**Towfeeq:** By using the RTI Act we collected data on the mid-day meal schemes in schools from the government and we were able to make sure that it is implemented in schools around us.

**Ram:** Tribals always find it difficult to survive during the month of April and May. These are the same months schools also close for summer vacation. Most of the tribal hamlets will be under extreme poverty. There should be a provision to supply mid-day meals to children throughout the year.

**Mathew Philip:** It is a fact that the children are brainwashed by their parents due to their ignorance on the importance of education. Parents consider them as a support in earning. So they encourage children to work with them. Children also find it comfortable because they will get some pocket money and they have freedom. They pick up all kinds of anti-social behaviour in a working atmosphere.

There should be some effort to regularize child labour by providing them some kind of security, health facility and non-formal education. The concept of flexi schools for child labourers gives some relief and become a platform to educate them on their rights. Some of the organizations working with children have succeeded in organizing the children in order to fight for their rights and hence trying to make their rights to participation a reality.

**Baby Paul:** By concluding this session on Child Rights Situation Today, he said it is always better to remember the Kumbakonam incident where a number of children became victims of the negligence of the state. The feeling of insecurity is increasing day by day. There is an urgent need to work together for making child rights a reality.

Conclusion/ Follow up:

At the end of the discussion followed by the session on 'Child rights situation today' majority of the participants ensured their support and solidarity in working on issues related to children and suggested the following.

- Advocate for **Common School System** and hence for **Right to Education and Rights in Education** through the coalition of organizations and activists working for child rights.
- Working to see what are the best **methods to prevent child labour in India** through methods that will help get all children into school.
- Helping to develop **legislation to prevent corporal punishment against children**.

As an initial step, we will work to see that all the children from their operational area are in school, they further assured. They were responding to the invitation of Mr. Siddhartha on a follow up action.

### **Sustainable empowerment in the context of ST (Recognition of Forest) Rights Bill:**

**Speakers: Baby Paul & Somanna**

**Chair: Ksheer Sagar**

Baby Paul began the session by quoting the words of the Pahadia tribal leader Tikha Majhi, who paved the way for Sidhu Khana and Birsa Munda Tribal movements in Jharkhand.

*"Our People have lived here since the dawn of creation...*

*We have never been the Lords of the Earth...*

*The Earth is our Mother...*

*We are all her children...*

*We are the Trustees of this Land...*

*It is our responsibility to see that the Land continues to sustain future generations that we have not even imagined...*

*This is our heritage...*

*Then how can you British, an alien race, declare yourselves the lords and masters of the forest that sustain us and give us life?*

*How can you deny us entrance to the only home we have ever known?*

*We will die before we accept this Rule!"*

This was followed by a PowerPoint Presentation on the Scheduled Tribes (Recognition of Forest) Rights Bill, 2005 & The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Bill, 2006, which is tabled on the Parliament and waiting for the consent of the Cabinet.

The Bill evolved in the context of the historical injustice towards the forest dwelling Scheduled Tribes who are inhabiting the forests for generations and are in occupation of forest land.

By formulating this Bill the government recognizes that the

- Scheduled Tribes are living in Forests for generations and are integral to the very survival and sustainability of Forests,
- There was non-recognition of their rights during the process of consolidation of Forests
- They were under Permanent threat of eviction from their own land,
- Non-conferment of ownership rights over MFP in terms of Provisions of PESA, 1996,
- They were denied even the fruits of Developments Schemes
- Existing Legislative/Policy Frame of the Ministry of Environment & Forests are not in line with the rights of the Forest Dwelling Scheduled Tribes.

The Ministry of Tribal Affairs took initiative in formulating this Bill with the objective to undo historical injustice by recognizing and vesting the forest rights and occupation of forest land to forest dwelling Scheduled Tribes who have been residing there for generations and who are integral to the very survival and sustainability of the forest eco-system, including wildlife, but whose rights could not be recorded.

He described the main features of this new Bill as

- The Bill seeks to recognize and vest Forest Rights to forest dwelling Scheduled Tribes where they are scheduled.
- Recognition of occupation of FDST on forest land and their habitat, where they have been living for generations

This Bill gives certain rights to Forest Dwelling Scheduled Tribes...

- To hold and live in the forest land under the individual or common occupation for habitation or for self cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe
- Rights such as nistar, Zamindari or such intermediary regimes
- To include the responsibility of protection, conservation and regeneration of forests
- Right of access to, use or dispose of minor forest produce;
- To be exercised for bona fide livelihood needs and not for exclusive commercial purposes;
- Other rights of uses or entitlements such as grazing (both settled and transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
- Right of habitat and habitation for primitive tribal groups and pre- agricultural communities
- Not to exceed 2.5 ha per nuclear family of the forest dwelling Scheduled Tribe
- To be heritable but not alienable or transferable
- To be registered jointly in the name of the husband and wife when it is in respect of land where a title is vested or recognized.
- To include traditional and customary rights

Though the Bill will be a powerful tool in retaining the right of the Scheduled tribes over forest land there are certain areas where these rights can be misused like less clarity in the institutional structures and mechanisms through which rights will be recognised as well as executed, exclusion of some communities, fixing of a cut off date, lack of clarity on the

jurisdiction of a village community, the authority of the gram sabha, the accountability, responsibility and limits of the powers of state institutions and agencies, insufficient conservation provisions; there are areas of scientific ambiguity around concepts and terms such as sustainability, biodiversity, "impacts on wildlife" etc.; the penal provisions of the Bill are far too sweeping and vague and require clarification and restriction.

On the basis of all these concerns a Joint Parliamentary Committee was constituted under the Chairmanship of Dr. Shri. V. Kishore Chandra S. to look into the check and balances of the Bill. The Committee after incorporating the submissions and depositions on the Bill from various sources convened 14 sittings and at the end of the sittings, on 23rd May 2006 submitted a unanimous report to the Parliament.

The JPC recommended renaming the Bill as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Bill, 2006.

The New Bill added the following provisions;

- Matters will be decided in a village assembly
- In case of disputes, a higher body will make a recommendation on resolving the dispute.
- If the dispute remains, then a final settlement can take place at the district level. Both officials and non-officials will be involved.
- Include two groups of people who are dependent on forests for a livelihood: Non-STs who have been in forests for more than three generations; and some of the non-STs who are in the forest because of the government (settled by govt. agencies in forest, displaced into the forest etc.)
- Require that government should establish scientific basis for any resettlement and provide rehabilitation for secure livelihood.
- All relocation to be voluntary and with right to return if rehabilitation unfulfilled.
- Cut off date: 13th December 2005
- Community should have rights to protect along with right to use community forest resources.
- Community to have power to make regulations to prevent damage to wildlife, forest, biodiversity, water, etc.
- Duties removed.
- Rights cannot be taken away without consent of community and rehabilitation, including land for land.
- There will not be any ceiling limit on Land.
- Those who were forcibly displaced earlier for development projects, through eviction, or through plantations have a right to rehabilitation
- To be offered alternative employment in afforestation to forest dwellers found ineligible for rights.
- Central government must provide forest land if necessary for development facilities such as schools, anganwadis, training centres, roads, etc.

After explaining in detail the various aspects of the Bill and how it is going to benefit the tribals of India he concluded his session by emphasizing the importance of Land to Adivasis for any kind of the development.

*An artist needs his canvas to paint; a sculptor his metal or stone or wood; a writer his pen; so does a tribal. Without his land, be it in forest or outside, where will he be? Unless land*

*and natural resources are made available to him any effort to empower him is doomed; and unless this Bill is implemented in letter and spirit, such empowerment will remain a pipe dream...*

From various part of India the tribal movements and activists are pressurizing the government to get the Bill passed as it will have a greater impact on their life and livelihood, he said.

### **Somanna:**

After the presentation on the Tribal Rights Bill and its importance in the empowerment of Tribals Somanna, a tribal leader from H.D. Kote and the convenor of the tribal movement BKS (Buddakkattu Krishikara Sanga), shared his experiences in working on issues related to them.

He said he has seen three generations of tribals of H.D. Kote and Kodagu and had undergone the threat of eviction from forest areas. They were forced to move to the fringes of the forest. As a community entirely depends on forest for their livelihood they found it very difficult to live outside the forest. More than 4000 tribals became bonded labourers. 18% recognized by govt. and got some kind of relief from government and there is no compensation to others.

There are 106 tribal settlements in H.D. Kote Taluk. Several Tribal people died because of hunger, and population lessened from 21,000 to 12, 0000. He said till 1986 they suffered these all without understanding what is happening. This is the context in which we formed the movement BKS in order to fight injustice towards the Tribal people. He said he is very thankful to Siddhartha in bringing them together to assert their right to live in the forest with dignity.

Whenever we asked for our right to land and livelihood, the government diverted our attention to toilet and other such things. And whenever we fought for our right to dignified life, the government responded with lobbies, he added. However we continued our struggle.

There are several tribal movements all across the country fighting for their right over forest land long since and the present Bill has come out of this effort. But it is not satisfying all our demands. Non-STs' Rights have not been recognized. Those who have been thrown out of forest have not been recognized as legitimate forest dwellers. To enact this Bill, we need a wide range of struggles and mass mobilizations.

**Ksheer Sagar:** All the environmental laws are against the tribals. When the Wildlife Conservation Act came in 1972 tribals were thrown out from the reserved forest areas without any compensation. Their rights were neglected. Several tribal people have died because of hunger. Several tribal movements fought against the stand of government and some were arrested.

In the Panchayath Raj system there is no place for the tribals. Although some of the states has included a provision for STs to contest in elections it is only on the paper. They are not able to act as a representative. Other community people make advantage out of these provisions by showing them as tribals.

### **Discussions:**

**Baby Paul:** The bill has not become a law in India due to the fight between Ministry of Environment and Forest and Ministry of Tribal Affairs. MOEF never wanted to see the Bill implemented. They don't want to see power over forest land return to adivasis.

**Simon Joseph:** By the time, all the forests will be destroyed. Now the government wants to use the tribals to do the work of afforestation without paying anything.

**Baby Paul:** The Bill is very vague and this interest also can be there. This can be an interest in the part of bureaucracy. The Bill will do good to the FDST, if it is passed as per the new recommendation of the JPC which gives right to all FDST.

Right from the colonial period, the government has been keeping the people who live in the forest away from the forest. The Bill will ultimately benefit the Tribal people and hence voluntary organization and tribals will welcome the Bill though there are so many loopholes in it.

**Rajeev:** The Biodiversity Bill will take care of some of the rights of tribals over forest land. Is it in conflict with the current Bill?

**Baby Paul:** The Biological Diversity Bill is under discussion and it is waiting for approval from cabinet. It is totally different from the ST Forest Rights Bill. (Political document, NFFPFW)

**Simon Joseph:** How can advocacy work secure the rights of the tribals in this context?

**Somanna:** When dams were constructed in the forest area they were thrown out of the forest. Some of them were rehabilitated. They were forced to live in the periphery of the forest. Several became bonded labourers and became victims of harassment and threats. Once we formed the movement BKS, we started talking and negotiating with non-tribals on these issues and we succeeded in building a kind of coordination with non-tribals.

**Baby Paul:** When coming to the lobbying and advocacy in the area of tribals, general people, the settlers, are not for the interest of tribals at least in the context of Kerala. But when we look at the rest of India the situation is entirely different. After the historic struggle in Muthanga, once the police took action tribals were forcefully evicted from the forest. At the very same time the non-tribals were just driving away the Tribals as dogs, abusing and stoning them. This is the situation in civilized Kerala, a literate state! This is happening because all the land belongs to the tribals are under the occupation of the settlers. They feel they are going to lose the land. When the landless tribals asked for land they asked for land in other areas of the forest. In other parts of India, the non-tribals are not at all bothered about the whole process since they are not going to lose any land.

**Siddhartha:** There is a false impression that if the tribals live in the forest it is bad for the forest environment. They feel that the presence of human beings is the cause of destruction of the forest. How can various tribal movements create a consciousness that tribals who live in the forest are deeply committed to the protection of the forest? Those who are destroying the forest are not tribals. What can we do to articulate more powerfully in order to reduce the opposition from the Ministry of Environment and Forest?

**Somanna:** The comments of the environmentalist are wrong. The forest was green when the tribals were living in the forest. The destruction of the forest is followed by the eviction of tribal people from forest area. To divert the right of the tribals they are passing comments. The BKS is trying to keep the villagers alerted in protecting the forest resources through its village meetings.

**Dr. Vinod Krishnan:** We forget the fact that there is enormous amount of detribalization happened. Enormous changes are happening to the community itself. 90% of the Adivasis have nothing to do with forest. In Kerala there is a trend to highly romanticize the Tribals' interaction with the forest. As a community which depends on the forest they are forced to misuse the forest resources.

**Somanna:** Somanna completely disagreed with the comment of Dr. Vinod. He opined that these are baseless. Tribals are living by making use of Minor Forest Produces and we are not destructing the forest.

**Dr. Vinod Krishnan:** Due to economic pressures they are forced to destruct the forest in order to survive. It is not to blame the Tribals; this is a question of good governance.

**Ram:** I feel with 36 years of experience with Tribals the blood purity of the tribals is reduced. I see the Tribals as protectors of the forest. But they are going to get corrupted due to economic pressures. It is only a traditional norm we live on the forest and how we will harm. There is development of new consciousness and development of new strategies. Not that they corrupted, they are individuals in the new generation.

**Ksheer Sagar:** We can not completely deny these facts. But the Bill will be a turning point in the history of the Tribals in India and it will be a stepping stone in realizing the rights of Tribals for a dignified life.

**Baby Paul:** I agree with Ram's statement. There is nothing to be deleted from the statement. As Somanna mentioned whenever it comes to the interest of tribals the environmentalist are against it. They see the people of this country as little more than animals or savages to be disregarded at best and slaughtered at worst. Unfortunately, the rulers of independent India continue to use and even strengthen this inhuman colonial legacy to terrorize the poor and marginalized in the society, and drive them to death through starvation and disease.

### **Conclusion/ Follow up:**

Though the participants are concerned about the ambiguities on the proposed Scheduled Tribes (Recognition of Forest Rights) Bill, 2005 they all had the opinion that if this Bill is implemented in letter and spirit the Adivasis of India, whose existence is very much dependent on land and related occupation, will benefit. While recognizing the misunderstandings on the Bill the participants urged the need for media advocacy in pressurizing the government to enact the Bill and get the consensus of the public. Also the participants supported the need for developing a coalition of tribal groups and organisations to resolve conflicts with the forest department and the State concerning the eviction of tribals from their traditional habitat and work with them to identify **sustainable livelihood practices** by recognizing the amount of detribalization happening among the tribal society.

### **Bangalore Peace Committee Experiences**

**Speakers: K. Khader & Anugraha John**

**Chair person: A.R Infant & Siddhartha**

Mr. A.R. Infant, A.D.G.P Karnataka Police was the chief guest to invited to speak at this session. In his sharing, he applauded the efforts of Mr. Siddhartha and Pipal Tree who were the guiding force in the formation of Peace Committees in communally sensitive areas in Bangalore immediately after the infamous Urdu riot in 1994. Peace Committees of He quoted the example of how effective the formation of Mohalla Committees (groups formed post Babri Masjid Riots led by leaders like Sushoba Barve to maintain peace and communal harmony in the locality) which has the similar objectives as the Peace Committees. In Bangalore, these Peace committees are locally known as *Parisara Shanthi*.

He further went on to briefly explain on the background of the Urdu riot, which broke out then because of few Hindu fanatics and fundamentalist opposing the telecast of Urdu news (Urdu is seen as a Muslim language) on the mainstream public news channel, Doordarshan Channel. There were lot of innocent people killed and houses were burnt. At this moment a group/committee for rehabilitation was a must and people from different walks of life, like a teacher, an auto driver, shop owner, labourer, etc all of them worked as a team. Peace

Committees started with the rehabilitation process and then gradually started to engage the community in inter-religious and intra-religious dialogue. Over the period of years these Peace Committees grew and are now active in almost five major communal sensitive areas in and around Bangalore. The primary task of the Peace Committees is to engage the community in inter-faith dialogue, pluralism and harmony. Pipal Tree's approach in this process has been to create platforms for people of different communities to come together to dialogue, work and live in harmony through programmes such as solving the issue of availability of drinking water, sanitation and health. Pipal Tree worked together Peace Committees to put pressure on the government and raised funds and money from the MLA or M.P funds to set up tubewells / borewells in the community. Community toilets, which were constructed then, helped the community and are functioning even today.

Mr. Infant said there are certain patterns in Communal Riots:

- 1- Riots stirring within the community due to some differences but it subside soon.
- 2- Riots happening when outside elements (rowdies, goons, etc) play a major role for their own vested interest. In this case, community suffers although it has nothing to do with religion, their problems or differences within the community.
- 3- Riots that break out due to religious procession on the streets.

Mr. Infant particularly felt that as much possible communities should avoid religious procession on the streets and this is one of the major catalysts for violence. All such procession should be monitored by the Police to avoid violence.

Mr. Anugraha John continued the session by sharing of the Pipal Tree's present work and involvement of the Peace committees in different parts of Bangalore. He later introduced Mr. Khader, an active member of the Peace committee to share from his experiences. Khader had so much to say but due to time constraints, he shared two very important incidents at Tannery Road and explained the effectiveness of the Peace committee.

One of which was very interesting, an issue in Govindpura a small area in the locality of Tannery Road where violence broke out in October 2005. This happened because some of the Muslim people in that community had built a mosque overnight on a disputed land which apparently belonged to a Hindu. When this person came to know about a mosque being established on his land, he showed up and in his quest and spur of moment throw a stone at the **place** where people **wash** their **feet** prior to entering the **mosque**. The rumors immediately spread out that a Hindu is attacking the mosque. From the neighbourhood few others joined to attach this Hindu guy and he fortunately escaped. But the peace had already disturbed and later the situation got worse and incidents such as burning down of tires, pelting of stones, attack on vehicles, etc followed. A curfew was declared. By evening the Peace committee members with the help of Police were able to dialogue and sort out the issue. It came to the realization of the Muslim community that those who built the mosque were at fault since the land didn't belong to them at all. And the owner of the land, mentioned to them if you would have asked us for the land to built a mosque we would have happily given you for free. But how could you build a temple of God on somebody's land without permission. Mr. Khader quoted from the scriptures that according to Allah this is wrong.

Mr. Khader wanted to share on how the outer elements influence conflicts between Hindu and Muslims. This happened in the Tannery Road area during a cricket match between India and Pakistan which was held at the Chennaswamy stadium in Bangalore. Both Indians and Pakistanis are very excited to watch a match between the two-archrival teams. India won this match and as usual, there were celebration in the streets of Tannery Road area and people

started shouting slogans for India and for the Indian stars like Sachin and Dravid. Among the crowd, there were also sarcastic slogans with hatred toward the Pakistan team, principally pointing them as a Muslim team. Obviously, after the investigation of an unnecessary conflict it was found that rowdies, members of some local gangs had planned and organised such a conflict to incite the feelings of the Muslim friends. The violence had nothing to do with the local community members but the vested interest of the gangs.

Mr. Anugraha John in his brief presentation highlighted the work of Pipal Tree in different communities in Bangalore. He further explained that Pipal Tree always believed that Development and Communal Harmony go hand in hand. Pipal Tree has created several platforms for dialogue through taking up common issues where community can come together and work for their own benefit.

He spoke on the recent involvement of the Peace Committee to fight the plight of supply of drinking water to the marginalized community (Madina Mohalla, Idgah Mohalla, etc) in Ward No.93. The community is enforced to buy water at a high cost from local Water Operators. Pipal Tree along with local residents raised the matter with local leaders, jointly signed a petition, and submitted to the Bangalore Water Supply and Sanitation Board (BWSSB) authorities. The BWSSB authorities explained about the pending project, which required approval of the land to build an over head tank and the water to be pumped to this area. Later the Bangalore Mahanagar Palike was approached to get this land approval. Eventually with the help of the Counselor, temporary solution for supply of water was sorted and there is still follow up on a permanent solution. Such incidents bring together people and strengthen their personal relationship and they work for common cause.

After the presentations, the floor was open for discussion and questions.

Most of the participants appreciated the Peace Committee work in Bangalore and realized that Communal Harmony can be integrated in their ongoing programmes as well.

One of the participants raised an important question and asked the participants to analyze the reasons for very few inter-religious conflicts in the villages or remote towns compared to cities and especially slums.

Cyriac immediately responded by saying that the village and small towns are communities which are intact and work together on common purposes. If any problems occur the village would know who did it and can take immediate participatory action. Most of the cases an anonymous mischief-maker from outside disturbs the peace in villages and small towns. Whereas in slums there are lot of political and vested interests for such conflicts and most of the times it has nothing to do with religion.

Baby Paul shared his deep grievance of his home State, Kerala which according to him although being the most literate State in India has issues such as inter-religious conflicts marring the development of the State.

## **Role of RTI in solving Social and Ecological Problems**

**Speaker: Cyriac Joseph**

**Chairperson: Anugraha John**

Cyriac in his PowerPoint presentation focused more from the view point of how important the RTI was as a tool to fight corruption and social apathy, to make governments, and other institutions and agencies having an impact on public welfare, more humane and accountable to the people, and to promote efficiency and frugality.

To highlight the corruption situation in India and the role of RTI in the present context, a basic question which was put forward of how much of petty bribes Indians pay every year, was answered confidently without hesitation by the participants that more than Rs.20,000 Crores per annum is paid as petty bribes by Indians. And among 130 Nations India's country rank in corruption internationally was 92.

Right to information Act (RTIA) 2005 was enacted in 2005 with the objective of promoting transparency and accountability in the government. The RTIA received the assent of the President on 15th June 2005. Some of the provisions came into effect from the same date and other sections have come into force from 12th October 2005.

Cyriac emphasized on the fact that RTI Act is a tool to get the necessary information and to process complains or grievances concretely. The word "Right to information" includes the right to inspect works, documents and records. One is allowed to get information of notes, extracts or certified copies of documents, records and samples of materials. Obtaining information in the form of printouts, disks, floppies, tapes, video cassettes or in any other electronic form is also included as right to information.

Except for Jammu and Kashmir RTIA applies to the whole of India. It is applicable to an authority or body or institution established or constituted by the constitution, law made by the parliament or the state legislature or by notification issued by the government.

The RTIA is also applicable to any body which is owned and controlled or substantially financed by the government and also NGO organisations substantially financed directly or indirectly by the government. These are called public authorities in the "Act".

Two important reasons why Cyriac believed that RTIA will be taken seriously and effectively implemented were:

- RTI works because asking information about government processes fixes responsibility, corruption and incompetence
- And the government is compelled to give information and therefore publicly admit incompetence as if it does not the officer will be fined Rs.250 per day upto Rs.25000.

Cyriac shared two examples on how effective the RTI applications had succeeded.

#### 1. Overcharging Parking contractor shutdown

Mr. Kumar went to drop his daughter to the Bangalore Railway station and found the parking contractor was charging Rs.10 instead of Rs.5, making close to Rs.5000 extra every month.

He filed a complaint with the Railway Authority but he received no response for almost 3 months. Finally he filed an RTI application on the progress on his complaint and action taken by the Railways on it.

Within four days he received a response stating that the contractor's contract had been cancelled and parking fees board has been placed prominently.

#### 2. Ration Card for Nannu

Nannu is a daily wage earner lives in Welcome Mazdoor Colony, a slum habitation in East Delhi lost his ration card and applied for a duplicate one in January last year. He made several rounds of the local Food & Civil Supplies office for the next three months. But the clerks

and officials would not even look at him, leave alone do his job or bother to tell him the status of his application.

Ultimately, he filed an application under the RTI Act asking for the daily progress made on his application, names of the officials who were supposed to act on his application and what action would be taken against these officials.

Within a week of filing application under Right to Information Act, he was visited by an inspector from the Food Department, who informed him that the card had been made and he could collect it from the office. When Nannu went to collect his card next day, he was given a very warm treatment by the Food & Supply Officer (FSO), who is the head of a Circle. The FSO offered him tea and requested him to withdraw his application under Right to Information, since his work had already been done.

He also shared one of his personal experiences which inspired him then, to start the organization, Sakshi Trust and promote the RTI to rural and urban area all over India.

3. Residents of L.B.S.Nagar, a new and upcoming colony in Bangalore have access to their colony from two roads that pass through Hindustan Aeronautics Ltd. Vimanapura Campus. For the past three years both roads had fallen to state of extreme disrepair. Every year a fresh layer of rocks and mud was laid but the bitumen was always missing. Finally when he filed an application with the HAL asking for details of the road work conducted on both access roads over the past few years. While no response was received from the officials, but within 15 days of the application a mint fresh layer of bitumen appeared on both roads.

### **Cyriac facilitated a group exercise on how to apply an RTI application**

The outline of the exercise:

- Identify Concern Area
- Understand the Issue
  - Teaching quality
  - Free facilities
  - Infrastructure
- Identify the concerned Department
- Identify the PIO
- Draft the Application
  - Focus your questions on competitive bidding, attendance registers, school inspection records, distribution records of text books, school bags etc.
- Present

While applying a RTI application it is very important to identify the concern area, the main purpose of the application and the concerned authorities to whom it should be applied to (Public Information Officer). Unless and until this is very clear the whole purpose of RTI application will be redundant.

In most application the basic Information request

- Open ended question- get into details
- Be clear about period, location, budget, contract work or departmental work

Information that can generate Action

He also introduced a Four Stroke Approach to use RTI ACT

- Question 1: Daily/Monthly progress on file/process? (*Acknowledging bad processes*)
- Question 2: What is the norm? (*Acknowledging bad processes*)
- Question 3: Who are the officers responsible? (*Fixing blame*)
- Question 4: What action has been taken against officers who are delaying? (*Penalizing*)

With all the information that could be received through this application one should be prepared to escalate to achieve the main purpose.

**The Standard form for seeking information under RTI Act 2005 is as follows:**

To
 The Public Information Officer ..... .....
 Name of the Applicant
 Complete Address
 • Particulars of the information requested
 • Period for which the information pertains to
 • Other details (if any)
 Details of application fee of Rs.10/- remitted (Indian postal Order/ DD/ Banker's cheque no. and date
 Cash receipt no. and date (if remitted by cash)
 Signature of applicant
 Place
 Date

The session concluded with around six group presentation of the RTI application. Some groups applied in the context of their local habitat situation. Issues like not receiving supply of drinking water, problems with electricity, government schools not having teachers regularly visiting school, etc.

Through this group activity participants learned from each other and left with the confident feeling of using this tool in their on site project areas. John thanked Cyriac for the wonderful interactive presentation of the RTI.

### **Future action:**

At the end of the workshop, the participants emphasized the need for a platform to network for dialogue and action and this urge paved way to launch the **India Dialogue Forum** (known as **In-Dia Forum** for short).

**Thematic areas and action plan of In-Dia Forum:** The Forum will be networking with organizations working on each of the five thematic areas from seven states (Andhra Pradesh, Chattisgarh, Jharkhand, Karnataka, Kerala, Orissa, Tamilnadu).

1. **Right to work:** Working for the efficacious implementation of the National Rural Employment Guarantee Act, 2005 which ensures every adult 100 days of guaranteed work by the government each year. Methods will be found to activate the bureaucracy to see that poor agricultural workers actually get employment under this programme. NGO's can also partner with government (even monitor government schemes) to see that the projects being implemented have to do with sustainable development. There is a lot of potentiality to restore tanks and lakes, build check dams, provide drinking water, developing forest cover, etc. with the participation of the local communities.
2. **Adivasi rights:** Working with Adivasi **groups and organizations** to resolve conflicts with the forest department and the States concerning the eviction of tribals from their traditional habitat and the loss of livelihood. At the moment this work is focused on getting the Scheduled Tribes (recognition of forest) Rights Bill, 2005 which is now before the parliament. When the Bill is passed many grass roots NGO's will have to get involved in the communities to see that it is properly implemented.
3. **Child rights:** Working to seek out the best methods to **prevent child labour** in India through methods that will help get all children into school. This programme will necessitate the collaboration of local panchayats.
4. **Communal harmony:** Work to identify, develop and disseminate methods that will help **resolves conflicts between ethnic/religious groups**. There is a real danger that if these conflicts are not resolved peacefully they may snowball into larger conflicts. One of the best ways found to ensure communal harmony in an area is to get people from the poor urban communities to work together and focus on their common social and economic problems, like sanitation, drinking water, housing, micro-credit etc.
5. **Water:** Working on **water issues** like rain water-harvesting, restoring lakes, getting government to help with water conservation in agriculture through drip and sprinkler systems, creating awareness to see that not too many bore wells are dug in an area. To see to it that high water-use crops like sugarcane and rice are not grown in dry areas. To explore the best methods to resolve drinking water problems of the poor through appropriate campaigns, to review urban drinking water supply objectively and realistically so that the poor gets an adequate amount of drinking water free of cost (or at nominal rates).

**The methodology:** We believe that solving the problems related to the poor is an empowerment process that must produce short-term, mid-term and long term results. For example, we believe that in solving the problem of drinking water in urban poor communities we can arrive at consensus that transcends ideological differences. The need for drinking water for poor urban communities is an issue that no-body can disagree with. But a process of mediation is needed to help groups narrow their differences and overcome ideological barriers.

Various sections of the community do not have to abandon their respective ideological positions, what we are doing through the In-Dia Forum is creating a goodwill to listen to each other across the continuum of various ideological scenarios. This climate helps build coalitions to effectively solve problems related to the marginalized and excluded sections of society. Not only NGO's, but government departments, bureaucrats, media, local leaders, intellectuals, open-minded religious leaders and businessmen/women can all be drawn into this process at different levels and different times.

A spin-off from this methodology is the fostering of a deeper understanding of the need for provisional consensus within the democratic process to solve concrete problems. This process will help with building of multi-stake-holder alliances that can work for effective participatory governance.

## Appendix 1 – Participants list

### Address List of the Participants & Resource Persons

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## **Appendix – II: Workshop structure**

### **2<sup>nd</sup> November, 2006 - Thursday**

06:00 pm - Arrival of the participants

### **3<sup>rd</sup> November, 2006 - Friday**

07:00 am - Tea/Coffee

08:00 am - Breakfast

10:00 am - Tea/Coffee

10:30 am - 11:30 am - Inaugural Session

#### **Siddhartha**

11:30 am - 01:30 pm - Mediation and Advocacy Strategies for Conflict Resolution and Problem Solving

Speakers: **Sushoba Barve and Ram Esteves**

Chairperson: **Siddhartha**

01:30 pm – 2:30 pm - Lunch

02:30 pm – 04:00 pm - People Centered Advocacy for Social Change

Speaker: **Amitabh Behar**

Chairperson: **Sebastian**

04:00 pm – 04:30 pm - Tea/Coffee

04:30 pm – 05:30 pm - Role of RTI (Right to Information Act) for Activists to solve Social and Ecological problems\*

Speaker: **Cyriac Joseph,**

Chairperson: **Anugraha John**

05:30 pm – 07:30 pm -

08:00 pm – 08:30 pm - Dinner

### **4<sup>th</sup> November, 2006 - Saturday**

07:00 am - Tea/Coffee

08:00 am - Breakfast

09:30 am - 11:00 am - Reflection on the implementation of NREGA programmes

Speakers: **Subash Lomte and Dileep Kamat**

Chairperson: **Ram Esteve**

11:00 am - 11:30 am - Tea/Coffee

11:30 am - 01:00 pm - Fresh approaches at Water Conservation

- Management / Distribution  
 Speaker: **Vishwanath**  
 Chairperson: **Bhavani Shankar**
- 01:00 pm – 2:00 pm - Lunch
- 02:30 pm – 04:00 pm - Discussion on NREGA  
**Subhash Lomte & Dileep Kamat**
- 04:00 pm – 04:30 pm - Tea/Coffee
- 04:30 pm – 06:00 pm - Strategies for Adivasi empowerment in the context  
 of the ST Forest Rights Bill, 2005  
 Speakers: **Baby Paul & Sommanna**  
 Chairperson: **Ksheera Sagar**
- 08:00 pm – 08:30 pm - Dinner

### **5<sup>th</sup> November, 2006 – Sunday**

- 07:00 am - Tea/Coffee
- 08:00 am - Breakfast
- 09:30 am - 11:00 am - Bangalore Peace Committee Experience  
 Presentation: **Anugraha John, Khader**  
 Chairperson: **A. R. Infant & Siddharth**
- 11:00 am - 11:30 am - Tea/Coffee
- 11:30 am - 01:00 pm - Child Rights situation today  
 Speaker: **Matthew Philip**  
 Chairperson: **Baby Paul**
- 01:00 pm – 2:00 pm - Lunch
- 02:30 pm – 03:30 pm - Interaction with **Ramesh Ramanathan**  
 (Janaagraha) on issues related to participation,  
 mediation and advocacy.  
 Chairperson: **Dr. Vinod Krishnan**
- 03:30 pm – 04:30 pm - Concluding Session – **Siddhartha**