

**‘Gothra Vardhan’**

*(Project for empowerment of tribal community of the State of Kerala by the Kerala State Legal Services Authority, KeLSA under NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015 and NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015 )*

**MISSION.**

With due respects to the quote that ‘India’s tribal communities are not just custodians of our rich cultural heritage, they are the vibrant threads weaving the tapestry of our nation’s diversity highlighting the unity that celebrates our differences’, this project aims at empowering the tribal community of the State and to facilitate comprehensive enrichment of the tribal people of Kerala.

**TARGET BENEFICIARIES**

There are 36 sects/ groups of Tribal communities in the State of Kerala and they are residing in all the districts of Kerala, varying in their population. The districts of Wayanad, Kannur, Idukki, Kottayam, Pathanamthitta and Thiruvananthapuram have more tribal population compared to the other districts. These identified and scheduled tribes and communities will be the beneficiaries of this project.

**LEGAL BACKGROUND**

The tribal communities in general have been living separately, segregating themselves in forest and away from the main stream of the society. They are the ethnic groups of historically disadvantaged people. Considering their non approachability to main stream and their secluded life, the Constitution of India has recognized them and categorized them as Scheduled Tribes and placed them under Article 342 of the Constitution. They have been provided special protection and privilege in order to bring them to the main stream of society. Article 244 of the Constitution of India provides for the administration and control of the Scheduled Areas and Schedule Tribes, as enumerated under the Fifth Schedule ,for any State other than the States of Assam , Meghalaya, Tripura and Mizoram. *Scheduled Areas* means such areas as the President may by order declared to be Scheduled Areas. Part X of the Constitution contains special provisions relating to administration of

Scheduled Areas and tribal areas. Sub-paragraph 2 of Paragraph 5 of Part B of Schedule-V, under Article 244 (1) of the Constitution provide that the Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area. In making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question. The primary feature of part 10 of the Constitution is that, the applicability of the general laws of the land can be removed from the scheduled areas if it would be beneficial for such areas and for the betterment of its inhabitants. It is a well-known fact that the tribal community have their own customs and practices, which may be different from that followed among the civilised group. Such practices may not be acceptable to the outside world. But, as far as the tribal population is concerned these traditions are part of their day to day life, being followed by their forefathers since time immemorial. The very intention of Articles 244 and 244A of **part 10** of the Constitution is to protect such practices and traditions. In spite of the legal insulation provided by the Constitution of India, there are various areas which are major concerns for the tribal community in the State.

## **FOCUS OF THE PROJECT**

**KeLSA intends to focus on the following concerns of the tribal communities in the State of Kerala as listed below** and to extend appropriate services as enunciated in the NALSA scheme for the empowerment, upliftment and enrichment of this community.

### **(a) Literacy focused on primary Education to senior secondary level**

The project aims at enhancing literacy rates among the tribal communities by rekindling interest in curricular studies right from the primary level of education by creating conducive, holistic high quality learning environments, by building awareness on opportunities available upon completion of secondary education and by addressing the high rate of school drop outs at the secondary level of studies. Curtailing gender disparities in general especially in the field of education by highlighting the need to promote education of girls is a major modus of attaining this objective.

**(b) Poverty alleviation scheme**

Facilitating the stakeholders to receive their entitlements from the Government is yet another major objective of this project. Very often though they are beneficiaries, the tribal communities are unable to access the benefits to which they are entitled to due to severe lack of awareness, access to infrastructure, economic marginalization, exploitation, social values and discrimination. KeLSA can extend their services to assist the tribal communities to receive their benefits and entitlements to which they are legally entitled to.

**( c ) Medical facilities**

An alarming number of maternal deaths are reported among tribals. Pregnant women are not provided with appropriate medical care and attention. Most of them deliver at home in the conventional manner for want of other options. They are rushed to the hospital in crude modes of transportation mostly leading to death enroute the hospital. Yet another concern is increase in suicide rates and self harm tendencies among the tribal adolescents. Their access for emotional support and psycho therapy is very limited. They are unaware of the existence of such services. Life style diseases, fatal and/or contagious diseases are all addressed with the most minimal medical support. Lack of information and awareness regarding immunization initiatives of the government leaving the tribal communities vulnerable to preventable diseases is yet another major concern to be focused in this project. Enlightening the tribal mass of their responsibility to maintain their health as well as that of their family is crucial which is an important objective of this project.

**( d ) Legal awareness**

Lack of knowledge in the laws of the land is major challenge faced by the tribal communities of the State. It is well known fact that the tribal people live a life, isolating themselves from the general society, following their own customs and practices. It is impossible to expect them to come to the forefront, interact with others and getting acquainted with the existing laws and general norms of the society. Child marriage is highly prevalent among most of the tribal communities in India. According to their unique customs and traditions, girls and boys marry and live together after reaching puberty. Marriage in these communities marks the transition from adolescence to adulthood, and men are considered ready for marriage based on their physical fitness. Hence, their concept of marriage and the accompanying practices surrounding it are different from what is practiced in society in general. The application of the provisions of POCSO to the tribal areas not

only causes severe hardship to the members of the community but is also threatening to their very existence. Tribals have to be made aware of the objectives and provisions of the National Food Security Act, 2013 @Right to Food Act which aims to provide subsidized food grains under which food security programmes of the Government of India including Midday Meal Scheme in schools, Integrated Child Development Services and the Public Distribution System are covered. Yet another objective of this Project is to extend the benefits of other approved schemes of KeLSA meant for adolescents, school going children and victims of circumstances namely, 'Reconnecting Youth', 'Samvada' and 'Victim Rights Centre (VRC) respectively. **'Reconnecting Youth'** is a scheme of KeLSA specifically intended for the benefit of adolescents and youth by providing de-addiction facilities and by assisting them to reintegrate to the society with confidence. **'Samvada'** is a project having a mission to inculcate value based, civic sense in students and equip them to resist the vices interalia nepotism and corruption in the system with a vision to mould them as responsible citizens of the country. 'Samvada' sessions which include a socio-life skill session by counselors/psychologist, visit to the police station, lessons in law by Advocates, court tour and interaction with a Judge are held through out the State under the monitoring of KeLSA in the High Court of Kerala and under District Legal Services Authorities concerned in all the districts. **VRC** is a service platform to ensure access to justice and fair treatment of victims. 'Victim' as per the approved guidelines of VRC is a victim of circumstances which is thus inclusive of convicts and accused in criminal offences. It aims at an integrated action with the cooperation of Government, inter-governmental and non-governmental organizations to provide assistance and support both sociological, psychological and legal to the victims and streamline them to their respective remedies.

**Kelsa projects namely 'Reconnecting Youth', 'Samvada' and VRC are designed tribal friendly considering the limited accessibility of the tribal community to enjoy the benefits of the same. Legal Services Institutions are ready to extend the benefit of these projects to the tribal stakeholders with active involvement of Judges and lawyers whenever warranted.**

**HUMAN RESOURCES REQUIREMENTS:****1. STEERING COMMITTEE**

A Steering Committee headed by a Honourable Judge, High Court of Kerala and consisting a Judicial Officer and a practising lawyer, all three nominated by the Executive Chairman, KeLSA will provide guidance and strategic assistance to KeLSA for the proper implementation of the scheme. The Honourable Judge so nominated by the Executive Chairman shall be the Chairman of the Steering Committee. The Member Secretary, KeLSA will convene the meetings of the steering committee as and when directed by the Chairman, Steering committee.

**2. TRIBAL TASK FORCE (TTF)**

Tribal Task Force will function in each district which will be chaired by the **Chairman, District Legal Services Authority**. The other members of the TTF would be **District Collector, District Police Chief, District Medical Officer, District Educational Officer, Secretary of the District Legal Services Authority, Tribal Development Officer, a Representative from Government Departments depending on the issue identified and any other member nominated by the Chairman, District Legal Services authority if found necessary.**

**3. TRIBAL CADET CORPS (TCC)**

Tribal Cadet Corps will function in each tribal unit/ooru which will be headed by the **oorumooppa**n concerned or in the absence of oorumooppa, a senior responsible member of the OOru. The TCC will include the **Ward member** concerned, **Tribal Promoter, a Social Worker and Para Legal Volunteer** nominated by the Legal Services Institution concerned.

#### **4. NODAL OFFICER**

- There shall be a Nodal Officer in each district who will be the point of contact for Tribal Task Force and Tribal Cadet Corps.
- The Secretary, District Legal Services Authority (DLSA) or such other authorized person by the Secretary, DLSA shall be the Nodal officer of each District.

#### **5. SPECIAL PANEL OF LAWYERS**

A special panel of lawyers for this project can be empanelled by the District Legal Services Authority (DLSA) concerned by nominating the members of the Victim Rights Centre (VRC) of the district unit concerned and active lawyers from the already empanelled Legal aid panel of lawyers under the DLSA concerned.

#### **6. SPECIAL PANEL OF PARA LEGAL VOLUNTEERS**

A special panel of Para Legal Volunteers lawyers for this project can be empanelled by the District Legal Services Authority (DLSA) concerned by nominating active members from the already empanelled Para Legal Volunteers under the DLSA concerned.

#### **ROLE OF KeLSA**

1. To supervise, monitor, control and manage the project.
2. To provide strategic advice for the Tribal Task Force (TTF) and Legal Service Institutions concerned.

#### **ROLE OF DLSAs**

1. To specifically supervise/monitor the functioning of the Tribal Cadet Corps(TCC)
2. To empanel special panel of lawyers specifically for this project.
3. To nominate social workers and para legal volunteers to function in TCC in each district.
4. To call for meeting of TCCs of a district once a month or whenever necessary.
5. To report to KeLSA regarding the regular functioning of TCCs on a quarterly basis based on the monthly reports provided by TCCs.

6. Separate and special reports to be prepared regarding matters intervened by the TTF either suomotu or by reference from TCCs.
7. To engage panel lawyers and para legal volunteers for activities relating to tribal welfare other than specifically focused by this project as and when found necessary.
8. To conduct and co-ordinate activities mentioned in the NALSA Scheme with the assistance of Legal Services Institutions concerned.

### **IMPLEMENTATION STRATEGY**

1. The TCC on identifying suomotu or if issues specifically those concerning education, medical and health needs, poverty alleviation and legal interventions are reported to them, may address with the help of Legal Services Institution concerned.
2. The TCC shall organise regular medical camps and legal literacy/awareness camps in the ooru under the guidance of Legal Services Institutions concerned.
3. The TCC shall strive to spread the importance of education and encourage the members of the community to educate their children irrespective of their gender through house visits if necessary. TCC should not only encourage children to study and attend schools but should also ensure curtailing the number of school drop outs.
4. The TCC shall direct those approaching them for legal assistance to the Legal Services Institutions concerned for necessary legal aid to be extended to them through panel lawyers.
5. The TCC shall direct those approaching them for medical needs to the Primary Health Centers in that particular tribal unit for necessary medical aid after intimating the Legal Service Institutions concerned.
6. The TCC shall assist those who need help to access the Government benefits and entitlements through Legal Services Institutions concerned .
7. The TCC may get necessary instructions and guidance from the TTF through Legal Services Institutions in matters which need immediate intervention and/or further action pursuant to the steps taken by TCC.

8. The TCC shall place a report once a month before the DLSA concerned.
9. The TCC shall endeavour to get necessary exposure and benefit of the various projects under KeLSA as in 'Reconnecting Youth' for the adolescents and youngsters who need de-addiction and psychological counseling and guidance, 'Samvada' for the school students, services of 'Victim Rights Centre' for victims of circumstances for the tribals of the ooru for which they function with the assistance of the Legal Service Institutions concerned.
10. The TTF can intervene in issues specifically those concerning education, medical and health needs, poverty alleviation and legal interventions either suomotu or on references made to them by TCCs.

#### **MONITORING AND EVALUATION**

- The work and performance of TCC shall be closely monitored by the Secretary, DLSA concerned and a monthly review meeting will be organized under the chairmanship of the Chairman, DLSA. Minutes of the meeting shall be sent to the Member Secretary, KeLSA.
- A quarterly review, assessment and evaluation of the performance of the TCC shall be made by the Member Secretary, KeLSA with the assistance of the DLSA concerned and the minutes shall be placed before the Executive Chairman, KeLSA.

#### **FINANCIAL OUTLAY**

Payment of honorarium to the empanelled legal aid lawyers and para legal volunteers will be according to what is provided as payment to panel lawyers and para legal volunteers under the NALSA Scheme.

