

India Exclusion Report 2016



A young man from Lat, a village in Raigad district of Chhattisgarh, climbs on to a truck laden with coal as it exits a South Eastern Coalfields Limited (SECL) mine. SECL took over 800 acres of fertile farmland and forests the village depended on for firewood and other minor forest produce without offering alternate livelihoods or enough jobs at the mine. While continuing a months-long agitation against unfair treatment meted out to them at the gates of the company, the men began to clamber on to the coal-trucks to level it before it sets out to transport the coal. The men would be able to extract Rs 200-300 from each truck driver for the labour.

Photo Credit: Nikhil Roshan

Public Goods, Exclusion and 25 Years of Economic Reforms

A Blotted Balance Sheet

Harsh Mander¹

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India's global rankings made the headlines at least twice in 2016, and both times the news was dampening. The first report revealed that India's place in the Global Hunger Index compiled by IFPRI fell from 83 in 2000 to 97 in 2016 (*Business Standard*, 2016), with India scoring even worse than its much poorer neighbours Bangladesh and Nepal. The second disclosed that India's rank in the World Bank's Ease of Doing Business Report rose by only one position, from 131 the previous year to 130 (*The Hindu*, 2016), among 190 countries.

The tardy improvement in India's Ease of Doing Business global rating led to immediate official statements of concern in the corridors of power. Commerce and Industry Minister Nirmala Sitharaman said she was 'disappointed', and Prime Minister Modi directed secretaries of the union government and chief secretaries of state governments to analyse expeditiously the reasons for sluggish progress, and identify areas for improvement both in central government departments and the states.

India's dismal performance in fighting hunger, however, attracted no similar comment or the articulation of concern at senior levels of the union government. The volubility of the government on one and the silence on the other is in itself an eloquent commentary on the priorities of the

government, a reflection of who it feels primarily responsible to.

What does a low ranking in the Global Hunger Index (GHI) indicate? It means first that too high a proportion of India's people (around 15 per cent) are under-nourished (*The Times of India*, 2016). It means that too many children under the age of five (15 per cent) are wasting, reflected in low weights for their heights. And too many are stunted (a shameful 39 per cent), meaning that their bodies are adjusting to chronic low nutrition by becoming shorter for their ages. And finally, it means that too many children (4.8 per cent) die before reaching the age of five years, because of the fatal cocktail of too little nutritious food and highly unhealthy environments.

It is important to remember that what for the scholar is 'under-nutrition' is for people who live with this condition the anguish of being unable to feed oneself or one's loved ones, of reduced physical and mental capacities, and of succumbing to infections or circumstances that they would have been able to fight if they were well-nourished. Stunting and wasting means that the bodies and minds of millions of our children are being starved into feebleness. Under-five mortality means the agony of millions of mothers and fathers who are helpless as they lose their children only because of their dirt-poverty.

Compared to other countries, India's government is simply doing too little to prevent this enormous

and entirely preventable suffering of millions of impoverished citizens. And the silence of the government about these continued failings can only mean that it is not stirred or shamed by this report card, that there is still little urgency to alter the destinies of India's poorest majorities—rural, slum-based, informal workers, women, tribal, Dalit, minority, disabled groups, aged people, single women, and above all children from all these groups.

It is not as though there has been no improvement in India in each of these parameters in recent years. In 2013, India's position was rated as 'alarming'; today it is slightly better at 'serious'. In 2016, India's GHI score was 28.5, an improvement over 36 in 2008. Since 2000, India has reduced its GHI score by a quarter. But 20 countries, including much poorer countries like Rwanda, Cambodia, and Myanmar, have all reduced their GHI scores by over 50 per cent since 2000.

So, the problem is not that India is doing nothing to end hunger. But its improvements are much slower than even countries which are often much poorer, not self-sufficient in food production, without functional democracies, and sometimes strife-torn. India's GHI score places it fifth from the bottom in Asia: only Afghanistan, Timor-Leste, Pakistan, and North Korea trail behind India. This surely is not illustrious company for an India that prides itself as the world's fastest growing economy. The report estimates that if India continues to reduce hunger at the same pace, it will still be in the 'moderate' to 'serious' hunger zone in 2030.

India's failures to reduce and end hunger, poor health and early deaths, resulting in immense suffering of millions of its people, is even more unconscionable because all of this is preventable. India has the food production, the levels of growth, the economic resources and the state capacities that it requires if it resolves to make hunger history. Countries which have overtaken India often lack many of these advantages. India's failures

are not inevitable. They are the direct result of its public policy priorities and choices: its market fundamentalism and its refusal to invest adequately in the nutrition, education, social protection and health of its people.

India's continued trouncing in its battle against hunger stems first from its very low investments in agriculture, as a result of which India's food producers constitute its largest ranks of the hungry and malnourished. For a sector that gives work to around 55 per cent of the population, the government invests less than 4 per cent of public resources. Even within this small investment, the overwhelmingly large mass of the rain-fed small peasant are most neglected. India's failure to ensure decent work to nearly nine of its 10 workers trapped in informal work also explains India's losing hunger battle. India's high growth is mostly jobless growth, which erodes completely the rationale for privileging business interests over those of impoverished populations. The historical inequities of gender, caste, tribe and religious minorities further aggravate those created by inequalities of wealth.

Upstream sources of India's disgraceful hunger record include also its investment of just a little over 1 per cent of GDP in public health, lower than most countries of the world, and its chronic miscarriages in securing sanitation and clean water to all its populations. Downstream we see continuing chronic under-resourcing and corrupt implementation of important food and nutrition programmes such as the ICDS and school meals, the public distribution system, pensions for older persons, single women and the disabled, and maternity benefits.

To address some of these, India passed the National Food Security Act 2013, which sought to guarantee half the calorie needs of two-thirds of the population, as well as universalize maternity benefits, young child and mother feeding, and school meals. But even when such Acts are passed, they are

rarely acted upon with diligence and commitment. The union government and many states remain reluctant and neglectful in operationalizing these entitlements.

All of these point to not just morally reprehensible failures of the state, but to a much deeper social and cultural malaise. That the lives, deprivations and suffering of the poor do not matter. In this way, the Global Hunger Index is an indictment not just of our governments, but also of middle-class India itself, holding up a mirror to how little it cares.

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This is the third in the annual series of India Exclusion Reports, in which the Centre for Equity Studies has tried to bring together a wide range of policy thinkers and actors, scholars, social advocates for more just and inclusive laws and policies and people of disadvantage themselves, together to examine carefully the record of the Indian State to ensure greater inclusion and access to the large mass of deprived and oppressed peoples. This is a modest effort, yet we are gratified to find that there are a growing number of readers of these reports who agree with the value of an enterprise like this that tries to create an informed report card about whether governments in India are ensuring equitable access of vulnerable communities to a range of public goods, but also to look closely at the most vulnerable communities as well. Considering that this year also marked the end of 25 years of neo-liberal growth which promised to erase poverty faster than was possible in the past, this report assumes for us a larger significance.

The time had come, we are convinced, to think of a stable long-term institutional arrangement for the series of India Exclusion Reports. This is an experiment drawing many diverse actors and thinkers from many different silos but all concerned with a more just and humane society and State to write and reflect together. In that spirit, we believe that the structure that holds

this enterprise of conceptualizing, researching, writing and disseminating the India Exclusion Reports should also be highly collaborative and plural, well outside the control of any one person or institution.

We are therefore proud that a number of leading international and national centres have joined the Centre for Equity Studies formally in this enterprise. These include Brown University, the International Institute of Social Studies in the Hague, and the Institute of Development Studies in Sussex; as well as leading national organizations including NALSAR University of Law, Hyderabad, which is one of India's best national law schools with an equity focus, the Indian Institute of Human Settlements, Bangalore which specializes in urban studies, a premier social science research institution, and the Centre for Budget and Governance Accountability. This partnership is based on a shared approach in terms of our understanding of issues of exclusion, social justice and the role of the state. Our attempt is to ensure that the Exclusion Reports are strongly evidence-based, empirical and carefully peer-reviewed, to which all our collaborators and now joint owners contribute in many ways. But while all of these have independent programmes and views on many issues, all the many contributors and collaborators of these reports are bound together by shared normative and political convictions related to ideas of the just state, the just society, equity and solidarity.

In this overview chapter, we will try to summarize some of the highlights of the findings of this report. But before we do this, we felt since a quarter-century has passed since economic reforms were heralded in India, it would be fitting for the purposes of this report to reflect on what 25 years of economic reforms has meant for the massive underclass of India's disadvantaged people.

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It was 25 years before this current report was being compiled, on 24 July 1991, when the then Finance Minister Dr Manmohan Singh rose in Parliament to present a budget speech which was to alter the destinies of India and its people in fundamental ways. He spoke in his characteristically gentle, low-key and self-effacing manner disguising a steely resolve. His words were memorable even if debatable. Quoting Victor Hugo, he said, ‘No power on earth can stop an idea whose time has come’. He declared that ‘the emergence of India as a major economic power in the world happens to be one such idea. Let the whole world hear it loud and clear. India is now wide awake. We shall prevail. We shall overcome.’

The legacy of that moment remains highly contested. A quarter-century later, India is indeed a major economic power, altered in fundamental ways from the country that Dr Singh helped steer in new directions. With a GDP of 2 trillion dollars, it has edged itself among the 10 largest economies of the world. But in what ways have economic reforms, launched with this historic budget speech, contributed to changing the lives of India’s dispossessed millions? Has it, as was promised, hastened the end of poverty and want, ensured greater access to public goods to hitherto excluded populations, spurred jobs and incomes, and reduced state corruption? As we look back on the past 25 years, it is important to draw up a careful balance sheet especially from the vantage point of the oppressed people of India, of what the promises were and what was actually accomplished after India changed course so fundamentally 25 years ago.

The ‘structural reforms’ that Dr Singh announced, and which every successive government elected to the union government with varying urgency and priority has since advanced, made way for global private enterprise to enter and increasingly occupy the commanding heights of the Indian economy. Until then these were dominated by the State. The

reform package opened the economy to global competition; it stressed on fiscal consolidation and discipline for macro-economic stability; it liberalized trade and capital markets; it dismantled the justly notorious licence-permit raj that stymied local enterprise by rent-seeking; and it facilitated and expanded competitive private provisioning of public goods like health, education, public transport and infrastructure.

There were three main promises of economic reforms. The first was that these would unfetter the economy and spur economic growth and development. The second was that growth would crank up manifold the creation of wealth and jobs, and through this would erase poverty, hunger and want. And the third was that reforms would significantly reduce corruption and rent-seeking by ending licencing and bureaucratic regulation of private enterprise.

Let us take each of the promises, and assess with the hindsight of a quarter-century what indeed was accomplished and what were the intended and unintended consequences of these reforms.

There is no doubt that reforms did hasten economic growth to rates that were double, and even at times three times the pace of growth that the country had settled into until then in four decades since India’s freedom. Twenty-five years later India is the fastest growing economy in the world. It has also created unprecedented levels of wealth (however unequally distributed), so that today India is home to the third largest population of dollar billionaires in the world (Hurun Report, 2015). The ranks of middle-class Indians have grown, as they have transitioned from lives of customary austerity to substantial improvements in their material well-being, from habitual thrift to unrestrained and unapologetic hyper-consumption. This massive enlargement of wealth has also meant that governments in India at all levels—union, state and local—have far greater

resources in absolute terms available to them for public investment and spending than they did in the past. India's budgetary spending on social sectors in 1990–91 was approximately 6 per cent of its GDP which rose to 8 per cent in 2014–15 (Indian Public Finance Statistics 2014–15). (Although because of official reluctance to expand India's direct tax base significantly, public spending as a share of gross domestic product remains one of the lowest in India among comparable countries).

This is however where we feel that the 'good news' of economic reforms ends. Reforms did stimulate high economic growth and yield greater wealth creation. But this wealth was very unequally distributed, raising sharply levels of economic inequality in a country that was already historically profoundly unequal. Advocates of free markets, opposed to building a welfare state, have long argued that accelerated market-led economic growth in India has lifted millions out of want in ways that direct state support could never have done. They suggest that poverty is vanishing in India, and those who still advocate large-scale public action in support of the poor are caught in a time-warp, failing to recognize that the lives of India's poor have altered dramatically in the quarter-century of neo-liberal reforms.

In India, from two resident billionaires with an income of 3.2 billion in the mid-1990s, their numbers grew to 46 with the combined wealth of 176 billion in 2012, and their share in GDP rose from 1 to 10 per cent. A recent report by Oxfam titled 'Even It Up' observes that income concentration at the top fell in the first three decades after Independence, but since then for the top 0.01 per cent real wages grew annually at 11 per cent. By contrast, the rise in real household expenditure for the rest of the population rose by only 1.5 per cent. In agriculture, growth in real wages was 5 per cent in the 1980s, but fell to 2 per cent in the 1990s, and virtually zero in the 2000s. If judged by the median developing country poverty line of 2 dollars a day on purchasing power parity, more than 80 per cent

rural and just below 70 per cent urban inhabitants in India continue to be impoverished.

As Oxfam Director Byanyima observes:

A child born to a rich family, even in the poorest countries, will go to the best school and will receive the highest quality care if they are sick. At the same time, poor families will see their children taken away from them, struck down by easily preventable diseases because they do not have the money to pay for treatment (Even It Up, Oxfam, 2014, p. 2).

The unfairness of this unequal world is indeed enhanced because the majority of richest persons are born into their wealth. Children and grandchildren of the rich will largely replace their parents and grandparents in the steep economic ladder, as much as children and grandchildren of the poor will remain impoverished, regardless of their potential and hard work.

In India, the burdens of unequal birth weigh heavily on those born into disadvantaged castes, gender, religion and tribes. In the countryside, poverty rates are 14 per cent higher for Adivasis and 9 per cent for Dalits, compared to non-scheduled groups. In urban areas likewise, the poverty of Dalits and Muslims is 14 per cent higher than the others (*The Hindu*, 2015).

A report of the OECD countries in 2011 titled 'Divided We Stand: Why Inequality Keeps Rising' observed that inequality in earnings has doubled in India over the past two decades, making it one of the worst performers among emerging economies. The report noted that the top 10 per cent of wage-earners make 12 times more than the bottom 10 per cent, compared to six times 20 years ago. India's experience contrasts with that of Brazil, Indonesia and, on some indicators, Argentina, which recorded significant progress in reducing inequality during the same period, unlike China, India, the Russian Federation and South Africa which have all become less equal over time.

I worry not just about the rapid pace of growing inequality. Even more worrying is the indifference, the absence of outrage, among people of privilege about the monumental levels of preventable suffering that surrounds them. As I argue in my recent book *Looking Away: Inequality, Prejudice and Indifference in New India*, historical ideas of caste and class that justify inequality have been topped up in neo-liberal times with the belief that greed is good (Mander, 2015). This has resulted in a particularly uncaring middleclass, and the exile of the poor from their conscience and their consciousness. The Oxfam report calculates that if even a tax of 1.5 per cent was imposed on the wealth of all the world's billionaires, it could get every child into school and deliver health services in all the poorest countries of the world, saving an estimated 23 million lives (2014, 9). It estimates that if India just stops inequality from rising, it could end extreme poverty for 90 million people by 2019. If it reduces inequality by 36 per cent, it could eliminate extreme poverty.

Akhil Gupta is troubled by similar questions, when he calculates that the number of 'excess deaths'—the number of people missing from the population due to malnutrition and morbidity—is over 2 million deaths annually. 'Nevertheless, the system of checks and balances composed of the free press, and the democratic, multi-party, competitive political system that, as Amartya Sen (1999, 180-182) claims, has been so effective in sounding the alarm of impending famine, drought, or natural disaster, has failed to mobilize state and private resources to prevent a disaster of these proportions'. (Gupta, 2012, p. 5) It is the normalization of what 'should be considered exceptional, a tragedy and disgrace, but is not: the invisible forms of violence that result in the deaths of millions of poor, especially women, girls, lower-caste people, and indigenous people' that results in the persistence of such a magnitude of preventable deaths with no effective outrage. He speaks of former Finance

Minister Chidambaram saying in an interview to the BBC that he is confident that poverty will end by 2040, in effect advocating as a positive achievement a plan to eradicate poverty that essentially sacrifices an entire generation.

Advocates of neo-liberalism still valorize these reforms by suggesting that it matters little that inequalities rise because of the success of these reforms to eliminate poverty, at a pace and scale that was impossible in the pre-reform period. Jayati Ghosh however contradicts this claim, demonstrating that pre-reform periods had slower growth-rates but still eliminated poverty at a higher rate than in the reform period. For rural India, poverty was reduced by -1.24 per cent in the period 1973-74 to 1987-88 and -0.64 in the period 1987-88 to 2014-15; and for urban areas, -0.79 per cent in the period 1973-74 to 1987-88 and -0.74 in the period 1987-88 to 2014-15 (Ghosh, 2011, p. 134). Even the World Bank, otherwise a strong advocate for reforms, admits this. It observes that the aggregate headcount poverty ratio in India declined from 59.8 per cent in 1981 to 51.3 per cent in 1990 and 41.6 per cent in 2005. So, according to the World Bank, the rate of poverty reduction *slowed* from 0.94 per cent points per annum during 1981-90 to only 0.65 per cent points per annum during 1990-2005 (*The Times of India*, 2008). This busts the myth that liberalization and the incumbent growth has hastened the rate of reduction of poverty. Yes, poverty has reduced in these 20 years, but this in itself cannot be a matter of approbation because poverty can be expected to fall between any two points in time, but the real question to ask is whether neoliberalism has pushed the process of reduction in poverty or has it done to the contrary.

Levels of absolute poverty have no doubt declined, as have malnourishment and hunger. But the question to ponder is whether these have declined fast enough. Even neighbouring Bangladesh with half India's per capita income has been able to eliminate want and malnourishment

far more successfully than India, as underlined again in the recent 2016 Global Hunger Report.

There are further problems with the extremely minimalist definitions of poverty adopted by the Indian government. Therefore, when neo-liberal advocates promise to 'wipe out poverty' by 2040, all that they are promising even at this slow pace is an end to starvation-level poverty. Ghosh calculates that if we use an even slightly higher cut-off of \$1.25 per day at the revised 2005 PPP\$, the number of absolutely poor people in India in 2005 were 456 million, i.e., significantly more than the Indian government's own estimate of 301 million in 2005–6. In 2005 India had the second highest poverty ratio (54.8 per cent) among all the Asian countries studied, next only to Nepal (55.8 per cent) and higher than Bangladesh (42.9 per cent), Cambodia (36.9 per cent), Bhutan (31.8 per cent), the Philippines (29.5 per cent), Pakistan (24.9 per cent), Indonesia (24.1 per cent), Vietnam (16 per cent) and Sri Lanka (9.9 per cent). If we use the global yardstick of 2 dollars a day, the numbers of poor people in India would even today be around 80 per cent of the population (Himanshu, 2008, 38–43).

The burdens of poverty and want are even higher in the countryside. The picture of rural Indian life today that emerges from what is probably the world's largest study ever of household deprivation, the preliminary results of the Socio-Economic Caste Census (SECC), is sobering and sombre. It describes a massive hinterland still imprisoned in persisting endemic impoverishment, want, illiteracy and indeed hopelessness. With hand-held laptops, official enumerators were commissioned to ask members of all households in the country a few basic questions, including what they owned, how they earned a living, how much they earned, and how far they had studied. Their findings tell us first that in three in four rural households no one earns more than INR 5000 a month. More than nine out of 10 rural households have no one earning over INR 10,000 a month.

Prime Minister Modi in his midsummer 2014 election campaigns often spoke of the aspiring youth, restless and impatient to join India's growth story. The SECC results again offer a dismal reality check. Only 3 per cent of rural households have even a single member with a graduate or postgraduate degree. On the other hand, more than a third of rural India is still illiterate. A quarter of these households have no literate adult above 25 years. Less than one in five households have one or more family members with primary education, whereas only 13.5 per cent have anyone who made it to middle school. This means that more than half of rural Indians still have no or only minimal skills of reading and writing. If they can share in India's growth story, as we will observe, it can only be in adding to its already mammoth reserve army of cheap and footloose labour.

The SECC mandated officials to survey every single household in the country, which contributes to its importance and credibility. It is a census, not an estimate. All large official surveys however tend to neglect invisible populations, such as forest dwellers, nomadic communities, footloose distress migrants, bonded workers, and people stigmatized by their vocations, sexuality or ailments. These populations are invisible to state officials because of their extreme vulnerability and powerlessness, and as a survival strategy they often also hide from the State. Moreover, although rules required that the survey results be ratified in open community meetings, this was rarely done. Far from overstating the situation, therefore, it is likely that in fact the SECC significantly underestimated levels of poverty and deprivation.

Jayati Ghosh, comparing India's and China's experience in fighting poverty in periods of high economic growth, argues that China does better than India because of pre-reform egalitarian measures such as land reforms and universal elementary education, and because of high public spending during reforms especially on infrastructure. India

by contrast has almost starved agriculture with negligible public investments although it still employs 50 to 60 per cent of the workforce, and it also continues to neglect basic education, and indeed health care. Unlike China, which followed the classical trajectory of agriculture to manufacturing, India has shifted to the services sector, still leaving millions in low-end, low-productivity employment in the countryside. India's human poverty is even more dismal than income poverty, as reflected in India's falling position in the Global Hunger Index to which we referred earlier (Ghosh, 2011, 113).

The lesson that Finance Minister Arun Jaitley drew from the incontrovertible SECC findings about the dismal situation of rural Indians, still trapped in age-old poverty, was predictably to call for a further hastening of India's economic growth. This would mean administering more of the familiar medicine of market fundamentalism: reducing public spending further on education, health and agriculture, combined with further weakening labour protections and safeguards against land acquisition. Instead we are convinced that we must heed the resounding message of the SECC, as also of the unending epidemic of farmers' suicides and the continuing distress exodus from India's countryside: that India does not shine for its teeming villages. This challenge requires an entirely different set of prescriptions: much greater public spending on rural infrastructure, watershed development and small-farm agriculture, farmers' income protections, MNREGA, education and health, and reviving land reforms. Without these, rural India, still home to a vast majority of Indians is fast becoming a wasteland of distress and despair.

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The promise of reforms which have been most spectacularly belied in India is that reforms and galloping growth would unleash millions of jobs. If they actually did so, it is claimed by reform votaries that then this would not just lift people out of

poverty; it would also make increasingly irrelevant state withdrawal from supplying basic public goods like health and education, because people would be able to buy these competitively in the market. However, the reality of what was accomplished in the years of the high noon of economic growth in India was certainly the accelerated but unequal expansion of wealth, as observed, but not the expansion of decent work for India's poor.

On the contrary, we have seen the reverse: the shrinking of decent work in the sunshine years of highest growth. As Coen Kompier establishes in the India Exclusion Report 2013–14 undertaken by the Centre for Equity Studies, 'very few jobs have been added, mostly of low quality, whereas employment opportunities in public enterprises, the formal private sector, and agriculture *actually declined*' (my emphasis). In the decade 1999–2000 to 2009–10, while GDP growth accelerated to 7.52 per cent per annum, employment growth during this period was just 1.5 per cent, below the long-term employment growth of 2 per cent per annum, over the four decades since 1972–73. Only 2.7 million jobs were added in the period from 2004–10, compared to over 60 million during the previous five-year period. (Kompier *et al.*, 2014, p. 111)

Far from the promise of more jobs and more opportunities, the reality has been of more uncertainty, lesser job creation and far less security. Even the government has had to reluctantly admit that 'the economy has indeed experienced high rates of growth in the post reforms period [;] the optimism on employment creation, however, has not been realized to the fullest extent' (Report on Employment & Unemployment Survey 2009–10).

It is significant that employment in the organized sector actually fell after 1997, while that in the unorganized sector rose. The 2009 report of the official National Commission for Enterprises in the Unorganized Sector finds that the vast majority of jobs created in recent years have been in the

informal sector, in the absence of a legal framework for labour protection and social security. Out of every 100 workers, the report revealed, around 90 per cent work in the informal economy producing half of India's economic output. This implies that out of a current total workforce of around 475 million, around 400 million workers, considerably larger than the total population of the USA, are employed with little job security or any formal entitlements to call upon the protection of the labour law regime. (Live Mint, 2014)

And for the tiny number of jobs that are being created, written job contracts with formal agreements and associated legal responsibilities (at least on paper) are already an endangered or near extinct mode of employing workers. About 93 per cent of the casual workers do not have any written job contract while the figure for the same among contract workers is 68.4 per cent. Even among the supposedly more formal wage/salaried employees, about 66 per cent of employees are reported to be working without a written job contract. As per government estimations, labour relations in such instances are based mostly on casual employment, kinship or personal and social relations rather than contractual arrangements with formal guarantees.² Beyond the realms of the formal/legal, it is the omnipresent extra-legal modes of mobilization and disciplining (harnessing caste, kinship or community relations) that has received further fillip with the larger trend towards informalization and casualization of the workforce.

The worst-hit once again, unsurprisingly, are rural workers. The SECC survey referred to earlier also reveals that 56 per cent rural households own no land. Around half the rural households report that they depend primarily on manual labour to survive. Economist Prabhat Patnaik observes:

Our share of cultivators has actually fallen since 1951. A whole set of people who might have been independent peasants...have been pushed into the ranks of agricultural labour....They have no

rights, no security of income, they are subject to the worst kind of drudgery because it is all manual work: they cannot be organised. It's just a miserable state of existence (*Hindustan Times*, 2015).

Since the stagnant rural economy offers meagre opportunities for employment, a large segment of these households are footloose circular distress migrants, evocatively described by labour anthropologist Jan Breman as 'hunters and gatherers of work' (Breman, 1994) In order to stay alive, they will go to any corner of the country, to do any work, with any remuneration, on any terms. An estimated 12.24 million people are seeking work for 2–6 months as per NSSO data. Of these, 77 per cent are resident in rural areas and more than two-thirds of them migrate in desperate search of any kind of work to urban areas. Some estimates show that about 35–40 million labourers, almost half the number of casual labourers outside agriculture, could be seasonal migrants.

These are the migrant workers toiling in the prosperous rice, wheat, sugarcane and cotton farms of Punjab, Haryana, Western UP and Maharashtra, construction workers building high-rise structures in cities across the country, semi-bonded workers in brick kilns which pockmark the country, workers building roads in conflict-prone frontier states, and so on. Often boys barely in their teens set out for distant lands to earn some money to keep their families alive. But now increasingly families migrate along with men, interrupting children's schooling, forcing women to bear and raise children on dusty city streets and shanties, and leaving behind old people in the village to starve, beg or die.

These findings are also incidentally another reminder of the potential contributions of what has been described as the world's largest social protection programme, the MNREGA. When he dismissed this in Parliament as a living monument to earlier governments' failures, Prime Minister Modi

demonstrated little sensitivity to the struggles of distress migration that millions of rural households still have to endure, which could be prevented by the State’s effective guarantee of safe and dignified wage work in the vicinity of their homes, enabling them to escape their annual uprooting to distant lands.

Prime Minister Modi’s most powerful election promise in 2014 for millions of young voters was to create 10 million jobs. With 65 per cent of the country below 35 years, this promise undoubtedly drew millions of young people who legitimately dream of a better life to cast their futures with his leadership. A million new young people join the workforce every month. This does not account for those who seek work in the cities because of the near-death of the rural economy.

Yet more than half-way through his tenure, there are almost no jobs available. Job creation has fallen to levels even below those that the preceding UPA governments plunged to. Official data reveals that employment creation in 2015 plummeted to a mind-numbing low of 135,000 jobs (Figure 1).

The picture is even more complex, because jobs are being extinguished even as others are being created, and net figures hide this. More and more people are being pushed into either lowest-end self-employment or the most unprotected and casualized wage employment. The countryside is of course the worst affected. But the situation is almost as hopeless for the distress migrant to the city. As Colin Todhunter observes in a biting indictment, ‘much mainstream thinking implies that shifting people from agriculture to what are a number of already overburdened, filthy, polluted mega-cities to work in factories, clean the floors of a shopping mall or work as a security guard improves the human condition’ (Todhunter, 2013).

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The third big promise of economic reforms—that the dismantling of the proverbial licence-permit raj would help greatly reduce corruption and rent-seeking—has also been belied spectacularly.³ Far from reducing corruption, official malfeasance has risen incrementally. In the 1980s, the Bofors scandal alleging a kickback of around INR 80 crore

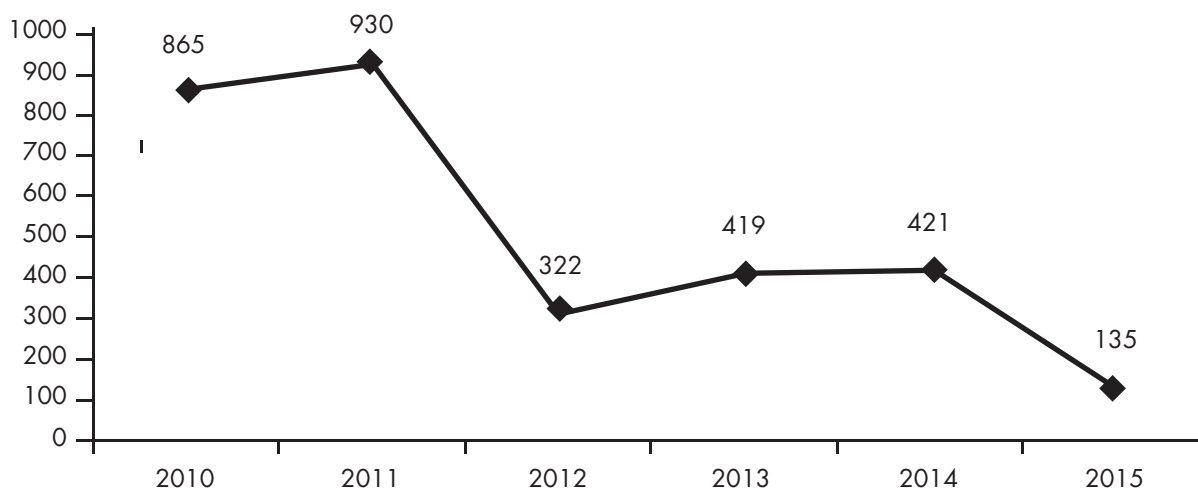


Figure 1: Yearly Changes in Estimated Employment Based on Survey Results (In thousands), from January to December

Source: Compiled from the Quarterly Report on Changes in Employment in Selected Sectors; Government of India Ministry of Labour & Employment Labour Bureau.

for the purchase of Swedish weapons had fatally shaken the union government of the time led by Rajiv Gandhi. Today we routinely observe crony capitalism involving losses to the public exchequer sometimes of amounts that have so many zeroes that it is confusing to even count! The culture of public life has changed dramatically. For the first half-century after Independence, accepted norms for probity in public life required that public officials kept a careful public distance from private business. Today they are so closely bound together at the hip that it is routine for people in high office to benefit from and share the opulent lifestyles of the super-rich, and they pass this off as contributions to nation-building. One particularly tragic outcome of this contemporary era of crony capitalism is the highly accelerated dispossession, actively facilitated by state authorities, of India's most impoverished tribal communities, by big industry hungry for the coal and mineral reserves over which their forested habitations lie.

Another outcome of the new age of crony capitalism is very high public subsidies for big business, reflected for instance in the over INR five lakh crore of revenues foregone to industry in every budget, and this at the expense of adequate public funding of health care, education, water, sanitation and social protection, and the farming sector. This has led development economist Jean Dreze to describe India as a world champion of social under-spending! (*The Hindu*, 2014) In particular, out-of-pocket expenditure on health care is at twice the level of public spending, a disgraceful record unmatched by most countries. Our public schools are shamefully under-resourced with trained and motivated teachers and basic infrastructure, and only seven per cent people are still able to complete their college graduation. Nine in 10 persons are in informal employment, and they are deprived of any or adequate pensions in their old age.

We can only glance over some of the mindboggling amount of debts that various top

companies owe to the different public banks of the country: Anil Ambani (Reliance Group)(1,25,000 crore), Anil Aggarwal (The Vedanta Group) (1,03,000 crore), Goutam Adani (Adani Group) (96,031 crore), Shashi Ruia & Ravi Ruia (Essar Group) (1,01,000 crore), Sajjan Jindal (JSW Group) (58,171 crore), GVK Reddy (GVK Group) (33,933 crore), Manoj Gour (Jaypee Group) (75,163 crore), Venugopal Dhoot (Videocon Group) (45,405 crore). These are just a few examples of the corporate loan that remains unpaid in various nationalized banks, thereby starving these banks of the total cash deposit.⁴ The SBI which is the biggest nationalized Bank has written off in the year 2016 alone loans worth INR 7,016 crore owed by more than 60 of its top 100 'wilful defaulters.' Among them is the absconding Vijay Mallya, whose outstandings with the bank are in the range of 1,201 crore (*The Indian Express*, 2016). This same SBI in the very recent past has also showered other such 'wilful defaulter' business tycoons with huge loans, flouting RBI guidelines. Niranjana Hiranandani who was declared a defaulter by RBI in 2014, was sanctioned two loans amounting to INR 5,550 crore by SBI and AXIS Bank in 2015 and 2016 (*DNA*, 2016). Recently, the SBI has given a loan of INR 1 billion to Mr Gautam Adani to secure his mining deal in Australia (*The Indian Express*, 2014). So these corporate tycoons are running their businesses, literally on public money in order to fill the coffers of the corporate via the bank. The cosy relationship of several of these 'captains' of big industry with India's top political leaders is the best-kept open secret of India's public life.

According to a recent estimate by the Global Financial Integrity programme of the Centre for International Policy, the money that had illicitly flown out of India to accounts abroad over its post-Independence history stretching from 1948 through 2008 was around \$213 billion, the present value of which equals 36 per cent of India's GDP in 2008. But what is even more telling is that out of

\$462 billion siphoned out of India during the last 61 years, 68 per cent is attributable to the post-reform period of just 18 years (*The Hindu*, 2010).

While corrupt practices have always existed, in these neo-liberal times the definition has gotten far more blurred. This is precisely because deregulation and the predominance of financial capitalism ensures that what would earlier be characterized as corrupt practices, has now not only been normalized and 'legalized', but also encouraged. Unlike earlier, cosyng up with big capital no longer raises eyebrows or elicits frowns in public discourse. Rather the neo-liberal morality has ensured that governments vie with each other in being cosier with corporations than the other. This runs in the name of 'development' or 'investment friendly' or 'pro-business'. In a world where profit-making and the accumulation of wealth is celebrated and rewarded, where it is the 'bottom line' that finally matters, unless circumstances lead to the detection of fraud or a violation of the law, an increase in the wealth of a private sector player is normally seen as a virtue and reflection of 'entrepreneurship' and 'innovation'.

Analysts have also observed that one cannot identify corruption today by looking for illegal activity alone. Many of the practices that happen in rich and poor countries are legal or in a grey area where it's difficult to tell the criminal from the lawful. It is possible to argue that finance capital is by definition corrupt. Investment banks typically do not disclose their fees to investors in advance (they call their charges 'consideration') by deducting self-decided amounts as they go along. Free charging professionals like lawyers, and in many countries doctors and dentists, make up their own huge fees. Isn't this corrupt? But there's nothing illegal about it (Phil Hearse, 2016).

What this entails is that unlike earlier, it is far more difficult to establish culpability or determine accountability today when it comes to corruption.

Prabhat Patnaik points out that unlike the scams of the yester-decades, corruption today has become far more sophisticated as a process which also requires certain financial networks and knowledge of leverage as the 2G, 4G or the Coalgate scams show, which are products of elite capture of public policy-making in a neoliberal age. He suggests that neo-liberalism has created new and alternate ethical and political regimes. The entire discussion of the spreading capitalist values, the passion for money-making, the intrusion of commoditization into every sphere of life, all of which are integrally linked to our current economic trajectory, has receded into the background, and in its place all kinds of facile quick-fix solutions are being sought to be rammed down the throat of the nation by a range of godmen, economic gurus, and the bulk of the political class that opportunistically acquiesces to a policy regime and practice that acts to the detriment of democracy and the poor (Prabhat Patnaik, 2011).

Prabhat Patnaik goes on to suggest that corruption plays a very important and specific role in the institutionalisation of a neo-liberal regime. It is not just something that a neo-liberal regime increases the scope for, because of its pervasive transfer of assets at throwaway prices to big capitalists; nor is it merely the outcome of the large-scale avarice that such a regime unleashes in general. These factors of course are conducive to a massive increase in the scale of 'corruption', such as what we observe in India today. But over and above these, there is a structural reason for the increase in 'corruption', especially among bourgeois politicians, under such a regime; and that is to enlist their political support for this regime. 'Corruption' is politically necessary for neo-liberalism (Prabhat Patnaik, 2012).

* * *

Many believe that the retreat of the Indian state away from the principle of primary public

responsibility for health, education and social protection of its disadvantaged populations, and from redistributive taxation since the 1990s, was part of the package of economic reforms driven by the 'Washington Consensus' of the World Bank and the International Monetary Fund (IMF). But even these institutions have begun to acknowledge that they may have been drastically wrong. In 2014, the president of the World Bank, Jim Yong Kim, admitted that the assumption that people in poor countries should pay for healthcare was wrong; 'There's now just overwhelming evidence that those user fees actually worsened health outcomes. So did the bank get it wrong before? Yeah. I think the bank was ideological' (Lawson 2014). In any honest assessment of economic reforms in India, it is imperative that we admit that the movement away from public provisioned health and education has been a mistake that has resulted in enormous avoidable human suffering and loss for millions of our people. But there is little evidence of such soul-searching.

In a similar self-critical tone, Christine Lagarde, managing director of the IMF has said, 'In far too many countries the benefits of growth are being enjoyed by far too few people. This is not a recipe for stability and sustainability.' She went on:

Let me be frank: in the past, economists have underestimated the importance of inequality. They have focused on economic growth, on the size of the pie rather than its distribution. Today, we are more keenly aware of the damage done by inequality. Put simply, a severely skewed income distribution harms the pace and sustainability of growth over the longer term. It leads to an economy of exclusion, and a wasteland of discarded potential (Scroll, 2016).

She compares rising inequality in the US and India.

In the US, inequality is back to where it was before the Great Depression, and the richest 1 per cent

captured 95 per cent of all income gains since 2009, while the bottom 90 per cent got poorer. In India, the net worth of the billionaire community increased twelvefold in 15 years, enough to eliminate absolute poverty in this country twice over (Scroll, 2016).

She argues that distribution of wealth matters, and contrary to prevailing economic orthodoxy until now, redistribution policies are not counterproductive for growth, 'because if you increase the income share of the poorest, it has a multiplying effect on growth...but this does not happen if you do so with the richest' (Ibid.).

A fair and sober assessment of the impact of 25 years of economic reforms in India therefore requires on the one hand an acknowledgment of its contribution to unleash the potential of the economy for growth and the creation of wealth. But at the same time, it is both callous and disingenuous to ignore the evidence that growth by itself is no guarantee of a better life for people of social and economic disadvantage, which surely should be both its primary objective and the paramount yardstick for evaluation of its success.

What is staring us in the face is the crisis of neo-liberal capitalism and its greatest betrayal: its spectacular failure to create decent work. We were told that if a policy regime is created in which big business invests more and makes massive profits, and the State withdraws from provisioning public goods like education, health-care, water, sanitation and housing, impoverished and deprived people would still be better off because they would have more well-paid jobs. They would then not have to depend on a corrupt, inefficient and slothful State, and instead would be able to buy the best and most competitive public goods from the market. However, the core of this argument has collapsed because huge private profits are being made, the public sector in health and education has shrunk and caved in, but job-creation is almost at a

standstill. Without decent work and earnings, all that neo-liberalism is doing for the poor is to widen the gaps between them and better-off people, while excluding them even more decisively from public goods that are essential for a human life of dignity.

Twenty-five years ago, when Dr Manmohan Singh spoke to the nation of an idea of which he was convinced the time had come, he called for freeing ourselves from one set of orthodoxies. But his prescriptions have had mixed results, many of its promises are unrealized, and millions still live wretched lives of avoidable suffering with oppression and want. In the long dark shadows of the glitter of economic reforms lie the unequal distribution of wealth, crony capitalism, low public investments in health, education, social protection and infrastructure, and the continuing neglect of small-farm agriculture. These continue to shackle millions into hunger, want, low-end uncertain employment, distress footloose migration, damaged health and denial of education that destroy the full potential of many millions of young people, still trapped in doctoral scholar Rohith Vemula's haunting description of 'fatal accident' of their births.

The radical prescriptions of 1991 have become the powerful new orthodoxies of today, canons which have conquered not just India but most of the world.

There is an implicit and sometimes explicit assertion in some circles that anyone who questions the push towards urbanisation, privatisation and neo-liberalism in general, which Chidambaram's model of development rests on, 'lacks perspective' or is stuck in an outdated mindset that romantics (*sic*) 'tradition' and resents 'progress' and the private sector (Todhunter, 2013).

But new voices in many parts of the world, such as of Bernie Sanders in the United States, are speaking out against these orthodoxies. Today in

India we need to summon even greater courage than we did 25 years ago to liberate ourselves from these new dogmas. Only then will we muster the political and moral will to change course once again, to recognize that all people deserve decent work, health care, education and social protection; that markets cannot assure them these; and that wealth is not development unless it is shared.

But to change course, more than courage we need compassion.

II

Examining Public Goods and Equity: Overview of IXR 2016

As with earlier Exclusion Reports in this series, we take a particular understanding of the idea of 'public goods', which we define as 'goods, services, attainments, capabilities, functionings and freedoms—individual and collective—that are essential for a human being to live with human dignity' (Mander, 2015). These reports specifically focus on the exclusions from public goods and the role of the State. This is not because we do not recognize that groups of people may be denied access to various public goods, because of social and market exclusions, such as gender and caste in the first case, and simply not having the money to buy public goods from the market in the second. But our focus is on the role of the State, because we believe it is the duty of the State in a democracy to ensure equitable and universal access of all persons to all public goods. We are mindful that in practice the state may not just prevent or correct social and market exclusions, but may perpetuate exclusions, or may itself exclude, or as Barbara Harriss White points out in the context of destitute people, it may even actively expel populations through the design and implementation of its laws and policies (White, 2005, 881–91).

Each Exclusion Report is designed to examine

in depth four public goods from the perspective of exclusion. We select the first of these four public goods from what may be broadly designated the social sector. The public good that is examined for this report is pensions for older people. The second public good must be from the general area of infrastructure. This report chose to look at digital access as a public good. This selection was made before the tsunami of demonetization was imagined by us, or unleashed literally overnight by the central government in November 2016. But these events, months before the report went to the press, gives this chapter an unexpected urgency and topicality. The third public good in each Exclusion Report is selected from the cluster of land, labour and natural resources. This report chooses to look at agricultural land as a public good. And the fourth public good must be from the broad area of legal justice. This report looks at legal justice as a public good for those in conflict with the law.

Why are these public goods?

The first part of each of these chapters argues why these are public goods. The pensions chapter defines the public good as the unconditional and regular transfer of cash from the state to older individuals in recognition of the entitlement of living with dignity for those in advanced stages of life. It argues that such a pension system should cover all who face the possibility of spending their advanced years without any kind of regular income, without the condition of any contribution from their side. It builds its argument for pensions to be recognised as a public good by relying on Amartya Sen's (1992) universal idea of capabilities which rests on the freedom to achieve well-being of oneself. It argues that considering the constraints of the economic system and the physical impacts of advancing age, income security can be a fundamental way to ensure the 'capabilities' required for a dignified life for oneself.

The chapter underlines that contrary to common ageist stereotypes, older people often make valuable contributions, economically, socially, culturally and to the care economy. These contributions should be recognized, respected, and where work is for wages, justly and lawfully remunerated. But at the same time, it recognizes that in later stages of life, some decline in physical and intellectual capacities may occur, and given a choice, some older persons may prefer to rest or reduce their work. Older persons will also have increased economic needs because of health-care expense, reduced mobility and sometimes the needs for home-based care. Pensions therefore should be recognized as a core and inalienable right of older persons, to make a genuinely free choice about whether or not they wish to work, and if they do not, to ensure they have sufficient funds to lead a healthy life with dignity and autonomy.

The chapter examines both moral and economic arguments for pensions as a public good. It refers to an oft-repeated moral claim that the well-being of the older generation is a responsibility of the younger generations. Central to this argument are ideas of debt, gratitude and care between the generations. Another argument views pensions as rightful wages that the employees defer during the period of their employment. The chapter also views pensions through the lens of equality, and suggests that pensions be framed as a recognition of the contribution people make all through their lives which is reflected in the aggregate income generated by the country. This formulation is mindful of the nature of work engagement, that of unregulated or unpaid labour within and outside the home, as experienced by women, casual workers, migrants and older adults in economies dominated by informal work.

At the time that the chapter was conceptualized and written, the case for the digital medium to be recognized as a public good was less obvious than that for many of the other public goods that the series of Exclusion Reports have examined so

far, such as education, health care, housing and decent work. But after the year-end ultra-shock therapy of demonetization and the consequent coercion to enter the cashless world of economic transactions, far fewer people would argue against universal and equitable access to the digital medium being a public good. However, the chapter underlines that the digital medium acts as a possible vehicle to other public goods; it is not the end in itself but acts as the means to desired ends. It argues accordingly that the digital medium facilitates access to many other valued public goods, such as information, knowledge and ideas; communication, participation, association; and the non-tangible freedom of anonymity. As a powerful example of the last, it describes highly stigmatized persons living with HIV who have been abandoned by their families, but find self-expression and worth and become gainfully employed, all without being judged, with the anonymity of the internet. A unique feature of ICTs, the authors point out, is the power that it gives the common person, without any prejudice of caste, gender, creed, age or physical nature. It speaks of students who are unable to maximize the benefits of higher education due to lack of access to the internet, daily wagers who lose their day earnings just to get their identity card printed, and the ways this facilitates both transparency and access for a range of rights such as to pension, daily wage, food, basic health facilities and education.

The chapter on agricultural land addresses the systematic starvation of public resources for agriculture in neo-liberal India, nurtured by the idea that the massive transfer of people out of agriculture is both a marker and a mandatory ingredient of 'development', results in growing exclusions from agriculture. In a society where access to land has been historically shaped by caste-based exclusions and disappropriation under the colonial experience, the present neo-liberal model only exacerbates such exclusions. Those expelled from agriculture end up

in the informal labour pool, where they continue to face a range of harsh exclusions. Unsurprisingly the informal labour reservoirs in India are mostly comprised of those who are most socially and historically marginalized—the indigenous peoples or Adivasis, Dalits, landless people, migrant workers, refugees and so on. Women also constitute an important segment of this pool. The authors interrogate this continued process of exclusion by the state of agriculture as well as the tenability and desirability of creating ever-growing armies of desperate wage labour reserves. They argue that the resolution of the deepening outcomes of exclusion and deprivation, and the resolution of the agrarian crisis in India in favour of the populations who have faced multiple denials, requires a return to the recognition of the centrality of the land question in rural India, and of equitable access to land as an essential public good.

The fourth chapter makes a powerful case for legal justice contextualising the predicament of jailed 'under-trial' prisoners. It argues for the following elements to be necessary for any accused person in a just penal system: the presumption of innocence, rights upon arrest and bail, right to counsel, and fair trial guarantees including protection from undue delays. It calls for finding the just balance between the need for public order, and the need for individual liberty (A. Chandra and M. Satish, 2016). It quotes powerfully a lament of the Supreme Court 36 years ago that

[i]t is high time that...the Government [and] the judiciary begin to realise that in the dark cells of our prisons there are large numbers of men and women who are waiting patiently, impatiently perhaps, but in vain, for justice—a commodity which is tragically beyond their reach and grasp. Law has become for them an instrument of injustice and they are helpless and despairing victims of the callousness of the legal and judicial system.⁵

The chapter underlines the irony that the words quoted above could have been written today.

It articulates that ‘justice’ was a commodity or public good that the hapless under trial prisoner was being deprived of. The authors underline that inadequate access to this public good implies not just a difficulty in accessing other positive externalities and public goods such as education, health, livelihood and legal aid, but also severely impedes human dignity, and gives rise to stigma within communities and beyond.

Who is Excluded from these Public Goods?

The headline of this and indeed every Exclusion Report so far has been that the evidence is consistent that for virtually every public good that we examine, it is always the same sets of peoples who are excluded. These are the historically oppressed groups of women, Dalits, Adivasis, Muslims, persons with disabilities and casual informal workers and the poor. This report only confirms further these findings, and illuminates the multiple ways in which even the democratic state in the Indian republic has failed these oppressed peoples and not assured them equitable access to the public goods essential for them to lead lives of dignity.

The Exclusion Report presents estimates that in India at present a little over one-third⁶ of older persons (above 60 years) receive some form of pensions. It points out that less than 15 per cent of the labour force has formal and consistent employee-employer arrangements that entitle them to any kind of social security, old age pensions in particular (NSS 68th round 2012). In light of this fact, it argues, the Indian State’s reliance on a narrowly-targeted, means-tested scheme on the one hand and an individual contribution-based scheme on the other to ensure dignified living for the old, is unjust, excluding and incompatible with the prevailing socio-economic reality of widespread poverty and a mostly unorganized and unprotected workforce.

The report goes on to observe that the State-funded National Old Age Pension is restricted to

persons from those households which are officially deemed to be Below Poverty Line (or BPL). Pensions are an individual and not household entitlement, therefore household BPL measures do not account for intra-family poverty, especially of women and most of all single women. It quotes many studies (including official studies) that have established that BPL lists are non-transparent and unreliable, and tend to exclude more poor people than they include, as well as Dalits, Adivasis, women, migrant and casual workers.

The exclusions are even more profound for the Atal Pension Yojna which is a contributory scheme requiring regular payments for a minimum of 20 years to a maximum of 40 years. Subscription to this scheme would entail multiple capabilities — access, control over excess income, and regularity of income that enable an individual to make timely payments on quarterly, half yearly or yearly basis. At the present average salary rate for a vast majority of people, payment for a financial product can only be managed by reducing necessary (and already highly insufficient) costs on essentials such as food, housing and transportation. Combined with low wages and poverty, the challenge of informality of labour relations makes mandatory, regular payments for privately procured social security schemes even more difficult. The conceptualization of this scheme as a public good is in itself profoundly flawed. More than half the rural households are engaged in manual casual labour as their primary employment. A hallmark feature of employment in the unorganized sector is that of irregularity of jobs as well as income. And women are excluded the most from decently paid wage work, as well as the agency to decide how to use money in the formal economy as required by contributory schemes. Very far from the union government’s ultimately disingenuous claims that the Atal Pension Yojna aims at reaching all those who form part of the ‘unpensioned society’, the scheme is in fact largely blind to the pension needs as well as limitations that

women who constitute nearly half the population and most informal workers face.

The report defines ‘digital exclusion’ as denial or inequality with regard to personal access to ICTs; the skills to use the devices of one’s own without having any assistance; and the ability to leverage the benefits of ICTs. It identifies poverty as a major barrier to internet access, meaning that the income poor are the first large group who are digitally excluded. One study (Ericsson Consumer Lab, 2015) estimates that even with the low and competitive prices of devices and data plans compared with the rest of the world, internet access in India remains beyond the reach of close to 1.063 billion people as the lower income group does not have discretionary money⁷ to spend on cyber cafes or to get internet connectivity on their own to access digital information. This is a sobering estimate, because it suggests that a large majority of Indian people are digitally excluded. The second barrier to people’s access to and use of the internet is geographic location, with people residing in more prosperous and urbanized regions having higher internet penetration rates than poorer regions. The third set of people excluded from the digital medium are people lacking or low in educational and digital literacy. People in many disadvantaged groups are often precluded from making use of ICTs because of low levels of computing and technology skills and more importantly, literacy skills. The report also highlights the gender digital divide as one of the most significant inequalities amplified by the digital revolution⁸ as also the exclusion of PWDs and older people in accessing services or the challenges they face in accessing them.

Coming to the third public good of agricultural land, the report quotes official as well as scholarly research to demonstrate that the pattern of land distribution in India closely reflects the existing socio-economic hierarchy. While large landowners invariably belong to the upper castes, cultivators belong to the middle castes, and agricultural

workers are largely Dalits and Tribals (Ministry of Rural Development, 2013). The report also confirms that the other most commonly exercised exclusion, apart from social group, is on the basis of sex. As a result of the failure of the rural economy to provide opportunities for decent work, male members of households are migrating away from agriculture which eventually burdens the women in the family with all/most of the agricultural labour; yet neither do they have any role in the decision making related to agricultural work nor do they have any right to the land. They are expected to work as labourers in the fields of their own families (Kodoth, 2004, 1911–1920). The report also observes that the Muslim community in India has lagged behind the most among all other socio-religious communities in land rights. It further presents hard-to-find data to demonstrate the enormous exclusion of people with disabilities in agriculture and land holdings.

The report collates and marshals strong evidence suggesting the systematic bias of the criminal justice system against SCs, STs, Muslims, people denied formal education, and the poor. The National Crime Records Bureau 2015, indicates that almost two-thirds, i.e., 65.56 per cent of all undertrials prisoners (UTPs) are from SC, ST or OBC communities and 30.24 per cent are from (religious) minority communities.⁹ Muslims constitute 20.94 per cent of UTPs, thereby over-represented by almost seven percentage points.¹⁰ 28.55 per cent of UTPs are illiterate,¹¹ suggesting indirectly a high association with poverty. These figures indicate that a large proportion of UTPs consists of individuals who face different kinds of socio-economic and political disadvantages which may affect their ability to seek legal justice once in conflict with the law.

The report shows that it is most commonly the poor—daily wage earners and migrants, women, youth, Adivasis, Dalits, Muslims, the elderly, children, transgendered people, and the mentally ill who are excluded from access to legal justice. In a CES study (with the National Human Rights

Commission) of UTP jails in Uttar Pradesh, poverty and illiteracy were found to have a strong bearing on perceptions of criminality among the police personnel. Personnel in every district consistently displayed discriminatory attitudes towards Muslims, attributing their participation in crime to inherent 'criminal traits' such as 'aggression'. The UP Police Manual, like police manuals of other states, continues to contain instructions for profiling of former Criminal Tribes. The report also details results of the CES study to demonstrate that the likelihood of getting out on bail is reduced, sometimes significantly, for members of these demographic categories. It also found that young people from these deprived groups are more likely to secure release through plea bargaining (thereby being convicted) than by getting access to bail. This enables their entry into police records as 'history-sheeters', trapping them for the rest of their lives in the criminal justice system.

Processes of Exclusion

All the chapters find, as in earlier reports, that these exclusions occur because of equity-related flaws in the design, or else in the implementation, of relevant law and policy.

The report evaluates whether pensions are inclusive and just, employing four criteria—coverage, adequacy, age of initiation and transparency and ease of disbursement of pension. No constitutional or legal obligation exists for the government to ensure pensions for older people. The National Social Assistance Programme (NSAP), the key programme through which pensions are disbursed, is a government initiative and not a statutory scheme governed by any legislation. This is different from several public goods, like school education, food, rural employment and forest rights, which are now legal rights, even if qualified and conditional. It is striking that some laws make the responsibility for care of older people vest

within the unit of the family alone even when the household is poor, while there is no legal obligation on the State to provide an alternative. Central contributions to pensions were fixed in 1995 at INR 75 (at that time equivalent to about 1.5\$US) *for a month*. In 2005 it was revised to INR 200 (less than three US\$) and since then it has not been revised. The outlays on pensions account for close to 0.05 per cent of GDP. Design flaws are even more glaring with the Atal Pension Yojna. Although officially touted as a social protection scheme, and marketed under the National Pension Scheme by the State, it is by design just another financial product developed for maximizing private profit rather than the public good. The underlying premise is that by implication it makes individuals responsible for protecting themselves against old age poverty and unfair conditions of work, and simultaneously absolves the State from its responsibility to address old age income insurance.

For digital inclusion, the report notes that India refused to be a signatory to a non-binding resolution titled 'The promotion, protection and enjoyment of human rights on the internet' at the 32nd session of the United Nations Human Rights Council. The government's reluctance to signing a non-binding resolution to incorporate a rights-based approach to ensuring this access spoke volumes.

The dismal results of the Common Service Centre which was conceptualized as 'front end service delivery outlets enabling smooth and transparent governance at the village level' notes both under-funding and biases in implementation as shown in the report. Only 10 states were able to establish these on time. The bottlenecks on the ground were the poor IT infrastructure; lack of adequate institutional frameworks and governance mechanisms; failures of state government to allot land; particularly in the northeastern states as well as states like Jharkhand and Chhattisgarh the uneven and rough geographical terrain acted as a barrier; poor connectivity; reliance on village-level

entrepreneurs with the right skill sets who may not be available because of factors like low literacy; and lack of cooperation from government officials, especially at lower levels. These problems riddle other initiatives as well, such as the high-profile Digital India programme of the union government led by Narendra Modi, which aimed to provide broadband connectivity through optical fibre to 2,50,000 Gram Panchayats in an effort to provide last mile connectivity as critical infrastructure. There have been delays in the roll-out. More significantly, 100,200 panchayats were targeted under Phase 1 which was scheduled to be completed in March 2014. As of April 2016, only 48,199 panchayats were covered. But only 6727 panchayats have internet access, only 13 per cent of the connected panchayats or 6 per cent of the total scheduled for Phase 1. This is an important reality-check that must be heeded by policy-makers who dream of a cashless India despite failures of the government to ensure connectivity to the mass of the rural populace. The key mediators of the traditional exclusionary process described earlier created what the writers call 'double-trouble' for the groups disadvantaged by gender, caste, religious identity, class and disability, whose digital exclusion leads to financial exclusion, which in the new thrust to a cashless economy are further disadvantaged in their livelihoods and access to a range of public goods.

The continued exclusion of vulnerable populations from land is explained in the report as largely the consequence of the failure of land reforms in the absence of political commitment. The percentage of land redistributed was limited and the small amounts of land which were redistributed remained mostly promises on paper with no real efforts towards implementation. Cultivable wastelands are often actually cultivated by large, upper-caste landowners, and the proposed allotments to scheduled caste and scheduled tribe landless households also often remain on paper, as these allottees are forcefully evicted or at times

not even allowed to take possession. Though the national guidelines are that 50 per cent of the land to be distributed through land reform measures should be to scheduled caste and scheduled tribe beneficiaries, the distribution pattern in many states reveals a bias in favour of non-scheduled groups. And the very idea of women as owners of agricultural land or indeed of women as farmers was outside the imagination, let alone the implementation, of land reforms.

Tenancy laws have also mostly failed tenants in general, but more specifically they have failed these historically disadvantaged groups. Tenancy in India is mostly hidden and informal. Only 9 per cent of farmers are recorded to be tenants as per the NSSO data. In reality, this figure could be three times or more. The landless and the marginal farmers constitute the bulk of those leasing in land. The Scheduled Castes have a slightly larger share in tenancy, but the average land holding of these leased in lands is hardly 0.28 hectares. Around 53 per cent of SC households lease in land on the most adverse terms on the basis of share in produce, which is a result of their feeble bargaining power.

The report points to many aspects of the opaque and formalistic structures and institutions within the criminal justice system function, that result in a situation in which people of socio-economic-cultural-political disadvantage find it much harder to access justice. It describes the unjust practice of plea bargaining in the name of judicial reform.

It also elaborates many aspects of institutional bias. For instance, many policepersons interviewed in the CES study admitted to charging individuals falsely under The Arms Act (1959), the NDPS Act (1985), the Public Gambling Act (1867), the UP Prevention of Cow Slaughter Act (1955) and the UP Excise Act (1910), all for the larger 'good' to 'control' crime across the five districts of UP. In other words, men they regard to be criminal or inclined to crime are charged falsely with the possession of unlawful

materials—unlicensed arms, narcotics, beef, cows, bulls or bullocks, and quantities of liquor above 1.5 litre—because the paperwork takes less time than an actual investigation (CES report, p. 42). Mental illness is found to be a reason for why families pay the police to incarcerate family members. There are also widely-held prejudiced beliefs about disadvantaged communities, most of all about Muslims.

It records the reluctance of the police to grant bail for bailable offences based on past history or ‘criminal appearance’, and the judiciary under-utilizes provisions for release on personal bond. There are blatant violations of rights relating to arrest, including the lack of intimation of grounds of arrest and the right to bail in the case of bailable offences. And of course, almost as a rule the denial of quality legal aid—grossly inadequate and poor quality legal aid services (delays in appointment, absence at prison, absence from courts, lack of adherence to guidelines—coupled with extractive private lawyers. The report also finds that policepersons, lawyers, jail staff, even judges, are often poorly informed about even the classification of offences as bailable or non-bailable, and court rulings and law amendments that advance the rights of the accused. Large physical distances of jails from the main town/city, coupled with poor public transport connectivity creates a further disincentive for lawyers to meet their clients at the jail, and makes it difficult for family or friends to visit the inmate.

Consequences of Exclusions

As with earlier reports, another significant finding of this report is that the exclusion of peoples from any of the public goods examined in this chapter result in their exclusion from several other public goods too in a domino effect.

In India, the average life expectancy at the age of 60 years is an additional 18 years. This means that at the official age of retirement an individual needs to

plan to provide for themselves for an additional 18 years, taking into account age-induced incapacities if any and reduced income. Rapid decline into abject poverty, consumption contraction, decline in health and quality of life are the most widespread consequences of exclusion from pensions in advanced age. Not having access to good nutrition or health services impacts their ability to participate in ‘gainful employment’. On the other hand, a weak pension system offers a majority of workers no real option whether they wish to work or not. Studies also show that homes in which the old did not receive pensions recorded higher incidences of the second generation being involved in child labour. There are also macro-impacts; amplification of poverty and inequality in society, contraction of the economy are generally the expected impacts when the majority of the people in a country age without old age social security.

People on the wrong side of the digital divide lack access to information that ICTs allow others to reach with the push of a button. This limits opportunities for self-growth, empowerment, self-confidence, self-determination and deepening people’s citizenship. ICTs can provide useful aids in education, including for distance education, access to expensive and otherwise inaccessible educational materials, and computer-based tutorials and simulation software for the sciences. The report mentions exclusion from potential information for education, health, employment and recreation for older people, persons with disability and others. In addition, the people who can operate computers and have access to the internet stand a better chance than those who are digitally excluded, though literate and otherwise competent, to get even a secretarial job let alone an administrative one. Women with no internet are not able to access the vast plethora of health-related services, especially related to the sensitive issues that women are not comfortable in discussing with others. The exclusion from banking transactions

becomes even more damaging in the recent context of the union government's sudden galloping drive to a cashless economy. The chapter also speaks of the imperfectly realized benefits of placing MG NREGA details online and digital wage payments. But on the other hand, placing more and more information about government programmes on the internet certainly has expanded transparency, and this enables citizens to hold public officials more accountable.

The consequences of exclusion from land ownership and agriculture in India has condemned millions into endemic and chronic poverty, seriously limiting possibilities of upward mobility for future generations belonging to such poor households. When data on exclusions in agriculture is superimposed with the data of informal workers in India, it becomes clear that exclusion from land and agriculture eventually forces peasants to seek out the life of a wage earner working either on others' lands or taking up non-agrarian pursuits, often in distant lands with no security or permanence. Twenty-five years of economic reforms has created a chronic crisis in agriculture, visible in the unending epidemic of farmer suicides. As per the National Crime Records Bureau, in the 20 years between 1995 and 2014, more than 3 lakh farmers committed suicide. Working on the land of others in the context of a crisis-ridden agrarian situation means mortgaging a future to underpaid seasonal wage work; contract bondage, unpaid work without any form of social security, or unprotected tenancy. These distressed rural migrants form a large chunk of 'informal sector' workers. The rural origin pockets in urban areas result in a number of slum settlements characterized by inadequate water and sanitation facilities, insufficient housing and increased food insecurity.

The absence of land and irrigation are the major factors pushing poor households to find jobs through short-term migration. The rate of temporary migration is highest among STs and

SCs, the landless and marginal farmers. The latter form three-quarters of distress migrants in the country. Pauperization embedded in this process of semi-proletarianization produces disastrous consequences for the families involved: hunger, undernourishment, starvation and its impact on the health and longevity of families, school drop-outs and child labour.

Unjust, repeated and prolonged incarceration lead to losses of social attainments, capabilities, and development during the time the undertrials spend in prison. Very often, these cause ruptures, and sometimes permanent breaks in employment, livelihood, education and shelter, for the family left outside as much for the individual after he or she is released. There is also a stigma in community, for spouses, parents, siblings, also for children of undertrials. The authors underline that the denial of the right to bail and legal justice very often results in perpetuating cycles of poverty and widening inequalities (between both individuals *and for entire communities*). It also reinforces marginalization based on religion, caste, ethnic identity or class in the way the system treats individuals; often in terms of dignity, a reinforcement of the oppression that exists outside the prison on the basis of caste, community, class, and religion. Particularly grave are the consequences if the sole earner is in prison, or in the case of a single parent being in prison, often women, creating the need to leave children in the care of acquaintances, sometimes in unsafe environs. It also may result in a worsening of conditions of mental illness and health more broadly.

There is also the vicious cycle of adverse legal outcomes. A person on bail is in a better position to prepare or present his or her case compared to one in custody. Accepting guilt in plea bargaining is found to create permanent unequal outcomes in the future. It is much harder to gain formal employment outside prison. It colours others'

perceptions, including institutions and individuals within the criminal justice system. You are seen to have a criminal record that is likely to haunt you. If you're charged in multiple cases, even if the first charge was completely unjust, you are still seen as a potential and repeat offender. Entire communities may be criminalized in this way.

III

Exclusion in Budgets & Planning

In a timely and reflective chapter, Subrat Das, Amar Chanchal and Jawed Alam Khan try to examine what implications the greater financial devolution to the states has had, and is likely to have, on social sector spending in the states. The considerable increase in the magnitude of untied resources transferred to states from 32 to 42 per cent every year is accompanied by significant reductions in the union government's financial assistance to states and budget outlays for many central schemes. The net increase in state resources has been modest in many states—some states have even shown a decline—but there is a higher magnitude of untied funds with the states. The authors find that for social sector programmes connected with child nutrition, school meals, drinking water and public health, there is reduced support from the union government to the states. The onus shifts therefore to the states to compensate for this reduction in terms of a higher state share.

In a close examination of the budgets of 10 states, they find a lower priority in state budget allocation for education in Assam, Bihar, Madhya Pradesh, Jharkhand, Maharashtra and Odisha in 2016–17. Allocations for health have fared a little better, except in Jharkhand and Maharashtra. Allocations for social welfare suffered in all states except Assam, Jharkhand and Madhya Pradesh; this includes allocation for women and child development, persons with disabilities and welfare

of Scheduled Castes, Scheduled Tribes, and Minorities. They caution further that the squeeze in social sector spending translates itself often in reduced investment in human resources for these sectors—numbers, job security and training—but this neglects the fact these sectors primarily depend on trained and motivated staffing.

They conclude that the ability of the poorer states to expand their fiscal space with own revenue collection is limited. Moreover, demands from sectors such as energy and other infrastructure sectors, general administration, and law and order could result in even more intense competition for social sector resources. They believe that the only way to achieve the twin goals of greater autonomy to the states and stepping up expenditure in the social sectors would be through an increase in the tax-GDP ratio in the country, which remains lower and more regressive than for most comparable countries.

IV

Profiles of Vulnerable Communities

As with other reports, the last part of the report is based on detailed ethnographies of a range of especially vulnerable and oppressed peoples. These are important to understand the actual lived experience and the processes of vulnerabilization of people who suffer multiple forms of denials and exclusions from a range of public goods. Unlike the first part of the report, the point of vantage is not the public good but sets of people who live in especially difficult circumstances. The highly marginalized and exploited people studied for this Exclusion Report are manual scavengers, urban poor people of Delhi, urban street children, and rural women, and girls with disability.

The authors of the chapter on manual scavengers affirm most importantly that any amount of effort by the government to make scavenging safer and

healthier cannot ensure a dignified life for people engaged in dehumanizing work such as cleaning human filth. Their social indignity is linked inextricably to caste, and in addition in most cases the gender into which they are born. The only way forward to improve the condition of the lives of this community would be to create a life away from this work. This barbaric system, they say, whereby a community is tasked with cleaning human excreta, has endured for centuries even in democratic India because it proves to be a cheap and convenient sanitation solution. The system dates back several thousands of years, put in place and maintained there by a Brahminical-Manuwadi oppressive social structure that persists even today. This casteist practice whereby the burden of cleaning human excreta rests on Dalits has over the years been legitimized institutionally and is today propped up by the political classes and the government as society can't be bothered to find a way of managing their own shit.

The dirtiest form of manual scavenging involves the cleaning of untreated human excreta in dry latrines by hand. This is mostly done by women. Dry latrines are usually inside the home and the owners prefer women to enter their homes to clean. The safai karmachari community is equally patriarchal and creates conditions whereby it is women who have to take up jobs that pay the least and are most looked down on. The report quotes Saroj, manual scavenger from Haryana:

Would you be alright sitting in a gutter? After relieving yourself you clean your hands with soap because they are dirty, right?! We have to carry that very same excreta. Our health is bound to be bad because our work is with filth. We menstruate more during our periods, suffer from miscarriages more, our children are often born with some deformity or disability, asthma, and other allergies causing skin lesions and itching are common side effects. We chew tobacco to counter the smells and this leads to a higher incidence of Tuberculosis. This is only to name a few....

It has often been anecdotally observed that it is very rare for a safai karmachari to reach the age whereby he or she is eligible for old age pensions. The level of education in the safai karmachari community is very low. Children of the community are often addressed and insulted by various caste names in schools both by teachers and children from other castes who are socialized in caste norms to not come into contact with scavenger children. At the primary level, they may attend schools in the mohallas exclusively for children of the community and identified as such, for instance a Valmiki school or a Vatal school. The level of education here is extremely poor. When they come out of primary school and attend schools in which children from other communities study as well, they are forced to carry their scavenger identity with them (even if they do not engage in the work themselves) and are sometimes forced to clean the toilets of the schools they study in. Shamed and humiliated, they often lose heart and drop out early.

The chapter describes the powerful resistance of the safai karmachari community against the practice of manual scavenging, through direct action like symbolically burning baskets and demolishing dry toilets and public pledges to give up this profession; documentation of thousands of cases of manual scavengers to prove that the government's reports that the practice has ended are proved false; and a long and powerful litigation in the Supreme Court. It also traces the efforts for a stronger legal regime to end manual scavenging. In recent years, the movement has added a strong focus on the problems of sewer workers. These are also men from the same safai karmachari community, who are forced to enter sewers, directly immersing themselves in human excreta and risking their lives.

The chapter on the urban poor people in Delhi attempts to depict the extreme heterogeneity of this population, using the framework offered by the Hashim Committee constituted by the Planning Commission. This suggested an analytical

framework for the understanding of urban poverty against a threefold axis reflecting three main categories of vulnerabilities that this population faces: residential, occupational and social.

In the residentially vulnerable frame, the chapter looks carefully at the situation of homeless persons, slum residents and those who live in slum resettlement colonies. It speaks of high homeless deaths, the extremely uncertain and low-end work, and the paradoxically high costs of surviving on the streets because even the most mundane needs have to be bought or hired in the market, from food, toilet and bathing, to even hiring a blanket for winter nights on pavements. It also reflects on the chronic character of homelessness: a man who has been 40 years without a home, says: 'When I came I used to sleep on the footpath for years. You can get some work in Delhi on the roads, and get some food too. But you will not find a place to sleep.'

The section on slum residents focuses on sprawling settlements of habitations that are unfit for human survival built on public land and officially treated merely as illegal 'encroachments' that have to be 'cleared'. This official approach neglects the fact that slums are a result of the failures of public policy to create affordable houses, self-owned or rental, for the massive informal working and migrant populations, and this predicament is aggravated further by frequent demolitions without humanely planned resettlement. It describes in particular, the plight of one such settlement which reports more than five demolitions in 35 years, although there are people with official records that date back 35 years. The most recent was one year before the field study, and the CES researchers found that people were still forced to live under plastic sheets and torn clothes and old saris crafted into makeshift homes, with a few temporary mobile dry toilets and a tanker of water that comes twice a day where the residents collect and store water for daily use. The section also looks at resettlement colonies, in which demolished slum residents are settled,

many kilometres away from the city, often on plots with no public services. It finds that most people resettled here were so far from the city that they lost their livelihood, or school admissions were also interrupted and life almost started afresh. Second, women found it very difficult to get jobs in the area. Few women worked as domestic help in nearby households, but most women did not have a secure source of income any more. The authors also point to festering open drains, the increasing epidemic at the time of research of chikungunya and dengue in almost every household, and enhanced concerns regarding women's safety.

Among Delhi's occupationally vulnerable populations, the chapter profiles street vendors, forced to pay bribes despite progressive changes in the law that have still not touched their lives. The government, the vendors said, made it difficult for those who were trying to earn an honest living. Bribes pushed them further into debt, and the market was particularly hostile to women. A second group that is described is waste-pickers or rag-pickers, whose work includes collecting waste, sorting and segregating it and trading in it. Waste-pickers are classified into four groups: those who carry sacks and collect anything of resale value from open drains, municipal bins, dumping grounds, etc.; who pick, sort and carry in sacks on bicycles items like glass, bottles, and plastics; those who ply tricycles and collect almost 50kg of waste each day and travel long distances to sell them; and those who work for waste dealers collecting and sorting waste for them. Because of the exposure to toxin, waste and working since a young age without protective gear, waste-pickers suffer from cuts, respiratory diseases, tuberculosis and infections. The children of rag pickers often are in the same occupation and denied education. The third group is construction workers. They are recruited on casual and often daily basis either directly by a builder or construction company, but mostly by intermediaries who take a commission on the payment being made. Their

employment is characterized by prolonged work hours with inadequate rest periods, hazardous working conditions, unstable employment and earnings and shifting of workplaces and poor healthcare access. They are typically migrant labour with poor rights, no organization and therefore little say about work conditions. The women are often not paid minimum wages and their children deprived of elementary facilities like health, water, sanitary facilities, education and ration cards.

The chapter goes on to describe the special problems of socially vulnerable groups among the urban poor—persons with disability (PWDs), single women and Muslims. It describes, for instance, Viklang Basti (literally Colony of the Disabled) near the Jawaharlal Nehru Stadium, with 450 households and 1000 people, in which most adults are disabled living a life by alms-seeking, and only around 10 per cent of households have ration cards. It also touches upon Muslims living in under-served ghettos, with difficulties in hiring homes in mixed settlements, and discrimination in schooling and employment.

The third vulnerable group profiled in this Exclusion Report is street children, India being home to the world's largest population of street children. The authors describe how this population of some of the country's most vulnerable children, although physically so visible, are rendered invisible to society and the State, and excluded from access to public goods, such as safety and protection, food and nutrition, health, public space and education. It highlights their deprivations and denials, the violence and exploitation they face, and their daily struggles merely to survive. Because of extreme poverty, substance abuse or irresponsible parentage, the children are left largely to their own devices.

The report highlights that the prevailing polarities in the public discourse are ones of restoration or detention. While the former presumes that the child can only be helped by placing them back in the family, the latter presumes that the best

reaction would be to detain or lock him or her up in everybody's best interest. Both perceptions operate either on the assumption that it is not really the state's responsibility or that there are no real solutions and the best one can do is a temporary Band-Aid approach of 'managing them (read taming them) here and now'. The report on the contrary foregrounds the non-custodial, residential, long-term care approach wherein there is a rich mix of educational, life-skills, recreational and health activities catering to the needs of every individual child in a violence-free environment. The last vulnerable group described in this report is rural women and girls with disability, based on a primary study by CES in villages in Odisha, Karnataka and Jharkhand. The study was unique because rural women and girls with disability participated in the study as researchers. The study confirmed that women and girls living with disabilities in India's rural areas face distinct and extreme forms of exclusion. Not only do they face the kinds of exclusion endemic to members of poverty-stricken rural households—access to food, water and safe housing, social security and health care, basic services and mechanisms of justice delivery—but they also have to deal with aggravated issues of access to these because of the lack of enabling infrastructure, and limitations imposed by their specific disabilities. In the words of a teacher, 'Poverty is the curse for these children.' At the same time, the gendered social exclusions that these girls and women face go far deeper. These are built into the very structure of a society where a physical 'defect' or 'abnormality' is assumed to invalidate a woman's potential to be educated, or married, while marriage remains—within hetero-normative and patriarchal frameworks—the sole route to a stable and permanent source of emotional support. The labour of sustaining a household is disproportionately the women's responsibility, and a failure to perform it is an invalidation of one's viability as a woman. Along with the shame and material consequences of this failure, disabled women also face a frequent, almost

chronic lack of dignity, companionship and sense of individual fulfilment.

What defines their unique situations then, as seen in the research, are two specific and interlocking problems: limitations to their mobility and ability to perform some kind of physical labour, and the lack of educational, professional and social opportunities accessible to these women. Limited mobility—whether enacted directly, in terms of the pain and weakness they feel, or indirectly, through their or their families' fear for their well-being and safety—renders them frequently unable to access work or education outside the home, while simultaneously, in some cases, limiting their attempts to be self-sufficient in housework and self-care. The lack of opportunities prevents them from finding dignity in alternative occupations and reduces them to their circumstantial incapacities.

The role of the family is paradoxical in their lives. It is their main, often only source of support, it may neglect or over-protect, it rarely consults with and often hides and feels shame, and the protective isolation extended by the family only adds a cocoon of silence to the pervasive sexual exploitation of those with disabilities. Marriage is considered the ubiquitous form of social security for rural women by most of our respondents across the three states. Whether or not she was able to earn their own livelihood, perform housework or self-care, and irrespective of her desire to marry, it was a life arrangement to which nearly all aspired, or wished they could aspire, and felt of lesser worth if their situation made marriage seem an unrealistic aspiration. Difficulties in cooking, cleaning, childbearing and child care, washing and fetching water, besides agricultural work if the family owns land, and manual labour if it does not, for married respondents led to guilt and lowered self-worth.

The authors note that for poor rural women in these locations, domestic work—which includes the two distinct tasks of household work and care

work—is always the 'first shift'. Care of children and the sick also take up time, and cannot be shared unless a daughter reaches adolescence. If physically fit for it, cultivation of any land owned by the family is the next priority, and only after that comes paid work. Women any way face huge barriers to equitable access to work that is fairly remunerated, safe and dignified, but for women with disabilities, these difficulties are often incrementally higher. Discrimination about capacity for work and gendered wage rates compound the difficulties many women with orthopaedic and vision disabilities face in going out to work every day. Even with more education, opportunities for employment other than manual labour are practically nil in most villages, with the exception of a few cases of employment as teachers or in NGOs.

Enrolment is denied by schools to those with severe disabilities on grounds of untrained staff, lack of appropriate infrastructure, and in some cases, even a perception of the child as 'incapable of learning'. In many cases, the decision to not send these girls to school is taken at home, by parents who prioritize their non-disabled or male children. At the same time, parents who themselves have had limited or no education are uncertain about their children's fitness for school, and about the utility of education for them in a situation of such limited work opportunities. Children who are able to attend school, mostly children with less restricting disabilities or with access to assistive devices, rarely complained about the experience. Most children reported, hearteningly, that they were treated well by teachers and students, some friends even stopping by their houses before school to help them carry their schoolbags.

Afterword

It is often pertinently asked, who is the intended audience for this series of India Exclusion Reports? The audience that we seek to reach out

to for the reports is diverse. It is of course first for policy makers, scholars and civil society activists for a just public policy. We hope that strong evidence-based analytical reports year after year on the outcomes of governance for India's most oppressed peoples, the vast and comprehensive denials, and the unjust, adverse inclusions, that they face from a wide range of public goods, and the lives of entirely preventable denial and suffering that they continue to endure, will hold up a mirror to the people who engage with public policy and law. We hope that it will persuade them that these outcomes exist, however much they tend to be made invisible in everyday life, and that these outcomes are not inevitable or normal but are the direct outcomes of public policy and law.

But these are not the only, and if we may suggest even the paramount, audiences that we seek for

these Exclusion Reports. We wish to inform and influence, and hopefully even educate, not just the State, but also larger public opinion. Therefore, the India Exclusion Reports are also intended for teaching in universities, and we are trying to prepare teaching notes to help teachers and students to use these Exclusion Reports for pedagogic purposes. We try to share our research output in other Indian languages, mainly Hindi so far, with the communities we base our study upon to learn from them and in return equip them with our methods and analysis. We are also doing versions for young people in graphic novel form which we hope to publish online, and in the future even hope for a version of each Exclusion Report for children as well. Because as I argue in *Looking Away: Inequality, Prejudice and Indifference in New India*, a just and caring State can only be located ultimately in a just and caring society.

Endnotes

1. My gratitude for strong research support and advice from my colleagues Anirban Bhattacharya and Vivek Mishra.
2. As per the FOURTH ANNUAL EMPLOYMENT & UNEMPLOYMENT SURVEY REPORT (2013–14) at the all-India level, 49.5 per cent persons are estimated to be self-employed under the Usual Principal Status Approach followed by 30.9 per cent as casual labour. Only 16.5 per cent were wage/salary earners and the rest 3.0 per cent covered contract workers. See <http://labourbureau.nic.in/Report%20%20Vol%201%20final.pdf>
3. In this section in particular, the contributions of Anirban Bhattacharya and Vivek Mishra have been particularly significant.
4. According to a report by Credit Suisse published in October 2015, the total amount of money owed to the State-owned banks alone was calculated to be INR 3.04 lakh crore. See <http://www.india.com/news/india/reliance-adani-vedanta-group-top-10-companies-with-the-largest-debt-1220822/>
5. For full copy, see judgement on Hussainara Khatoon (I) v. Union of India, (1980) 1 SCC 81, 83.
6. An estimate of over one-third is an approximate derived based on the following figures. About 23 per cent of the old are covered under the IGNOAPS. Eight per cent are covered by private sector employers. The rest are covered by public sector employers. The first figure is based on the total beneficiaries of IGNOAPS presented in Annexure 1 (2,41,67,176 people) and considering the total population of those above the age of 60 years as 10.39 crores. For the second figure see 'When India Ages; whither all Pensions' published by CRISIL Insight in January 2015. Accessed at <https://www.polymerupdate.com/general/special-features/articles/crisil/crisil-27022015-144416.pdf>. For estimates, also see *India Labour and Employment Report 2014: Workers In The Era of Globalisation*; Institute of Human Development, published by Academic Foundation, New Delhi in 2014.
7. Discretionary income is the amount of an individual's income that is left for spending, investing or saving after paying taxes and paying

- for personal necessities, such as food, shelter and clothing. Discretionary income includes money spent on luxury items, vacations, and nonessential goods and services.
8. The Digital Revolution refers to the advancement of technology from analog electronic and mechanical devices to the digital technology available today. The era started during the 1980s and is ongoing. The Digital Revolution also marks the beginning of the Information Era.
 9. Calculated from Govt. of India (2015) NCRB Prison Statistics in India: ‘Table 5.2 – Demographic Profile of Undertrial Prisoners at the end of 2015 (Continued)’p. 103. Religion-wise population: 69.77 (Hindu); 20.94 (Muslim); 3.87 (Sikh); 3.67 (Christian); 1.76 (Others) Caste-wise population: 21.67 (Scheduled Caste); 12.41 (Scheduled Tribe); 31.48 (Other Backward Classes); 34.43 (General).
 10. Muslims constituted 14.23 per cent of the national population based on Census of India 2011 figures. <http://www.census2011.co.in/religion.php>
 11. Ibid.

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