

To

Mr. Anil Mukim,

I.A.S.

The Chief Secretary,

Government of Gujarat.

**Sub: Comprehensive Recommendations for Alleviation of Hardships During Lockdown and Collaboration with NGOs**

Dear Sir,

Greetings from Centre for Social Justice (CSJ) <https://www.centreforsocialjustice.net/>

During these trying times, the efforts taken by the State of Gujarat are truly commendable. From the implementation of the food basket and the Ann Brahma Yojana to implementing the lockdown measures to prevent the further spread of the pandemic. The huge diversity in population and demographics of the state, gives rise to certain problems which remain unaddressed, certain issues which crop up which the policy-maker at the state level would not be privy to. For this reason, we believe it would be in the interest of the State, as well as the affected vulnerable groups, that collaboration with NGOs who have a solid understanding of field realities and have presence on the ground is necessary for effective policy-making as well as implementation of existing schemes.

Keeping this in mind, Centre for Social Justice, through its field teams and collaboration with other NGOs has observed some problems at the grassroots which the current policies don't address, whilst also monitoring the implementation of existing schemes.

The following are a list of recommendations by the Centre for Social Justice in order to help aid the state in its fight against Covid-19 and the ripple effect of the lockdown.

Gagan Sethi

Centre For Social Justice

## BRIEF SUMMARY OF SUGGESTIONS BASED ON FIELD REALITY

S NO	RECOMMENDATION
1	There is lack of clarity regarding the entitlements where there is a central as well as a state scheme with respect to the same aspect for ex ration. This needs clarity. There is unclarity regarding the amount of money to be given to the fishermen under the announcement as there is no corresponding scheme or GR regarding the entitlement for the fishermen
2	There is lack of clarity regarding whether the NREGA payment is as against work done and if so the nature of work to be undertaken. Given the high demand for sanitizers and masks, it is proposed that preparation of same be undertaken under NREGA. Given the situation, work may not be a feasible option. Hence it is proposed that unemployment allowance be given in such cases. A service camp under the legal services authority be held for previous payment related issues , job card discrepancies etc urgently
3	Since all payments under various entitlements are linked to Aadhar linked accounts, there is an urgent need to facilitate unfreezing of accounts where ever they are frozen and Aadhar linkage . Since banks are not allowing small transactions, the utility of the money in the immediate time remains a question. Mobile disbursement mechanisms can be thought of.
4	The cost of transportation, machinery needed for agriculture has gone up. Panchayats can be made to buy the agricultural equipment and the rates for the same can be fixed at reasonable rates.
5	Tracing is another time consuming activity which can be eased by involvement of law students and medical students/ NSS/NCC volunteers. The resident societies can play an important role in this. Appointment of police mitras can help in reducing the burden of tracing and identification.
6	We appreciate the Niti ayog and NDMA effort at seeking CSO collaboration. However, a better thought strategy is needed for effective involvement of NGOs. Instead of individual negotiation with ngos, an open call for collaboration needs to be made and a three phase plan for awareness, claim identification and facilitation needs to be done at district and talluka level with the district legal services authority. A scheme wise possibility of collaboration was shared earlier and can be shared again if needed.
7	The assumption that the migrants have reached their homes is not true. Many are still in transit or stuck at their work places. The local sarpanch and police and labour department and NGOs needs to be instructed to identify them and ensure their well being. There is a systematic tracking through social media, news reports etc that needs to be put in place for those stuck on the way.
8	People requiring non corona medical services in urban cities are suffering due to lack of transportation. Arrangements need to be made for emergency requirements of health or other nature.
9	In our experience, the food is being provided by NGOs to the migrants. There is no clarity as to what the migrants are entitled to from state. Clarity at all levels is needed in this regard. Also an information kit to be given to the migrants when they are identified and registration of their names for future use is required
10	In some schools, instead of grains, students are being given food coupons. The ration show owner find sit cumbersome to weigh 800 grams. Either grains have to be provided to him in ready kits or partnering with local Panchayats and NGOs to create

	the same is needed
11	The widow pension cannot be claimed as the post offices are closed. This will make things tough for the widows. Mobile payment options, taking the help of local tempo and auto people to facilitate their livelihood may be explored. Also, only one month money has been deposited as of now as against the promised three months.
12	People are forced to sell their grains and vegetables at throw away prices. It is suggested that the price for vegetables be fixed and Panchayat procures them and further sells it to vegetable markets using the local auto and tempo drivers to facilitate their livelihood
13	Transportation to mandis is not easy and expensive. It is suggested that a pick up system be developed with the involvement of local tempo and auto owners
14	The PDS system in group gram panchayats needs to adopt mobile approach so that people don't have to trek for long distances and social distancing is maintained
15	Payments for work done under previous work are still pending. Service camps under the DLSA to clear past payments, sort out problem related to job cards etc. is needed
16	Despite the Supreme court extending the deadline for decision on claims under FRA, there have been instances of people being given eviction notices and their field and huts burnt.
	Special arrangements and strategies need to be thought through with regard to PESA areas, island villages and coastal areas.
21	There are reported instances from the field where labourer who have sought help on social media are harassed by the police to withdraw their request and write mafinamas in connivance with the local thekedar. Strict disciplinary action needs to be initiated for the same.

## **Issues identified through field work along with suggestions to tackle the situation in villages**

### **a. Agricultural community**

- Prices are higher for vegetables, machinery and labour. Transportation is another problem. There are also farmers who are also forced to sell their products at low prices. All these unaccounted costs have to be borne by farmers and many are finding it difficult to make such payments now. They are also going into debt due to borrowings from any possible source.
- We have observed that in such times there is often a shortage of vegetables in the market and a lot of price fluctuations all of which affect the farmers and consumers.
- Where farmers are producing vegetables or livelihood products, a committee should be formed under the supervision of the Panchayat for the sale of the goods produced in the village.
- The District Collector could also give orders to let villagers buy the vegetables directly from the farmers and distribute them directly. This will ensure that the farmers will not suffer major losses and the shortage of vegetables in the market won't be created. There should be passes issued to take products to market.
- There can also be steps taken to ensure that the villagers know about *mandi* timings.
- It has been observed that the farmers who have crops growing in the field are unable to tend to them and keep them safe. Such a situation may lead to huge losses to the farmer. So, the government could make arrangements of transportation for farmers to reach their farm for work.

### **b. Food and necessities**

- People without cards, APL card holders, those who have old ration cards, those whose cards did not have the NFSA mark, those whose cards were not linked with Aadhaar, those who had not taken ration regularly in the last 1-2 months – all faced/ continue to face issues in receiving their ration.
- Many people do not get their ration because ration shops are not opened or due to lack of commodities. There are issues with quantity and quality in the ration.
- People had to pay for Gas cylinders were made to pay even though this has been declared to be free for the next 3 months. There is a system of reimbursement but women don't have the initial cash to make payments.
- Groups' saving credit activities are halted so there could be issues with respect to the cash needs of villagers.

- At the village level, ration should be distributed as per the number of family members and the requirement rather than the card which a person holds. Ration has to be facilitated for those who are stuck outside the village or those outsiders who are stuck in the district.
- In remote areas, island villages, etc. extra measure has to be taken to bring in gas cylinders, ration etc. It is a request to conduct survey by Anganvadi or Asha workers and make arrangements for the ration to be made available or delivered to them.
- For the villages in remote areas, lack of transportation facilities makes it difficult for the people to obtain essential items. Facilities should be in place wherein all such essential items are available at the ration shops. Also, the benefits received from Anganwadis should be distributed by village volunteers from house to house.

### **c. Health facilities**

- Many villages still do not have health workers visiting or surveying the situation. Villagers are also reporting that many health workers have inadequate or no Personal Protection Equipment.
- Another issue is the lack of health facilities as local private or local village doctors are afraid and hence refuse to treat.
- Labourers who returned to their villages are being tested and those suspected are not allowed to enter the village. However, this is creating a lot of fear among them and there are situations when a few have escaped and returned to their villages.
- Police is very strict and labourers have complained that they were beaten badly at a few places.
- Quite a few people have come back to villages and have entered without any test.
- In villages, temporary clinics for medical examination should be started at the level of Group Gram Panchayat by making clusters. Those who are coming from outside should be kept in a secluded place like village school or *chavdi* instead of being send to their houses without a medical check.
- These village school or *chavdis* can also be converted into quarantine centres for people of that particular village.
- In every Primary Health Centre, an order should be given to not deny services to women who come for delivery. It is a responsibility of the government to take care that situations do not arise where such women are unattended.
- Anganwadi and Asha workers should be provided masks and sanitizers at all times. Safety equipment has to be provided for all sanitation workers.
- Special care should be taken to ensure that drugs and medicines are provided for in remote areas. Arrangements for to stock enough medicines in every sub center and PHC should also be made.

- A method such as mobile health clinics in partnership with local auto association can be adopted. This will also provide livelihood.

**d. Access of Government announced relief measures**

- In such times, it is extremely difficult for daily wagers to earn a living. Hence, after taking Gram Sabha's advice, those who need financial help should be paid a 30 days advance under MNREGA and should get ration as needed.
- Two months amount under *Vrudha & Ashakt* Jan pension schemes, *Vidhva Sahay* schemes and other social welfare schemes should be deposited along with the pending amount under the scheme, in consonance with the announcements made under the Pradhan Mantri Gareeb Kalyan Yojana. Furthermore, it is observed that in many areas *Post offices are closed due to the lockdown*, due to which access to pension amount transferred is severely restricted. So Post offices need to be opened in a time-bound and planned manner so that the beneficiaries can access their pension amount.
- With respect to ration given in place of the usual mid-day meal through the notification issued by the Gujarat's Department of Education, it has been observed that receipts are given of the ration to be collected instead of a proper mechanism to distribute this ration. It is recommended that the State ties up ration shops and local youth in the village through the Panchayats so that ration is distributed in kits from door to door, instead of everyone having to go to the school or ration shops for its collection. This would further solidify social distancing and reduce risks of transmission of covid-19.

**e. Labourers**

- People who have gone to work in nearby cities such as Mumbai are now unemployed and stuck in various places. They are unable to return home now.
- Identification of these people should be done and transportation should be arranged to bring them back safely.
- Safe transportation should be arranged to enable these workers to reach their homes safely. Until they reach home, necessities such as food, water, shelter etc. should be arranged for them where they currently reside.

**f. Spreading awareness**

- Awareness should be created and strengthened by using materials such as leaflets, mobile messages, advertisement on loudspeakers, posters etc. Also the village leaders, Panchayat officials and village level workers should be trained in measures of prevention and safety.
- Entitlements being announced from time to time also need to be shared in a simple/local language to ensure wide access and understanding.

- The information of the district emergency centers should be disseminated to the villages through the Panchayats and a committee should be created at the Panchayat level for the same.
- Students in the village should be given books, illustrations about COVID 19. They can learn and also disseminate accurate information regarding the disease.
- Loudspeakers can also be used to disseminate information and create awareness. School education can also be continued using them so that education of the children in the villages does not suffer. Further, it can be used for giving instructions to the community.
- Audio-visual print Communication beyond ‘wash your hands’ in collaboration with media colleges is extremely crucial.

**g. Delivery of services**

- In several areas under Schedule V and comes under the ambit of the PESA Act, various village level committees have been formed, such as Resource and Planning Management Committees, Peace Committees, Surveillance Committees, etc. The government should now consider co-ordinating with these committees to come up with a plan at the village level. For example, to identify who is the most vulnerable in the village, the Gram Sabha can give a list. Appropriate steps can be taken after knowing who came from outside in the village or who has gone outside.
- Together with the leaders of the Gram Sabha, a list should be made of natural resources which can be beneficial at the time of this epidemic, and with the help of the youth of the village, collection and distribution of such material should be done.
- Rural banks tend to get crowded. Since there is a moratorium on going to crowded spaces, we strongly recommend that people, especially in rural areas, be discouraged to go to banks.
- The limit of withdrawal amount set by the banks should be changed. In order to avoid inconvenience for the people at the grassroots level people, mechanisms should be put in place to let people withdraw their money.
- We strongly urge you to issue public campaigns to avoid any biometric based activity, including but not limited to, drawing rations using PoS machines, drawing money using PoS machines of Banking Correspondents and usage of Customer Service Points.
- States having a robust architecture of Self Help Groups (SHG) can take the help of SHGs in disbursement of cash in the Gram Panchayat along with other delivery services. Records pertaining to cash distribution of may be kept in registers and also be publicly disclosed through multiple online and offline channels.

**h. Others**

- There are several Border districts (districts at the border which are connected to other states) which have unsupervised roads. These roads should be provided with police and GRDs to keep a constant check.
- Medical officer should also be kept with the police and GRD so that proper medical examination can be conducted. Doctors who are sitting at home due to the lockdown be utilized for compulsory health service camps wherever necessary while also providing them with adequate safety gear.
- Resident Society Members be appointed as police mitras to track and contact those who have contracted coronavirus and those who have been in touch with them. Police Mitras could be an effective tool in this and would establish a great link between monitoring those who have been affected and the people who they have been in touch with more efficiently

#### **i. Rights of Tribals**

- The season for collection of Minor Forest Produce in tribal areas has started. 15% of Gujarat's population constitutes of tribals and the tribal population in the southern and the eastern belts depend on the MFPs in summer for their additional income and sustenance. In consonance with the letter written by the Hon'ble Tribal Affairs Minister, Mr. Arjun Munda, wherein he stated that MFPs should be acquired at the Minimum Support Prices, it is recommended that volunteer bases from various NGOs working in tribal areas be used as a link in times of these lockdown for acquisition of MFPs.
- Furthermore, this letter also states that under the PM Van Dhan Vikas Yojana, TRIFED, in collaboration with UNICEF is set to orient Van Dhan Self Help Groups to be the messengers in their community on awareness around Covid-19 and social distancing. This is again a great opportunity for collaboration with NGOs as the volunteers of NGOs are already well trained and outsourcing this training to NGOs will save precious time of the State which can be utilized in other areas.
- The Police in Ahwa Taluka of Dang district burnt eight huts as well as their fields which they were preparing for the sowing season and gave them eviction notices. Although, a letter has been written to the collector and other relevant authorities, this phenomenon is going to be prevalent throughout in the tribal areas. It is recommended that a Government Resolution or Circular be issued wherein there is a moratorium on any kind of eviction notices being issued by the any Department of the State.
- The time period for and between appeals be extended indefinitely under the Forest Rights Act as it is impossible for the claimants to file appeals during this lockdown. If a circular to this extent is issued then it will prevent appeals from being rejected post the lockdown period.

#### **Problems faced by Migrant Labourers**

The situation of migrant labourers, students and other people who have to travel to far off places for their work are also facing a lot of adversities in these times.

We have identified 4 categories of people who need support presently:

1. People who are stuck in various places because of transportation not being available,
2. People in transit, on foot, for distances as far as 400 kilometres. Despite the current popular belief of Courts and government being that there are no migrant labourers in transit currently, ground realities offer different stories. For example, people who have started inter-state journeys on foot will take days to reach their respective states. As per the orders of the Home Ministry sealing State borders and taking even stricter measures to implement the lockdown measures, it has been observed that the migrant labourers are stuck in transit. They are not paid their wages as per orders of the Labour Ministry, neither do they have access to ration shops and are wholly dependent on external food supply. Please make sure
3. People who have returned back and are not being allowed into their villages,
4. People who have come back and are either not properly examined or even if examined need to isolate themselves for two weeks and are either not advised or have no such options.
5. Overall, state response to stranded migrant labourers has been dismal. Food and shelter is being arranged by NGOs. While States are encouraged to collaborate with NGOs, it appears that States are merely delegating relief measures to NGOs without any long term sustainable system in place. It is also doubtful that NGOs involved in relief measures are getting financial support from the state. Additionally, it also seems that there is no follow up mechanism for labourers once their first round of food and ration ends. The response is thus ad hoc, letting many people slip through the cracks
6. In some cases, labourers are getting food and shelter from factory owners. This money will without doubt be deducted from labourer's wages. However, there has been limited effort by the state to monitor and correct this. Similarly, some cases of harassment have also come to light where labour contractors have threatened labourers for demanding food and shelter from the state. It becomes the state's responsibility to protect labourers in such cases.
7. Government notification says that labourers must be paid their wages for the lockdown period at their place of work. Many labourers have already left worksites in search of food and shelter without collecting this month's pay. It is unclear how pending payments will be facilitated once labourers return to their villages.
8. Many labour schemes (including DBT transfer through the Building and Other Construction workers) fund only applies to registered labourers. Most workers in the country are not registered. This means that once these payments start, a large number of deserving beneficiaries will be excluded.
9. Policies announced by the government are not sufficiently clear, causing serious confusion on the ground. For example, there is no clarity as to whether increase in MNREGA payment will be transferred as a lump sum amount or for work done. If it is for work done, guidelines with respect to such work and the time period for which

the Rs. 20 raise applies is also unclear. Similarly, there is no clarity as to how state and central schemes will apply together. For example, will ration promised by the centre be given in addition to ration promised by the state?

The Schemes for Legal Services to Disaster Victims through Legal Services Authorities has been put in place to provide legal services to the victims of disaster. It mandates a multi-pronged response through the intervention of Legal Services Authorities by coordinating between the measures taken by the Government and Disaster management Authorities and NGOs to help in implementing the same.

The NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015 has been adopted to institutionalize the practice of providing effective legal aid to unorganized labour. The scheme mandates setting up of special cell to identify, register, counsel, inform and facilitate the entitlements available to the unorganized labour under various government schemes. NGOs and CSOs can be of immense help here by helping in identifying these communities along with providing legal aid help.

The two schemes read together provide the most needed response mechanism to address the immediate and long term needs of the people affected by the lock down.

While we realize that the respective DLSAs may be ill equipped to implement the two schemes most relevant in today's time, it is possible to reach out to a vast majority of people who need the support through partnerships with local NGOs and colleges.

However, our efforts at seeking collaboration in various districts have not been successful. Given the gravity of the situation, we would like to draw your attention to the following measures that we suggest for a better collaboration and relief mechanism.

#### ***How can the Non-Governmental Organisations assist?***

Despite the letter from the CEO of Niti Aayog and a subsequent letter from the National Disaster Management Authority regarding importance and roles of NGOs during these trying times, there seems to be reluctance on the part of the State of Gujarat to collaborate with NGOs. Due to the strong volunteer base of Grassroots organizations, it would only help the State to collaborate with the organisations at the village level for effective implementation of existing schemes and pointing out inconsistencies, if any in existing schemes. The following are the ways in which NGOs and the State can collaborate in their mission to tackle the effect of the lockdown.

1. Proactively seeking NGOs assistance, seek their list of village volunteers and replace them with the existing non performing-on-paper list of PLVs under the Paralegal volunteer scheme.
2. Announcing numbers where DLSA may be approached since the office number are often not being received.

3. Invite NGOs to offer their volunteers to be appointed as PLVs under the paralegal volunteer scheme. We were told that this is not possible as they need to follow the guidelines. Given the emergency of the situation and the worsening situation, an order waiving the guidelines and asking the DLSA to appoint active volunteers of the NGOs will be welcome.
4. Set up help line number to receive complaints of police atrocities. It is advisable to make use of existing helplines like 1098 and 181 and 108. This is also provided under schemes such as Disaster Victim Legal Services Scheme. There can also be a number to organize safe transit, food availability etc.
5. Set up a help line and ask the TLC and DLC to track routes on which people are walking to reach their destination and organize food and resting facilities and make arrangements for safe transit.
6. Set up spaces like prathamik shala, community centres etc. as spaces where people can stay in isolation for two weeks.
7. Involve colleges to create audio-visual print material on entitlements announced from time to time.
8. Compile a list of workers registered under various laws like the Unorganized Workers Act 2008, Migrant Workers Act, Construction Workers Act, Contract Labourers Act etc. as a base for facilitating their claims in future. Develop appropriate communication and outreach strategy for facilitating their claims once the lock down is over.
9. Design a three stage response strategy - first stage of ensuring immediate needs of food and shelter, second stage of awareness of various entitlements and third stage of monitoring and facilitating access and removing systemic issues.

### **Suggestions for collaboration & cooperation**

The following are a few suggestions on how authorities can collaborate with NGOs who have more experience in dealing with the communities and engaging in field:

1. That NGOs be asked to monitor the beneficiaries who will be given grains under the Ann Brahma Yojana (who will be marked on their hands with a marker). If the issue of dignity is ignored, the threat of infection increases multifaceted in this action. It is suggested that the photograph be rather taken as sufficient evidence of distribution.
2. That NGOs be asked to monitor that the scheme is implemented without insisting on cards. Also, the scheme provides that the people who don't have cards, especially vulnerable categories can claim the grains on basis of Aadhar card. The filed information suggests that the shop owners have been instructed to make a list and get new cards issued which further causes delay of three to four days.
3. There is a strong need to activate the State Legal Service Authority as in the absence of specific instructions, they are restricted to the release of prisoners. Also, since there is a strong need to have a grass root cadre for monitoring entitlements post lock down, it is important to enroll NGO volunteers under the Disaster Victim Legal Services Scheme.

4. We have our expertise and target communities like farmers, single women etc. and therefore, we can help in identification of beneficiaries, awareness generation, facilitation of claims, removal of challenges and policy changes that emerge from the needs. NDMA has issued a letter asking all states to respond to how they are engaging and involving the CSOs in the relief and
5. We need people at Nakas, where migrants are being stopped and left unattended. NSS Volunteers can be placed at Nakas and they should take the details of the migrants for future entitlements, guide them to proper shelter, facilitate access to food and ensure the immediate entitlements.
6. We need student volunteers to track news reports and identify the reporters. Through the reporters, migrants can be identified and then volunteers can facilitate access through nodal officers or helplines in respective states.
7. The authorities need to appoint police Mitras and Paralegal volunteers at the District Legal Services Authority (DLSA). It does not make sense for police to play pranks and dance for COVID-19 awareness. NCC/NSS volunteers should be doing this.
8. The requirement of the procedure to be followed by the Paralegal Volunteer Scheme should be done away with and active people to be co-opted by passing the guidelines laid down in paralegal volunteer scheme in 2009.
9. While it is appreciable that the NDMA has asked relief commissioners to give update of collaboration with NGOs, what is needed is a frame work for collaboration. Specifically, your attention is drawn to the following aspects :

The government needs to create a framework where civil society organisations are able to aid and support the work the government is doing. Three key elements of this framework include:

- a. A broad directive, circular, or order from the Union Government (ideally, the Prime Minister's Office) granting permission to organisations so that they can start working and support the response on the ground.
- b. A set of guidelines outlining specific ways in which civil society can contribute and strengthen the government's response.
- c. A dedicated point of contact with the government. This can be a separate body at the national level (such as the National Disaster Management Authority) or at the state level (such as the Chief Minister's Office), whichever is more appropriate.

While we have the necessary infrastructure via many programmes and schemes, the social reality is that a large number of urban informal workers, migrant labourers, nomadic communities, and the homeless are unlikely to be listed in any welfare programme. To reach

out to those groups and to ensure that nobody is left stranded in these testing times, we persuade you to take the assistance of NGOs depending on their capabilities and strengths. It shall be extremely effective to understand the situation at the grassroots level. We can use our experience and skillset to identify the issues along with the practical challenges at ground level in implementation.