Gandhi's Talisman and Ambedkar's Life of Contradictions

Constitutional Values and the Evolving State Idea in Neo-liberal Majoritarian India

Harsh Mander and Usman Jawed[1]

I

I will give you a talisman. Whenever you are in doubt…apply the following test. Recall the face of the poorest and the weakest man [woman] whom you may have seen, and ask yourself, if the step you contemplate is going to be of any use to him [her]. Will he [she] gain anything by it? Will it restore him [her] to a control over his [her] own life and destiny?…[2]

<div align="right">Mohandas Gandhi</div>

On the 26th of January 1950 (when India's constitution was enforced), we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality…. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life?

<div align="right">Bhimrao Ambedkar</div>

The atmosphere is surcharged with these quarrels and feuds which are called communal disturbances…. But at present the greatest and most important question in India is how to solve the problem of the poor and the starving.[3]

<div align="right">Jawaharlal Nehru</div>

This is the fourth in the annual series of India Exclusion Reports. These reports assemble evidence about the success of governments in India to ensure equitable access to what we call public goods to all segments of people, especially those who are most disadvantaged, variously by class, caste, gender, religious identity, disability, age, ethnicity, language, education or geography. This annual series also portrays people excluded, sometimes expelled, from equitable and just access to a range of public goods, the lived experience of such excluded communities, and the role of the state, of laws, policies, institutions and budgets.

These reports can be viewed in other ways as well. They are evidence-based reflections each year of the extent and ways in which the Indian state has succeeded or failed in fulfilling its constitutional mandate emphasised time and again following India's freedom by the country's founding fathers and mothers. These reflections can be seen as exercises in applying the talisman which Mahatma Gandhi gave to us months before his assassination, which would require us to assess the impact of law and policy on the destinies of India's most dispossessed peoples. The reports similarly gauge whether the contradictions which Dr Ambedkar foresaw and worried about between formal equality in political life and inequality in social and economic life have narrowed or actually widened. Or indeed measure the success of the nation in realising the foremost challenges which India's first Prime Minister Jawaharlal Nehru laid out before the Constituent Assembly, of fighting poverty, hunger and communal violence.

Later in this Introduction, we will argue that many of the priorities of the post-independence Indian state—influenced by the tallest leaders of the time, Mahatma Gandhi, Jawaharlal Nehru and B.R. Ambedkar—have shifted profoundly in what we identify as the idea and priorities of the good state today, under the influence of over a quarter-century of neoliberalism and majoritarian ideas. But first we will look at the broad sweep of the chapters of the current 2017–18 India Exclusion Report.

Profiles of India's Most Oppressed Peoples

Using Gandhi's talisman, this report fittingly begins with a sensitive but harrowing portrait of a group of people who are among those most profoundly and comprehensively denied almost every public good. These are homeless women and men who live with severe mental illness.

The subsequent chapters, their specificities notwithstanding, deal with various shades of labour within the overarching framework of the increasing dispossession and oppression of workers under the neoliberal order. This entails a state that has increasingly diluted in the name of 'labour reforms' whatever bare minimum had been gained by the organised workforce in the preceding decades in the form of rights or social protection. Simultaneously, with millions joining the vast pool of informal workforce, these chapters tell a tale of increasing precarity, circular distress migration and hyper-casualisation. An increasing proportion of this desperate pool of workers accumulate in the urban underbelly living virtually invisibilised lives in the slums or even in homeless conditions.[4]

Urban homeless people with mental illness

The authors Mrinalini Ravi, Lakshmi Ravikanth and Sarbani Das Roy estimate that 600,000 persons live with mental illness on India's city streets. A home, they observe, is woven through with physical, emotional and societal identities which give housed people a sense of space, time and belonging. Deprived of these, homeless people live on the edge: marginalised, discriminated against, and often criminalised. Homeless people even without mental illness are treated as non-citizens, without access to subsidised rations, drinking water, and housing. They live in constant fear of incarceration or displacement from their current street-based living arrangements. They also find no refuge in the legal system to report violations on the streets, or at their place of employment, owing to the deemed illegality of their status. These effects are multi-fold in the case of homeless persons with mental health issues who suffer social exclusion, habitual abuse and distressing pathologies. Many such individuals also consciously remain invisible, or camouflage themselves into the landscape of a busy and largely indifferent metropolis, for fear of being institutionalised.

Homelessness and mental illness frequently coexist, with research still trying to explore this bi-directionality. Given both the massive treatment gap and increases in homelessness, it is highly unlikely that these homeless persons will find themselves in one or the other form of formal mental health service. They will lack access to nutritious food, clean drinking water, clean clothes, free access to public toilets, sanitary napkins for women and support networks. Persons poor and mentally ill have the maximum propensity to fall through the cracks of a largely privatised, urban mental health care system. These persons typically live thirsty, hungry, lacking in basic hygiene, isolated and violated physically, emotionally and sexually.

Homeless persons with mental health issues largely belong to ultra-poor families. A homeless mentally ill person experiences long-term negation of self and relationships, and exclusion from functioning society. The authors describe vast

numbers of such persons outside any care-systems, of family, state or organisations, who can barely survive on the alms provided by passersby. The intake from garbage bins and streets play havoc on the body, and physical survival tends to become endangered. Homeless persons with mental health problems are subjected to various forms of abuse, making them one of the most vulnerable populations in the world. Clients entering the few care services run by the authors often come in with broken bones, burn marks, scars and unwanted pregnancies. Only 5–25 per cent of persons with mental illness are actively engaged in work, with training, placement, stigma and discrimination, interpersonal conflicts, attrition and retention issues, stress management and consistency, becoming major deterrents to their work participation. The numbers of homeless persons among these would be a tiny fraction. Work has, however been one of the primary contributing factors to recovery and re-engagement. It has been found to add meaning, purpose and hope, leading to better self-care, social skills and overall symptom reduction.

Camouflaged into busy city landscapes, years of going unnoticed or interacting with the outside world leaves mentally ill homeless persons without an identity and personhood. They lose touch with who they are, and what makes them who they are. Facing denial and deprivation at every juncture leads to the assumption of a perceived lack of any entitlements. Persons with mental illness living on the streets have limited interactions with the outside world, barring begging. They tend to be disconnected with joy and pleasure; feelings are numbed out of existence, as it were. They claim they have no friends, are not intimate with anyone, and at times they even disclose that they don't know what joy, happiness, and satisfaction are all about. This disconnection from an important core of their being, feelings, makes it seem like some of them are apathetic, which they are not, as they tend to connect with plants and animals, cats and dogs in particular, through stimuli of touch, smell, sound and feel.

The authors explain to us that the experience of inclusion can be complete when homeless persons with psychosocial disability no longer have the fear of belonging; they can then become a part of the social system without being 'fitted in', 'accommodated' and 'explained for'; they feel a sense of 'agency' in their lives, and their integrity is respected and they are not locked up. They can 'choose' the community in which they wish to live, and support services are provided for them to live an independent life. Last, they have a say in the polity, and in all matters that affect their lives. Choices available for homeless persons with mental illness must be varied according to their need for support. Active, easily accessible support needs to be offered to homeless persons with mental illness, for them to access such choices based on the structure of a supportive decision-making mechanism. Stigma and attitudinal challenges that prevail when homelessness and mental health coexist, leading to negative outcomes and criminalisation in many cases, can be resolved if positive models such as shared homes, independent living, total community integration, entitlements, legal rights and agency, and participation in social systems are ensured, as we evolve into a society that can embrace the 'excluded' and the 'included', with the understanding that these positions in life are fluid, and that every life has value.

Tea Garden Workers in the Duars of Bengal

Anirban Bhattacharya draws a vivid and melancholy picture of the contemporary crisis of tea-garden plantation workers in the Duars in the north of Bengal, of lockouts, unpruned tea-bushes, dishevelled garden factories, hunger in the workers' lines, starvation deaths, chronic malnutrition, distress migration and child-trafficking. Identifying the causes of this crisis is not in the scope of the

chapter, which focuses on the consequences of this crisis on the lives of plantation workers. At the receiving end are the workers. Earlier, workers migrated to the plantations; today history has come full circle with tea-workers out-migrating from the gardens in search of a life and living. The author observes that the only escape from the unfreedoms, deceit and betrayals of the management for workers is either death or distress migration. 'With every dying plantation worker,' he quotes a worker, 'the gardens too are dying a slow death.' He documents the growing numbers of hunger deaths, and the denial and apathy of the management and proprietors. They are inclined to making short-term quick profits instead of long-term investment in replanting, revival of soil, etc. The defence put forth by the planters that they are not being able to provide minimum wages considering the lower price realisation at auctions, is basically untrue, because the long run price movement of Indian tea reveals a continuous and secular increasing trend over the decades.

Closures and lock-downs of gardens have brought families to the brink when there was no other way but for members of the family to migrate and sustain their families through remittances. The resultant shocking medley of starvation deaths in the Duars gardens since the early 2000s, and pervasive chronic hunger, have led to desperate searches for any alternative means to sustain themselves, to cope with hunger. This includes even breaking stones or loading boulders for a meagre income. Many migrate, other permanent workers pluck leaves as casual workers. Some leave never to return again. They either disappear or only their bodies return. A sizeable proportion of those migrating were women, although it was difficult to gauge the exact extent of it because of under-reportage considering the sense of shame involved.

Under the Plantation Labour Act, the provisioning of basic needs like water, sanitation, primary education and health and ration was the responsibility of the management. The shutdown meant a sudden collapse of life support from wages to water, from ration to health. They depended on the management for rations which were suddenly halted as the crisis set in. Most workers did not have independent family ration cards and therefore could not access the PDS shops. Work became uncertain, casualised and low-paid. An older worker recalls a time when they used to receive ration, umbrella, shoes, slippers, soap, and glasses. But since the closure, all of this has stopped. 'In my father's time, they would often repair the houses. Now at times during the rains the houses become uninhabitable with no repairs.' Closures also result in suspension of whatever minimal health facilities were available earlier. Older workers recall free primary health services in the gardens; now there is none, with the health centre closed and no medicine. Workers also have no official ownership papers of even the land on which their homesteads stand, therefore they cannot take government loans with this land as their surety. Without free rations, food, clean water and health care, deaths have risen, especially among children.

He reports that even in gardens which have not closed, the management only gives cash wages, and has stopped all the provisions in kind and the public services that came their way in the past. 'The difference between an open and closed garden is just the wage, there is no hospital, no ration.' They have to buy even their own *jhuris* (baskets) for plucking leaves. They are not given gloves or safety glasses for spraying. But conditions are better than the closed gardens because at least they receive their cash wages in full. But as the author points out, free rations were not really 'benefits' but wage compensations. They created a vicious trap of dependency on the garden management, along with other payments in kind, whether basic health, education, sanitation, house repair and firewood. So, a suspension of all such so called 'extras' actually amounts to gross reductions in the workers' share.

This is further complicated because ever since the Central government introduced the universal rations for every resident in the gardens as per Supreme Court orders and the National Food Security Act (NFSA), the management has simply stopped giving its own concessional ration. Instead they are giving the NFSA ration in the company's name. In effect, this means that the tea companies are cornering the subsidies meant for the workers. Calling this a 'ration scam', the author estimates that gardens in the region are illegally stealing 200 crore rupees of subsidy annually which is meant for the workers.

The author observed 10 year olds carrying water on cycles or on their heads every morning. Many children have had to drop out of school, which was their only hope of escape from the graveyard of the gardens. One worker said, 'now again we are eating half portions. Sometimes it is water and rice, sometimes salt and rice. With the garden closed will my son study or feed his family?'

The report recommends that the provisioning of public goods such as subsidised rations, health centres, hospitals, sanitation, education, and so on to the workers should certainly be the responsibility of the government. Also, since the state is subsidising food, education and healthcare, the management must give them proportionately higher cash wages. Along with compelling the management to pay at least full minimum wages in cash to workers, the government should also fix a minimum support price for tea so as to keep the industry sheltered from the vagaries of the market.

Labourers in the Construction Industry

Ravi Shrivastava, one of the country's leading labour economists, describes the conditions of workers in the construction industry, which employs more workers than any sector outside agriculture. After 1983, employment in the construction industry has increased more than seven times, and one out of every five workers employed out of agriculture is a construction worker. Construction workers come from all religious and social backgrounds but with a higher representation of Scheduled Castes and Scheduled Tribes compared to their share in population, with 44 per cent of all workers being either SC or ST. Construction is male-dominated, but the percentage of female workers in construction as compared to all female workers has increased six times from 1983 to 2011–12 (5.9 per cent).

Construction has become the leading source of employment to rural workers who leave agriculture. The author asks that given the massive agrarian distress, is employment in the construction industry purely distress-driven? The answer is complex: data suggests that although employment in construction is uncertain and casualised, workers are able to find employment for durations longer than in agriculture, and on an average with higher incomes, both on account of more employment days and higher daily earnings. However, after the global economic crisis of 2008 and demonetisation, employment in the sector in absolute numbers has come to a standstill, raising doubts about the ability of construction to absorb a part of the growing labour force in the economy including those that are abandoning agriculture. Its concentration in and around large urban centres, unlike cheap and submissive labour which is available largely in poor rural interiors, results in migrant workers being central to the construction industry. The author describes many ways by which the construction industry recruits labour: through local urban or rural labour (including commuting workers). Overall, a rising proportion of construction work in developed states is carried out by circulating workers from the rural areas in poorer states. There may be long-term migrant workers joining the labour force; or short-term circulatory migrant workers who migrate autonomously or through social networks and operate in local labour markets or through contractors; and circulatory labour

migrants who are brought in through labour contractors, sometimes over very long distances. While some workers were recruited for a specific duration or seasonally, and went back to their places of origin at the end of this period, others stayed on, rotating between one site and another, and returned occasionally to their places of origin. In a study in Delhi, it was found that there were fewer migrant workers from states contiguous to Delhi and more from distant states. Therefore the construction industry is dominated by labour circulation, and about a quarter of the workforce are inter-state circulatory labour.

The author points to the distinct character of construction compared with other types of production activity. In its core character, construction has to be carried out on sites through temporary projects. This is further complicated because each of these projects have a set of discrete phases, each having very different worker requirements, in terms of numbers, skills, gender and duration. The sector also involves capital requirements ranging from small-scale and informal to large-scale activity controlled by medium-large firms, with a regional or national character. Third, construction activity tends to converge in and around centres of economic agglomeration. This, he says, results in two opposite tendencies. First, it spurs the need to mobilise large numbers of workers for the construction sites, often from far-off rural hinterlands, which encourages large-scale contractor-based recruitment. But at the same time, because construction work can be broken up functionally into discrete activities, this enables small sub-contracting by chains of work contractors.

The specific character of construction labour, the author observes, has very significant implications for recruitment, labour regulation, and access to social security for these workers. On the one hand, employers want large numbers of submissive workers for limited periods at low wages in large urban construction sites. On the other hand, rural workers are desperate for wage work anywhere on any terms, but have little knowledge and networks. The two are bridged by recruiters. Labour contractors operate either in the origin areas or in the destination areas, with small recruiters being aggregated at source, or being deployed from labour chowks or nakas by small contractors. Advances are common to help workers to smooth out consumption in the lean season but also signal a guaranteed job once they reach the destination. Through these modes of recruitment, migrants trade their freedom to secure advances and assured employment from contractors, resulting in highly exploitative conditions of neo-bondage.

Working conditions are deplorable with workers exposed to scorching heat, rain, cold, dust and hazardous materials. Being predominantly migrant, construction workers mostly live in construction sites in temporary shelters, in huts or under canvas, or in rented rooms in shanties which lack basic amenities, sanitation and safe drinking water, or on the streets. Both recent urban settlers and seasonal migrants tend to lack proof of urban citizenship, denying them those entitlements that are available, at least in principle, to poor urban citizens. Worker's access to health facilities are minimal and they have to bear treatment costs. Wages are low, payments irregular, and working hours long and strenuous. On large construction sites, working hours tend to be as long as 10 to 12 hours, and construction activity could extend 24x7, under flood lights.

Although the construction industry has a large and growing formal segment, the assignment of the main production activity to sites which are temporary in nature, the use of sub-contracting, and the use of a migrant and temporary workforce, has made this a workforce of informal workers. Laws exist meant to protect the rights of association of informal workers as well as to secure minimum conditions of work and social protection to such workers. But the implementation of these provisions

is very weak. The author in one study found that only 3.3 per cent workers knew of inspections at their worksite, therefore pro-active regulation by the state seems virtually non-existent in the construction industry. Poor regulation, the author observes, is also the result of weak unionisation of construction workers. Some reasons are built into the nature of this industry: the informality of the conditions of employment, the conditions of isolation under which they work, the fear of being thrown out of a job, the inaccessibility of workplaces, and its temporary nature in any single location and even city or state.

Construction workers have a small working life span in the industry. Studies show that nearly two-thirds of the workers are below the age of 30 and very few workers are in the age group of 50 years or more. No existing research examines what happens to their family's well-being once these workers retire from construction work. Moreover, fluctuations in construction activity make employment uncertain. All this calls for a social security support system for construction workers. But the nature of the industry erects huge barriers to workers being able to access formal social security. Again there are many social security legislations, covering injury and accidents; retirement benefits; health insurance and treatment; and life cover. But because formal sector entities carry on part of their business in temporary or mobile premises, either by directly engaging workers or through contractors, they act as though they are exempt from covering their workers under these laws.

The chapter on construction workers calls for the harmonisation of certain labour laws applicable to construction workers, aiming at the registration of all principal employers including, with lower limits of investment, registration of all contractors and sub-contractors in the labour recruitment chain, and minimum conditions of work, amenities, and safety rules. Since a large percentage of construction industry workers are circulatory migrants, working

in temporary sites, and often moving between occupations, issuing them identity cards which are portable seems to be a basic requirement. Linking these smart cards with wage payments and social security deductions would be the next step. But the challenge remains that employers do not take existing labour laws seriously, and the state has virtually abdicated its responsibility in enforcing existing labour laws. While there is pervasive evidence of these laws not being observed, the filing of cases and prosecution of offenders takes place in very few cases. There has been a steady erosion in the capacity of the labour departments to enforce laws, but more importantly the state does not show any commitment to implement the laws. The temporary nature of the workforce and the lack of any collective voice also prevents any countervailing action on behalf of the workers.

Home-Based Workers in Delhi

The fourth vulnerable group described in this Report by Nandini Dey and Vivek Mishra are home-based workers in Delhi, mostly but not exclusively women workers. The chapter is based on primary field research conducted in Mangolpuri settlement colonies and Mangeram Park in North West Delhi in 2017. Home-based workers include all workers who carry out remunerative work within their homes or in an adjacent location or in any location that is not the workplace of the employer. One of the chapter's important findings is that there are as many arrangements of work as the varieties of work that women are doing out of their home. Some are running their own self-employed small units of production while simultaneously acting as subcontractors, some are making a living out of their underpaid wages that they receive on piece rate basis, and some work as subcontractors giving out work to other women. They also found a diversity of commodity chains; some ending in large international companies such as Zara, and others in national ones such as Lijjat Papad, while

some small chains where commodities being sold in the local market were also being assembled at home such as toys and stickers. A sample survey of just 80 households in these two locations captured more than 40 different tasks, some of them involving the same commodities such as stitching and embroidery, assembling components of plugs, switches, bulbs, bead and glass work, making rakhis, bangles and bindi designing, rubber cutting, keychain and brush making, sticking price tags to be put on branded garments, packaging toys, etc.

The findings suggest intense precarity of work due to various reasons such as delayed orders, delayed payments, inadequate supply of raw materials, lack of social security provisions, little or no scope for collective bargaining, low wages and health hazards, resulting from the informal labour regime which compounds the vulnerability and exploitation of women home-based workers. The chapter also observes the sexual division of work spaces where the labour of women both as 'housewives' and as producers of goods at home is undermined, reinforcing the systems of control that women have historically been pushed into. This gendered workforce is struggling to balance out its time and space between producing industrial outputs and doing household work. In the few homes where both women and men worked, the authors found that the higher skilled work is carried out by the men. Some women undervalue their low-paid, long-hours-based taxing work to ensure family survival, claiming that they are 'doing it to pass their free time so that they don't chit-chat with other women and roam around when they are idle'.

The authors underline that home-based workers remain invisible to state policies and programmes, as far as the popular understanding of productive labour is concerned. Since most women home-based workers work out of their homes, what work they do, and the effort and time spent on it is not noticeable. Most of the respondents shared that they do home-based work whenever they get free

from other household chores; they do this while chatting, watching TV, etc. Apart from the cultural perception of women's role, it is this flexible nature of this work and the space it is carried out in that make the women internalise the idea that they aren't 'labourers' but they do it to simply pass their free time. Similarly their husbands and other members of the family do not recognise their work as a work of labour or the role of home-based workers as economically active agents. Some workers were in such denial that they called themselves 'only housewives'. Such work is also considered stigmatised and humiliating because of patriarchal social norms that women shouldn't go out and work and shouldn't deal with strangers, particularly men. This work is further made invisible because there is no clear face-to-face employer-employee relationship.

The authors underline that the highly exploitative wages are made possible partly through a piece-rate payment system. The piece-rate is very low because of the surplus labour and the lack of bargaining power on the part of the home-based workers. The homeworker is able to bargain even less than other workers because she depends on the contractor to set the piece-rate. Field research showed that contractors fix different rates even where the same task was being carried out by different workers on the basis of the relationships shared with the contractor. In some cases, there were different rates even within the same household, say between the mother-in-law and the daughter-in-law. There is constant pressure to complete as many pieces as possible and no fixed hours to limit the time spent on the work. The out worker is not paid for any overheads such as rent or electricity, or transport and costs of picking up new skills. Also significantly since the unit of production is the piece and not the worker, the piece rate often hides the labour of more than one individual, and specifically of children. It also finds that contractors assert control through deferred and delayed payments; payments are made

at least 15 days late but they are sometimes late by even a month or 3–4 months.

The authors point out that even in comparison to other unorganised sector workers, home-based workers are at a serious disadvantage with regard to the scope and ability to bargain for a better wage rate, or better conditions of work. They are isolated within the home, with limited opportunities to interact with other home-based workers. The lack of interaction also results in a lack of information about the market. The nature of the commodity value makes it impossible for the home-based workers to access their employers or even acquire knowledge about who they are producing for. They are entirely dependent on the contractor. Homeworkers are powerless when a contractor either runs away with pending payments or moves to another location, because they have no direct employment, no formal contract, unregulated work relations and lack the scope to unionise.

The authors make a number of useful policy recommendations. These include that labour law be revised to ensure that outsourced, subcontracted labour is provided the same safety measures and guarantees when it comes to their health and safety, minimum wages, and social security cover. They also call for the state to ensure better official data generation and dissemination of the scale, nature and terms of paid and unpaid home-based work, to enable a better understanding of the conditions of work and contribution of the home-based workers. They ask for a stronger framework for social protection that takes into account the specific vulnerabilities of home-based workers, including their registration and coverage under the Unorganised Workers Social Security Act 2008. They seek a fair piece-rate to be calculated for home-based workers, based on Time & Motion studies for different industries where homework is most prevalent. They also envisage an Urban Employment Guarantee Programme along the lines of the MGNREGA that is demand-based, to give

poor women alternatives of non-exploitative public wage work. They ask for the state to regulate the market where commodity chains can be identified whether the product is being sold globally or domestically. They call for the government to make commodity chains more transparent and accountable. One way of doing this is ensuring that a paper trail exists where home-based workers are made aware about each node of the production chain. They also underline the importance of the government putting in place a process for grievance redressal where home-based workers can register complaints about treatment by contractors and conditions of work. However, this system would not be possible to implement for all homeworkers, only where they can be identified and employers along the chain can be held accountable.

Changes in India's Planning Architecture and Equity

The second section of the Report, on budgets and equity, asks what recent major changes in India's planning architecture mean for social, economic and inter-regional equity, for marginalised sections of the population and poorly industrialised regions. These changes include the abolition of the Planning Commission, discontinuation of Five Year Plans (FYPs), the merger of Plan and Non Plan categories of expenditure, and constituting a new institution called NITI Aayog (National Institute for Transforming India) in place of the Planning Commission.

The Planning Commission was constituted in 1950 to conceptualise the overarching strategy for nation-building with a focus on Indian economic policy. It envisioned a largely planned economy, with the Central Government responsible for a dominant portion of public investment in the economy and in ensuring greater equity. One of the foremost tasks of the Planning Commission was the preparation of the FYPs. For this, it carried

out a comprehensive assessment of needs and resources, and consultatively formulated an all-inclusive policy strategy to reduce development deficits among different social groups and regions across the country. The Plans were endorsed by the National Development Council that included chief ministers from different political dispensations from across the country.

It has been argued that in a market-oriented economy, the relevance of an institution like the Planning Commission has greatly diminished. However, the authors Jawed Alam Khan and Priyanka Samyargue that equitable and efficient governance cannot be ensured without an overarching body like the Planning Commission which coherently plans and recommends allocation of central funds keeping in mind diverse needs and aspirations of the people, especially disadvantaged populations and those living in developmentally disadvantaged regions. Such planning cannot be left to the ministries alone as they do not have such a wide mandate and vision. There is no doubt that the Planning Commission over the decades faced challenges such as the disjunction between the planning, budgeting and implementation processes, the charge that the union government overshadowed state governments contrary to the spirit of the federal structure, and systemic flaws in the transfer of funds. But the authors maintain that this called for reforms in the Planning Commission with continuation of the planning processes instead of the creation of a new institution. In 2015, it was replaced by the NITI Aayog, established as a think tank to provide policy advice to the Union Government and overcome the challenges faced by the erstwhile Planning Commission.

The mandate of the NITI Aayog was to help design strategic policies and programmes, foster cooperative and competitive federalism, provide knowledge support and undertake evaluations and monitoring. It has formulated a National Development Agenda and initiated the process of developing the Vision (2016–2030), Strategy (2017–2023) and Action Agenda (2017–2021), documents based on the Sustainable Development Goals framework. However, as of now, only the Three Year Action Agenda is in the public domain. The authors rightly argue that it is incomprehensible for an Action Agenda to be developed without having the Vision and Strategy in place. Moreover, the Action Agenda has negligible focus on equity, and on specific ways to address systemic and institutional weaknesses and implementation challenges.

The abolition of the Planning Commission and discontinuation of FYPs has adverse implications for decentralised planning and social equity. The Planning Commission was pro-actively engaged in developing Plan budgets, preparation of FYPs and overseeing the implementation of SCSP and TSP. On the other hand, the NITI Aayog has no direct involvement in planning and budgetary processes. There is no longer an organic link between a national-level institution such as the NITI Aayog and the sub-national level institutions such as the State Planning Boards and District Planning Boards which still continue in many states, towards preparation of a comprehensive National Development Agenda. With the merger of Plan and Non Plan, there is a need to revise the guidelines of SCSP and TSP for earmarking funds in proportion to the SC and ST population under the Revenue and Capital expenditure classification. In its present format, SCSP and TSP do not encourage needs-based planning and budgeting, which was at the core of these strategies earlier.

In terms of the broad policy direction, the NITI Aayog has not been able to make a clear distinction between the roles and responsibilities of public and private sector. It lays greater emphasis on privatisation and argues for reducing the role of government in the provisioning of essential services. It appears to the authors that the major agenda of NITI Aayog is to promote privatisation in the provisioning of public goods and services.

However, given the high levels of poverty and inequality in the country, there is a strong case for government intervention through pro-people fiscal policy measures. Reviewing the functioning of NITI Aayog, the authors admit that it is still early to pass settled judgement, but the early signs are that it still has a long way to go towards establishing itself as an independent and credible think tank which would be able to effectively contribute towards a progressive and inclusive policy discourse in the country.

Exclusion from Public Goods

The third part of the Report applies Gandhi's talisman to 4 public good—higher education; banking and financial inclusion; tribal land ownership; and legal justice in the specific context of the death penalty. As in earlier Reports, public goods are defined as 'goods, services, attainments, capabilities, functionings and freedoms—individual and collective—that are essential for a human being to live with human dignity.'[5]

Satish Deshpande and Apoorvanand observe the distinctive character of higher education as a public good, in that, unlike primary education, health care, clean water and housing or other 'basic needs', it cannot be a matter of right. No individual has an inherent right to get a bachelor's degree, become a doctor or engineer. Everyone must have the right to aspire to such status, and to fair and equal consideration for admissions, but no one has an a priori right to actual admission. It is also a kind of collective public good because higher education in all societies is responsible for creating and nurturing an intellectual vanguard entrusted with the task of thinking on behalf of society and preparing it to meet the future.

They also point to the most important fact, that higher education in a large and poor country marked by sharp inequalities is the only form of

'capital' available for redistribution. In today's globalised, neo-liberal world, with 'jobless growth', high GDP is meaningless for the vast majority of people. The prospects for significant redistribution favouring the poor are dim, and neoliberal policies have been responsible for redistributing in the reverse direction, with the super-rich growing even richer at the cost of the poor and the middle classes. Where we can no longer hope to redistribute land or capital, higher education holds out hope as the only resource that is in principle unlimited, and that can help drive social mobility.

The chapter on Financial Inclusion speaks of the delivery of banking services at an affordable cost to all sections of the entire population without discrimination. Dipa Sinha underlines why financial inclusion is a public good. She argues that with large populations surviving precariously on low and irregular incomes, aggravated further by poor delivery of public services, access to credit on favourable terms becomes crucial for making necessary expenditures for survival with dignity and to access a range of other public goods. If there are no formal credit sources, the poor have to depend on informal or semi-formal sources of credit and finance, such as informal moneylending, savings-and-loan clubs, insurance clubs, etc., which are mostly inadequate to cover all needs, and can be exploitative, insecure and very expensive. Lack of access to reliable and quality financial services compounds to an already difficult situation, increasing vulnerability to consequences of uncertain and low-paid employment, seasonal income variation, food price shocks, crop failures, household health and other emergencies, and other contingencies.

Financial inclusion is one of the means by which people can improve their own lives, and becomes a route through which a number of other public goods can be accessed. It enables people to access many public goods, such as children's education, investment in businesses, improving crop yields and

incomes, and coping better with health and other emergencies. Studies point to a positive impact of financial inclusion on economic growth both in the long and short run. The relationship is two-way, with higher and more equitable economic growth contributing to greater financial inclusion. Left to market principles alone the financial system does not serve social objectives; rather it has a tendency to serve private interests of profit maximisation, contributing to rising inequality and exclusion. The author argues that it is the responsibility of governments to ensure access not only to banking but also to credit at an affordable rate of interest for all. The role of the government could be in the form of a facilitator or a direct provider, the latter by making banking accessible to unbanked areas, or directly providing credit to the poor and to create financial products keeping in mind the needs of the poorest sections of the population.

In another chapter Rajanya Bose explains why tribal land ownership is a public good. She argues for protection of tribal land ownership and possession deriving from the historical and contemporary experience of the Scheduled Tribes of intense marginalisation and injustice, massive displacement and dispossession. They bear much higher burdens of poverty compared to the rest of the country. The same is the case with education and health. The state has violated its own protective measures with its agenda of development with its push for massive industrialisation in tribal regions rich in mineral, forest and natural resources and subversion of law by private entities.

Anup Surendranath and Rishika Sahgal explain in their chapter why the right to fair trial in death penalty cases is a public good. Fair trial rights emerge from the recognition of the fundamental right to 'personal liberty' of individuals. When the state impedes upon personal liberty, it must do so only through a fair, just and reasonable procedure established by law. This right encompasses all stages of the trial, from the time when an accused comes

in conflict with the law in the pre-trial stages, till the very end of trial, including the sentencing phase, and all stages of appeals. Since the state conducts investigation through its police system, and establishes the system of courts for conduct of a criminal trial, it is the state that must ensure adherence to procedural norms while conducting investigation, including the norm against torture, and to ensure fair trial. They argue further that given that the death sentence is a unique and the harshest punishment within the Indian criminal justice system, and unparalleled in the suffering it inflicts on prisoners, therefore fidelity to procedural protections in such cases must be the most rigorous. The public good of fair trial rights in death penalty cases would include procedural protections at the time of arrest and pre-trial detention of a person accused of a capital crime, including protection from torture and access to good quality legal representation, not only during the trial, but also during stages of appeals, and during the stage of presenting a mercy petition to seek reprieve from the governor of a state, or the President of India.

Who are Excluded from these Public Goods?

One thread running through each of this series of India Exclusion Reports is that it is consistently the same groups that are denied access to each of the public goods examined in these Reports, and the same applies to this Report as well. The story of higher education is more complex though with evidence of unprecedented levels of inclusion and stubborn exclusion running parallel. Upper Caste Hindus (UCH)s are the only social group over-represented in higher education; women, Other Backward Classes, Scheduled Castes and Tribes are still under-represented (relative to their share of the general population), and Persons with Disability and Muslims, drastically so. Nevertheless, the share of all groups other than UHCs is rising; and women are the closest to achieving proportional

representation in higher education overall, and are already the majority in some disciplines and fields.

The authors marshal evidence that recent decades have seen a spectacular change in the social composition of the student body, particularly in elite institutions which were earlier extremely homogenous, with the entry of hitherto absent or severely under-represented groups. Since all groups other than UHCs have increased their share, the erstwhile near-monopoly of UHCs has ended in Central Universities and their affiliated colleges, in Institutions of National Importance (which include the IITs, IIMs and so on), and interestingly, in private universities as well. But the UCH share has fallen most in colleges, to below 50 per cent, and in the case of the Central University Colleges, to as low as 30 per cent. Colleges account for nearly 80 per cent of total enrolment in higher education. Though the UCH share is still considerably more than their share of the population, this does mean that a significant number of students from social groups eligible for reservation have been able to enter in the 'unreserved' category. The gravest exclusion continues for Persons with Disability and Muslims. Only 9 per cent of PwDs are in higher education. Muslims fare a little better with 18 per cent of their population share in universities, and in colleges 37 per cent. This means that the participation of Persons with Disability needs to increase more than ten-fold, and that of Muslims about three-fold for a semblance of parity.

Exclusion is stark in financial services, actually reversing whatever gains were made from bank nationalisation in 1969. The availability of banks and financial services in India is low compared to many comparable countries, and the lack of access to financial services is very unevenly distributed across populations. One form of exclusion is location. Bank accounts per capita are lowest in Assam, Bihar and Madhya Pradesh, while Goa, Himachal Pradesh, and Tamil Nadu have the highest. Rural populations also face exclusion compared to urban populations both in terms of the number of bank branches available as well as the proportion of population that does not have bank accounts or depends on informal sources for credit.

Those who are poor are typically left out of financial services because they do not have the money to save nor the resources to prove their credit-worthiness, although they most need it. Gender-based exclusion in accessing financial services is also high. Patriarchy creates many barriers, such as lack of control or voice of women over any cash or resources; only a quarter earn a cash income; they own few assets, and financial policies are gender-insensitive. Dalits, Adivasis and Muslims are also disproportionately excluded from financial services since poverty and asset deprivation is greater among these groups. The credit portfolio of upper caste farmers has greater formal sector lending than lower castes, whereas the share of private moneylenders is the highest in the credit portfolio of SC farmers. Poor farmers are also specially excluded and, amongst farmers, tenants and women are also often left out, with tenancy mostly informal and unrecorded. It is also estimated that the approximately 100 million circular domestic migrant workers who leave their villages in search of work elsewhere are excluded from the formal banking services, making them even more vulnerable to forms of debt neo-bondage. No banking websites were completely accessible to people with disabilities, and less that 4 per cent of ATMs in the country have ramps.

Widely denied the public good of land ownership, the report shows that Scheduled Tribes constitute the largest social group who are marginal farmers, with seven in ten rural tribal households owning no land or less than one acre. Even this land tends to be of poor quality, and often informally occupied by non-STs. Their land ownership has declined sharply over time, during the so-called development process, which is accompanied

by the dispossession and in several cases the pauperisation of millions of ST households. The dispossession of STs significantly is also reflected in their employment status, where the percentage of cultivators has gone down drastically with a sharp rise in the number of workers. The loss of land has led to increasing instances of casual employment. This loss of land has been to the state, through compulsory land acquisition ironically termed as 'development induced displacement', to private corporations, and to non-tribal households.

The report presents evidence that prisoners sentenced to death in India overwhelmingly belong to groups marginalised by caste, poverty and educational deprivation, with many whose multiple deprivations on these axes compound their vulnerabilities. Almost three-fourth of the prisoners in our study were economically vulnerable, including manual casual labourers (agricultural and non-agricultural); marginal and small cultivators; low paying salaried employees; small own account enterprises; students; and unemployed persons. Given the huge litigation expenses as well as the costs incurred by families in meeting the prisoners in jail, the economic vulnerability of these prisoners and their families only increases as the case progresses through the judicial hierarchy, with economic vulnerability of the prisoners increasing in the advanced stages of their case. A quarter of prisoners sentenced to death had never attended school, one in ten had not completed even their primary school education, while nearly two in three had not completed their secondary school education. Educational deprivation impairs further their ability to understand the case against them and engage with the criminal justice system.

Three in four prisoners sentenced to death belong to backward classes and religious minorities. Religious minorities comprised a disproportionate share of the prisoners sentenced to death in Gujarat (79 per cent), Kerala (60 per cent) and Karnataka (31.8 per cent). At the lower rung, i.e.,

High Court pending cases, the social profile of prisoners sentenced to death more or less reflects the overall national figures. However, as we move up the hierarchy of the legal process, we see the proportion of general category prisoners falling and the proportion of SC/STs and religious minorities increasing. Amongst the prisoners who were sentenced to death for terror offences, as high as (93.5 per cent) were Scheduled Castes or religious minorities, with 61.3 per cent being Muslims.

By What Means Is This Exclusion Accomplished?

The report argues that unlike many other public goods, higher education necessarily involves principled exclusion: some excluded because they are not eligible, others because they are not selected. Such more or less justified 'exclusion' must not be confused with the other kinds of unjust exclusion. Further, whether higher education itself is inclusive or exclusive is to a large extent determined by whether schooling is inclusive or exclusive. The authors emphasise that there were early post-independence public investments in higher and technical education-enabled generations of first-time entrants to make the transition to a modern economy, but most were from the so-called upper castes. Higher education is biased against the poor, and against the lower castes or other groups who suffer from social disadvantages, because by its very nature, higher education pre-supposes access to a minimum level of economic, cultural and political resources. 'merit-discrimination', or legitimate discrimination in principle, and discrimination in practice, or resource discrimination, can and do masquerade as another, therefore the near-monopoly, in the first three decades after independence, of upper-castes in higher education may appear to be the result of merit, but was significantly the outcome of resource deprivations.

With this background, the authors explain exclusion occurring through the 'drop-out' phenomenon; the English language as the gatekeeper to higher education; and the category of the 'weak student'. First the 'drop-outs'. The authors present evidence that because higher education necessarily presupposes a long period of prior schooling, it excludes those who are excluded at various stages from primary education. The educational process can be imagined to be like a funnel that tapers from the broadly inclusive early stages of education to become progressively narrower as it moves to higher levels, ensuring that only a minority of those who started out reach the highest levels of education. This funnelling holds true in principle for all social groups, but in fact 'Others' survive until higher secondary school five-and-a-half times more than STs; and three-and-a-half times more than SCs, and twice more than OBCs. Likewise if only 3 per cent of Muslims survive at the higher secondary level, there can be little hope of a significant Muslim presence in higher education.

They point then to the tyranny of English as a ruthless gatekeeper in Indian higher education. The privileging of English over Indian languages has been perpetuated against the logic of populist politics. The lack of adequate English language skills is the biggest challenge confronting the underprivileged students to enter, survive and excel in higher education. The third exclusionary instrument is the 'weak student' (distinct from the 'bad student' which is an individualised rather than social category); one whose educational training has been deficient, and who does not have access to the forms of social or cultural capital that can offset these deficiencies. They result from the deterioration in public schooling and the mushrooming of substandard alternatives. Lower castes are greatly over-represented among 'weak' students, and the proportion of lower caste students among 'well-prepared' students is still very small.

But a significant number also arise from upper caste first generation learners. There are no resources for 'remedial' efforts for students who are 'weak' rather than 'bad', such as special mentoring and tutoring sessions; help with translation of materials from English into Indian languages; formal and informal peer-to-peer learning groups; and confidence building measures.

The authors also point to caste and gender discrimination and exclusion in higher education. Whereas the representation of the lower castes in higher education has been rising steadily, this has not meant the end of prejudice or discrimination. On the contrary, close proximity of castes considered 'lower' has only stoked the resentment of the upper castes to boiling point, leading to increased friction, especially in elite institutions. Dalit students have to learn to negotiate hostile teaching and hostel spaces, handicapped by the dress and cultural practices of their privileged peers. And although more institutions are achieving greater gender parity, women are still subjected to various forms of discrimination and exclusion, including sexual harassment, and severe restrictions on the freedom of movement of women students.

From financial inclusion, the report argues that what is excluding the vulnerable groups is both just the gaps in policies and programmes; and the larger processes of neo-liberal economic development increasing inequality and vulnerability of those in the margins. But it focuses on ways that exclusion takes place through processes at various levels— in the design of laws, policies and programmes, in implementation and allocation of budgetary resources as well as due to social and institutional biases. Bank nationalisation in 1969 marked the advent of social banking. The share of rural areas in bank branches, deposits and credit greatly increased, with credit advanced for agriculture and poverty alleviation as well as disadvantaged areas development programmes. Bank performance was not measured by profitability but using a

composite set of indicators which reflected also, social contributions and contribution towards financial inclusion. This altered drastically with the economic reforms of 1991. Banks were now assessed on narrow profitability yardsticks. For enhancing profits, they were permitted to 'rationalise' their rural branch networks, reducing bank credit in regions where banking was underdeveloped, and to agriculture: drying up of agricultural credit to small and marginal farmers and excluding disadvantaged populations again from the formal financial system leading to a revival of private rural moneylenders.

In the 2000s, policies for no-frills bank accounts were introduced, with no or very low minimum balances and no or minimal charges. But banks are still dominated by profit orientation, finding transaction costs of too many branches and small accounts too high. Official figures show an impressive performance in terms of the number of accounts, more than half of which are of women, and in rural and semi-urban bank branches. However, this has not hinged on expanding the banking network. Instead, people are expected to access services through mobile banking and banking correspondents. Some of the impressive growth is of duplicate accounts, of those who earlier had other bank accounts. Studies reveal that as many as 80 per cent of new bank accounts have seen no transactions, and a quarter had zero balances, revealing that the account holders were still not really financially included, resulting in costs for banks and limited gain to the beneficiaries. E-banking-and Aadhaar-related failures are found to most exclude socially vulnerable persons such as old people, disabled, children and manual labourers.

The report finds the root causes of runaway tribal land alienation in the legal structure that governs ownership, sale, transfer and protection of tribal land. This derives in part from the idea of 'eminent domain', the power of the state to take over private land for a public purpose. Even more gravely, in neo-liberal times the idea of public purpose has been expanded to secure land for private corporations. Companies when unable to buy land themselves approach the government to acquire land. Along with private land, even forest land is being transferred to private mining and other companies. Environmental law protections as well as the protections from PESA are subverted and rendered meaningless. Another significant way in which STs are deprived from access to legal land rights is by recording community lands as government land in survey and settlement operations of the state. The report suggests that the politics and policies of conservation have also been exclusionary, beneficial for the cause of conservation but leading to disastrous livelihood outcomes for the displaced people. And finally, despite robust state laws to prevent sale or transfer of land from tribal to non-tribal people, individual alienation through sale, through force and *benami* transfers continued massively.

The author also touches upon the dependence of tribal people on forests for their food, shelter, medicine, instruments, and clothing, to supplement their meagre diet especially during the lean season and periods of drought, and as an essential source of income for the tribes. Both the colonials and post-colonials did not recognise the rights of the people over forests and the government continued to run the forest policy maximising its short-term profits for industrial production, and regarding the forest dwellers as detrimental to the forests. The Forest Rights Act, 2006 attempted to right the historical wrongs by offering legal rights to private occupation, and to village common property resources. The implementation of FRA, however, has been far from satisfactory, with just 39 per cent titles of the number of claims distributed.

The report demonstrates in detail the many ways that exclusion from the public good of fair trial rights takes place across the different stages of the legal process in death penalty cases, and the

complex set of institutional factors which contribute to such exclusion. This begins in the pre-trial phase of investigating crimes, and testimonies of prisoners on death row confirm shockingly rampant custodial violence and violation of constitutional and statutory safeguards. 80 per cent prisoners interviewed spoke about custodial torture in police custody, with methods which were inhuman, degrading and causing extreme suffering. About 80 per cent of these admitted to making confessions due to torture and threatening harm to their family members. Many were not produced before a Magistrate within 24 hours, kept illegally in police custody for a week, or several weeks or months. The Magistrate did not ask them about custodial torture, legal representation and whether their family was informed about the arrest. If prisoners themselves complained, the Magistrate did not take any action. 97 per cent death row prisoners did not have a lawyer. Currently, the law does not mandate the state to provide legal aid to an accused at the time of arrest, and prior to production before a Magistrate, which is a shocking inadequacy in the law, making economically vulnerable prisoners susceptible to many injustices. Only over half the prisoners were present during trial. Even when present, more than half could not understand the proceedings at all, constrained by low education and no lawyers. The law provides for direct interaction between the judge and the accused, without any role for lawyers, essential to fair trial, when the judge must explain simply and clearly each of the incriminating circumstances presented by the prosecution, to afford the accused a fair and proper opportunity of explaining circumstances which appear against him or her. But this was often done in a casual, cavalier manner. There were also lengthy trials of five, sometimes 10 years, draining family resources and prisoner morale.

Sentencing hearings are carried out as a mere formality after conviction, with a complete breakdown in the application of the 'rarest of rare'

sentencing framework for the death penalty. The possibility of reformation of the prisoners is rarely considered before they are sentenced to death. A death sentence by a trial court requires High Court confirmation, but in the appellate stages, the authors found a severe lack of information amongst prisoners about the progress in their cases, and almost a complete absence of or minimal interaction with their appellate lawyers. Long durations of appeals prolong the agony of prisoners living under the sentence of death, as they are left to contemplate the uncertainty of their fate dangling between life and death.

Consequences of Exclusion from the Public Goods

We have seen how the Indian higher education sector in the course of the twenty-first century has seen massive expansion in those able to access some form of higher education, though there is still a long distance to go for groups like the disabled or Muslims. But discriminatory tendencies, deep-rooted in society, have begun to adapt to historically unknown levels of social diversity. From a time when exclusion was stark and simple, today's forms are more subtle. Higher education remains the principle avenue for large populations who are socially and economically most disadvantaged for social mobility. Therefore, the outcome of continuing, even if more subtle, forms of discrimination result in opportunities being blocked for the social mobility of historically dispossessed groups, and thereby their equitable access to a range of valued public goods.

The report describes the multiple consequences of financial exclusion, beginning with the most immediate financial consequences which affect directly or indirectly the way in which individuals can raise, allocate, and use their monetary resources. People who have irregular income (most of the informal sector in India) need financial services to

save as well as to cope and survive periods when they have no income even to meet basic expenses related to food, health, education, etc. Small informal producers often are unable to continue in business because of the difficulties they face in accessing credit. Lack of credit worsens the agrarian crisis, and builds barriers to accessing higher education. Lack of consumption credit aggravates suffering and recovery in health and other emergencies as well as resulting in unequal access to self-owned housing. With financial exclusion, individuals are often found to be trapped in the vicious cycle of over-indebtedness making it even more difficult for such people to get credit in the future. It also comes with negative consequences for the individuals' self-esteem and dignity.

Not having access to financial services puts families in a vulnerable situation as they have no risk-mitigation opportunities, and this throws them into the arms of a far more exploitative and unregulated system. If the moneylender is also the trader, the debtor might be forced to sell produce at a lower price. Similarly, when the moneylender is the local landlord, he might expropriate the small piece of land that the debtor owns. Debt can also lead to forms of bondage. Families get into relationships of debt with local moneylenders by pledging their labour, which could be short-term or long-term (at times over generations). New forms of hidden debt bondage have emerged with intermediary labour contractors mediating between large formal industry and labour. The contractors give labourers a wage advance and employ for usually a few months in a year. Such contracts are largely observed in the construction sector, and in making brick kilns. A number of welfare schemes of the government now transfer the benefits to the beneficiaries through the beneficiary's bank account, but large numbers of poor people in remote regions are excluded from getting benefits that are rightfully theirs either due to problems with reaching a bank or having a bank account. Additionally, at the macro level it has been argued that financial inclusion aids economic growth in a country and it might also have positive consequences for reducing inequality.

The major impacts of tribal land alienation are further impoverishment, marginalisation and conflicts. Some are rendered landless, and a large majority are reduced to marginal farmers with very small unviable holdings. This leads to massive joblessness, distress migration and debt bondage. The International Alliance of Indigenous Tribal Peoples of the Tropical Forests describes the impact on tribal communities of loss of land to build industries, mines, townships, dams and forest depots for the economic growth of the nation as pushing communities 'to the brink of ethnocide'.

Excluded from the public good of fair trial, once sentenced to death, prisoners experience inhuman conditions within prisons, such as solitary confinement, the denial of educational and work opportunities, extremely cramped spaces, cells with very little light and air, unacceptable standards of hygiene, abysmal quality of food in flagrant violation of prison manuals, poor standards of medical services and almost non-existent mental health services, all of which aggravates their agony. Families of prisoners sentenced to death suffer harsh social, economic, legal and psychological consequences as a result of their family member being arrested, tried and convicted for grave offences. Families started facing stigma from the time of arrest. This was particularly pronounced in cases involving sexual violence and terrorism. Apart from social ostracism, often families of prisoners were forced to move houses, denied jobs and further impoverished. Children of prisoners seem to have suffered a great deal in terms of diminished educational opportunities, ridicule and stigma, being forced to change schools, and of children dropping out of school altogether.

II

The Changing State Idea in India

In the remaining pages of this introductory chapter we seek to dwell briefly upon the dramatic historical transformation that has taken place in the popular consensus around the state idea[6] in India, and to a significant extent also its practice. We will argue that many of the priorities of the post-independence Indian state, influenced by the tallest leaders of the time, Mahatma Gandhi, Jawaharlal Nehru and B.R. Ambedkar, have shifted profoundly in what we identify as the idea and priorities of the state today, influenced by over a quarter-century of neoliberalism and notions of majoritarian rule. We will dwell on some salient features of the changed state idea and the import of this for democracy.

We start with a discussion of what the leaders of the anti-colonial freedom struggle saw the role of the state to be in the creation of a new India. There is a great amount of scholarship about the differences between the three tallest leaders of this period: Mahatma Gandhi, Jawaharlal Nehru and Dr. B. R. Ambedkar. Their disagreements indeed were extensive and vast. However what is not remembered enough is all that they agreed upon. Despite their weighty differences, they shared a foundational consensus on what they believed should be the central duty of the state. These very different leaders concurred about the unassailable political and ethical imperative of creating a society based on the principles of equality, freedom, justice and fraternity. They shared the belief[7] that the state's primary duty was towards the betterment of life of its vulnerable and working poor, and to those oppressed by caste and gender, of the paramount obligation of the state to end hunger and want. Second, they shared the conviction that India's greatest civilisational strength was its plural society and they resolved to ensure that it remains so, as a result of which we have extensive constitutional

defence of religious freedom and the rights of minorities. Their robust conviction on both of these counts was no doubt a reflection of the larger global political environment and thinking of the times; ideas of what the state should do in a world ravaged by world wars and the holocaust; the rise of socialism; and the Universal Declaration of Human Rights adopted by the United Nations.

The post-independence state idea in India sifted and borrowed from various existing state ideas and practices from around the world. We discuss here four major state ideas that held sway and influence in different parts of the globe in the first half of the 20th century. These are the free market idea, the Keynesian idea, the Socialist idea (influenced by Marx and Lenin), and variations of the welfare state idea. We will then go on to discuss the state idea that emerged from the discourse around the Indian state when it came into being at the end of colonial rule: the idea of a developmental state, reflected in the newly independent country's Constitution. This idea influenced to some degree the policies of the state in the first decade and a half after freedom. The post-colonial state idea that emerged directly after freedom was a hybrid, a particular configuration of what we identify as the four dominant state ideas of the time.

The state idea in contemporary India is also a hybrid, but a vastly different hybrid from that which first emerged through the experience of India's freedom struggle. In the early years after independence, the two central precepts that shaped thinking around the state were those of redistributive economic growth and a secular commitment to equal rights of all. The first signified a state ensuring a stake of the vast majority in the country's wealth and preventing the concentration of wealth; while the second stood for a state with secular and pluralist commitment to the rights of its minorities, particularly its religious minorities given the historical context of its emergence. (We underline the caveat that the practice of a

redistributive developmental and secular state was eroded quite early in India's journey, but this state idea was not significantly contested as it is now.) Today both these foundational precepts of India's state idea stand substantially inverted. In new India today, many perceive high public investments in the state's duty towards its weaker sections as an unnecessary burden, as illegitimate freebies and subsidies, by the elite and the upper classes that occupy commanding positions of power in society. Simultaneously, the protection of minority rights has been emphatically cast off by governments as well as political parties in the name of a converse discourse of majoritarian victimhood.

We later discuss three facets that we deem essential in explaining this fundamental transformation in the state idea in India: changes in the economic strategy pursued by the state; a new governing rationality; and transformation of the social common sense and a reshaping of the public through a project of militant majoritarianism. We seek to unpack neoliberalism, understanding it as more than just an economic doctrine. We see the coming together of free market fundamentalism and cultural majoritarianism, simultaneously evident in contemporary India, not as a coincidental phenomenon but a systematic coming together of two tendencies that feed off and sustain each other. The combined effect of these over the last quarter century and more has had a very significant bearing on the idea, nature and practice of the state and its agents in India. The extent of these changes are profound, and if not reversed, would result in an effective abandonment of the consensus of the freedom struggle written into India's constitution. Despite the dark prognosis that ensues from this analysis, we end by arguing that there is reason for hope, despite the daunting challenges facing the working poor, the disadvantaged castes and genders, persons with disabilities and religious minorities. We see this in the numerous instances of peoples' resistance to neoliberal and majoritarian

rule, both its economic and accompanying socio-cultural manifestations.

The Agony and Hopes of the New Nation and the Promise of the State

We look back first to the hour of inception of the independent Indian state, because in this time we can identify the concerns of those who best embodied the Indian peoples' struggle for freedom, swaraj, and equality. We recall the influence of the three tallest leaders—Mahatma Gandhi, Jawaharlal Nehru and Babasaheb Ambedkar—on the post-colonial Indian state and the political culture around it. They were that rare breed of states persons who were intellectuals, social reformers, moral leaders and professional politicians all coalesced into one, who left their deep imprints on the path that independent India walked.

India had witnessed a prolonged period of colonial domination, which saw its resources being plundered for gains overseas. This was a fate shared by most colonies of imperial nations as the global economic system rested on expropriation of value from colonies to the imperial centres. The drain of wealth theory[8] and the deindustrialisation thesis[9] that informed the economic critique of colonial rule were complemented by a more widespread anti-imperialist sentiment in large parts of the world often inspired by socialist ideas. The fact of widespread hunger, high incidence of mortality and low levels of longevity due to lack of elementary health-care, among other things, were stark reminders of the massive investment required on the part of the state for the citizens of new India to have the chance to live with dignity. Such a charged global scenario marked by anti-colonialism and the miserable material conditions that existed in the country was the context that shaped the concerns of India's leading political figures. Thus fighting the colonial legacy of low economic development and its highly unequal distribution was a high

priority, and they defined the national project as the upliftment of the vulnerable and exploited masses.

The celebrations of Independence were muted and tempered by the rivers of blood that accompanied the partition of the country, with the Muslim League accomplishing the creation of the Muslim-majority state of Pakistan. This communal bloodbath was taken as proof by colonial critics who defended their rule by arguing that India as a sovereign nation was unsustainable as it would be torn apart by sectarian contests. This position was shared by proponents of the Hindu right, whose solution was a Hindu state where religious minorities would be driven into second class status. However, it is to the credit of nationalist leaders such as Mahatma Gandhi, Nehru and Ambedkar, among many others, who proved both of them wrong. As a result the founding moment of the nation-state, though marred by the deluge of bloodletting of the Partition, was also what spurred spirited efforts to ensure a democratic India where everyone, including members of the minority communities and disadvantaged castes, belonged *equally*.

The state idea of post-colonial India was shaped most significantly by the economic programme of building the infrastructure for economic growth, to raise millions out of poverty, to ensure more equitable access of public goods for its impoverished working masses, combined with a social programme that ensured the co-existence of diverse communities into a pluralist society. The ethical and political basis for the state idea in post-colonial India can be best derived from a close study of its constitution, arguably one of the most carefully considered and progressive in the world, and the debates of the Constituent Assembly that informed this.

The preamble spells out the four essential pillars of the constitution. These are justice, liberty, equality and fraternity. The responsibility to chair India's Constituent Assembly was laid on the shoulders of Dr Bhimrao Ambedkar, one of the most learned scholars in the Indian political spectrum of that time, and, significantly, a man who rose from India's formerly untouchable castes and fought unrelentingly for the annihilation of the system that historically oppressed them. He reposed faith in modern political values and institutions, and saw the state as being the agency that could end the age-old practices that kept millions in servitude.

Arguing for the need to go beyond simply political democracy, the principle of one person one vote, Ambedkar advocated social democracy, which 'means a way of life which recognises liberty, equality and fraternity as the principles of life.'[10] Ambedkar was keenly aware of what he termed as 'graded inequality'.[11] He argued for the importance of imbibing a fraternal spirit in our public culture. He reminded us that a social democracy founded on fraternity would be one in which liberty and equality of all fellow-citizens would not have to be enforced, but would become the 'natural order of things', a way of social and political life, based on the solidarity that people share with one another. Ambedkar was aware that this culture of fraternity had to be created in a society that he considered oppressive for the majority of the population in India. He saw the state as being a highly relevant entity if this was to be achieved in India. Without the conditions for a fraternal culture being ensured by the state—by eliminating practices and institutions that perpetuate a system based on distrust and discrimination—there would be no society in India. Thus, he gave a specific meaning to the struggle for equality in India which significantly influenced the state idea at its inception.

Nehru often spoke of his attraction to socialist principles of social and economic equality.[12] In 1951 he summed up the purpose of India's Constitution as embodied in the Directive Principles as moving to the ideal of a classless and casteless society. Nehru would often use the term 'welfare state' to describe the goal of economic democracy: a state whose chief

purpose is the material welfare of the people with a provision for the equality of opportunity to all for self-development and growth of personality.[13]

Ambedkar also underlined that 'rights for minorities should be absolute rights'. Significantly disagreeing with members like K.M. Munshi, who were inclined to make the rights that the Indian constitution guarantees to its minorities contingent on the guarantees that Pakistan accorded to Hindu and Sikh minorities in that country, Ambedkar declared, that the rights of minorities in India 'should not be subject to any consideration as to what another party may like to do to minorities within its jurisdiction'.[14] In another context, he said, 'If there is anybody who has in his mind the project of solving the Hindu-Muslim problem by force, which is another name of solving it by war, in order that the Muslims may be subjugated and made to surrender to the Constitution that might be prepared without their consent, this country would be involved in perpetually conquering them'. Invoking Edmund Burke, Ambedkar argued for the Constituent Assembly to act with wisdom and be accountable for the powers it arrogated to itself.[15] This same 'wisdom' overcoming majoritarian prejudice was in evidence in the provisions that the constitution incorporated about religious freedom.[16]

The formidable and influential contributions to the state idea by these two leaders were matched by the moral leadership exemplified by Gandhi in his actions across the country for the rights of peasants and workers, for temple entry by excluded castes, against untouchability, for equal rights for women, for minority rights and communal goodwill, and for an India that belongs equally to people of every faith. Through all of this, his mission to 'wipe every tear from every eye' was one that greatly influenced the common sense around what the duties of the state should be in post-colonial India.

Canonical State Ideas in the Twentieth Century

The idea of how the state in post-independence India should be, moulded by ideas of its tallest leaders and reflected in its constitution, of course, did not grow in a vacuum. They were influenced by many dominant state ideas as developed and practised in the first half of the twentieth century. The century was witness to the expansion of the size, influence and formal reach of modern states to every inch of the planet. The substantive might of state apparatuses and technologies deployed by the same states progressively covered more and more regions and populations, ever increasing in their capacities to govern. This historical process was accompanied by intense and contentious debates about the nature of the state.

There were at least four major competing state ideas during this last century. Challenging the free market capitalist ideal was first the Keynesian State, which advocated significant public investments to generate employment in downwards cycles of market capitalism. There was at the other end of the spectrum the Socialist State, based on the abolition of private property, a centrally controlled economy to ensure equitable access of public goods to all people and a redistributive state derived from the idea of 'from each according to his (or her) ability to each according to his (or her) need'. And from the ravages of the world wars rose the idea of the Welfare State, which in its best incarnations, was founded on notions of universal social rights that were guaranteed and mostly provisioned by the state. And finally, the collapse of the Socialist experiment of a centralised state inspired by Marx and Lenin in the late 1980s heralded the triumphant advance of the Neoliberal State, returning to ideas of market fundamentalism and the retreat of both a developmental and Welfare State.

We summarily deal here with the salient features and distinguishing characteristics of these four

state ideas. This discussion is meant to provide the context for a discussion on the specific trajectory of the independent Indian State that follows since it was a changing hybrid of these global ideas.

The Keynesian State

The dominant idea around the turn of the twentieth century of an Adam Smith epitome of a free-market capitalist state was challenged by the ravages of the Great Depression in Europe and the United States of America in the 1930s. The public response to address the intense human suffering that resulted at that time was informed by the ideas of, among others, British economist John Maynard Keynes, who essentially argued that in periods of crisis of capitalism, the situation can be salvaged through an increase in state expenditure because private investment dictated by market logic can constrict for a long time, until the economy eventually rebounds. Having understood the problem centrally in terms of demand management within the confines of a capitalist economy, the need to create employment was the single biggest motivating factor of state action in this scenario.[17] This increased expenditure on the part of the state and the creation of several state agencies to direct and manage the same created a special type of state.[18] It was different from the Welfare State in that its priorities were not human welfare broadly understood, but rather the correction of a market-based capitalist system. The need for its existence was considered to arise because of a flaw in the capitalist system that needs state intervention from time to time for its sustenance. By the same logic the need for this intervention would fall away when the capitalist economy recovers on the back of public expenditure.

The Socialist State

The Socialist State influenced by Marxist Leninist ideas, by contrast, was a radical break from the writ of capital replacing it with the sovereignty of a state whose declared objective was to serve the interest of the working and peasant classes. The most defining break envisaged by the Socialist State was to dismantle the economic power of the landlords and the capitalists. It strove to achieve the same on the one hand by abolishing private property in land to break the power of the large landowners, and on the other hand, by declaring all factories, mines and transportation as government property. With the collectivisation of farms and nationalisation of industries, the Socialist State tried to bring the socially utilised means of production under public control (Fleming, 1989). Scientific and universal planning was to replace the role of market mechanisms so as to achieve an egalitarian distributive structure and the profit motive as a driving force for production was to be replaced by social obligation to fulfil the economic plan (Lenin & Chretien, 2015). Under the Socialist State, socialism was envisaged to be far more authentically democratic than the most democratic capitalist state by providing social and economic rights and freedoms for working people that capitalism did not offer. These included, inter alia, the right to a job, the right to health care and to financial security in old age. Improvements in public health and education, provision of child care, provision of state-directed social services and social benefits, and all other public goods were entirely the prerogative of the state, all directed towards raising the productivity of the people and by socialising household responsibilities and universalising welfare.

While giant leaps in this direction were achieved in 'actually existing socialisms' whether in the Soviet Union, or China, or Cuba, there were also very great undesirable outcomes and failures. They eventually failed to grant political opposition, and were marked by cruel purges and repression, and some were taken over by class tendencies that finally led to a reversal of many of the earlier gains. Even with their many failings each extended hitherto unprecedented levels of healthcare, education

and social welfare for vast unreached and highly deprived populations, demonstrating that proper supply of public goods to excluded and oppressed populations is possible, establishing that a concrete alternative to the 'inevitability' of profit-driven growth was indeed possible.

Welfare State

The aftermath of the war gave rise to a new condition marked geopolitically by a bipolar world (American capitalism and USSR socialism), reconstruction of Europe and decolonisation in the third world. A compromise between capital and labour in this period helped maintain socio-political stability in the global North for the next three decades while keeping capitalist enterprise profitable at the same time. This has been described by some commentators as the Golden Age of capitalism in the West.

This period saw a state-mediated class compromise between capital and labour in European countries, leading to the emergence of a range of welfare regimes. This was imagined as the 'right blend of state, market, and democratic institutions to guarantee peace, inclusion, well-being, and stability.' As Harvey states, there were certain salient features that defined them: 'an acceptance that the state should focus on full employment, economic growth, and the welfare of its citizens, and that state power should be freely deployed, alongside of or, if necessary, intervening in or even substituting for market processes to achieve these ends.' The economic theorists instrumental behind the above were again dominated by Keynesians (Harvey, 2005), but their imagination transcended public investment to address unemployment in low troughs of the capitalist cycles and extended to larger ethical ideals of universal welfare.

In varying degrees, this set of principles justified the state's active intervention through industrial policy and the making of a variety of welfare systems. It was marked by state ownership in varying degrees of key sectors like coal, steel, banking, railways, and so on. The idea was to ensure a certain degree of public provisioning in terms of health, education, pensions and other such schemes of social services or public goods. Based on the relative mix between the private and the public sectors, and the relative strength or weakness of labour in relation capital, the rationale and target of state provisioning were different producing variants of Welfare States (Esping-Andersen, 2013).

There is a cluster of liberal welfare states of the residual breed where the idea of welfare is just a safety net for the poor, or the losers of capitalism. The state here steps in only when/if the market fails. So, they give targeted and modest benefits of the 'poor relief' variety to only those who were left out by the market: the poor, the infirm and the unemployed. The rest of the citizenry were expected to rely upon the market for purchasing quality public goods: be it health, or insurance, or education. The best examples of such a state in today's world are Australia, USA, or to some degree the United Kingdom. Here broadly speaking, the role of both the family and the State remains marginal while that of the market remains paramount. Individualism is glorified in this setup as one is encouraged (or left to) fend for themselves with the blessing (or at the mercy) of the market which also remains the dominant locus of solidarity. Historically, if the idea of social rights was to de-commodify the worker, i.e., to provide services as a matter of right and to ensure a livelihood without absolute dependence on the market, then this residual variety of welfare states was the least de-commodifying. It attached a degree of stigma to the reliance on state provisioning of public goods such as to ensure that only the most desperate would rely on such a modest safety net as the last resort.

Another cluster is the Conservative Welfare States where again the idea of welfare remains partly residual with social solidarity. The dominant mode of social solidarity here is based on social

networks based on family or kinship. Hence the dependence is on social contributions instead of taxes. There is an emphasis here on maintaining the differences between social classes and the traditional hierarchies of the estates with no or low redistribution of wealth. Here the dominant locus of solidarity is the family which remains central while the role of the market remains somewhat marginal. The state here had a subsidiary role that steps in due to family failure. The main examples of this variant of the welfare state idea are Italy, Japan, France, Germany and so on.

Finally, there is the social-democratic welfare states cluster where the idea of welfare and the idea of de-commodification is advanced and of social rights is more universal. The main examples for this cluster are Austria, Belgium, the Netherlands, Denmark, Norway and Sweden. Universal need here does not only mean fulfilment of minimal needs (as in the residual breed). All strata here are incorporated under say one universal scheme, although with benefits graduated according to income. At one level, while maintaining a certain stratification, it succeeds in making an entire citizenry beneficiaries and dependants of state provisioning of public goods like healthcare, childcare, etc., while holding off excessive incursions of the market. So here, the role of both the family and the market are marginal while that of the state becomes central. Though being a small cluster, these welfare states of the social democratic variety provide an exceptional mixture of socialist and liberal ideas, combining political freedoms with social and economic egalitarianism.

Neoliberal State

The post-war decades of the 1950s and 1960s, referred to as the golden age of capitalism, gave way to the crisis of accumulation by the 1970s and robust labour and social movements in much of the West. All of this seemed to point towards a socialist alternative to the capital-labour compromise that

had been in place in those countries. Communist and socialist parties seemed to be gaining ground while there was a groundswell of discontent brewing which threatened the economic elites and ruling classes everywhere. The top 1 per cent in America that had a 16 per cent share of national income in the pre-war years had settled for 8 per cent in the post-war compromise, which suited them as long as growth was phenomenal in the 1950s and 1960s. But as dividends plummeted with crisis, capital was looking for a decisive blow to recover, thereby engineering the turn towards neoliberalism under Thatcher, Reagan, Deng and much of the world thereafter. This was the return of the invisible hand of the market albeit with a visibly heavy-handed state making way for it (Harvey, 2005). In a sense it was a return of ideas that had been politically defeated by the social-democratic compromise between capital and labour in the post-war years, but which continued to survive in the wings as it were.[19]

Neoliberals profess that 'human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterised by strong private property rights, free markets, and free trade' (Harvey, 2005). The role of the state in such a setup is crucial, so as to create and preserve an institutional framework for market forces to operate which includes those coercive or legal structures required to secure private property 'and to guarantee, by force if need be, the proper functioning of markets'. In the earlier phase, market processes and corporate activities were surrounded by a web of social and political constraints and a regulatory regime that restrained the market. Neoliberal states removed these fetters. While the earlier welfare regimes had changed services to social rights and had de-commodified essential public goods like health, education, insurance, etc., the neoliberal states opened up the social sector in varying degrees for the market forces and crushed with heavy hand any opposition to privatisation. So,

rights of yesteryears were turned into commodities that had to be bought and only those who could afford were eligible for the best of such goods, be it seats in a college or beds in a hospital. Strikes were banned, unions discouraged, production moved to the third world to exploit masses of cheap labour, informalisation encouraged, social protections curtailed and most such gains of the yesteryears were made obsolete. Under a neoliberal regime the state doesn't really withdraw as is usually assumed. It does so from provisioning of public goods, but it simply throws its weight on the side of the market to make way for it into our lives, livelihoods, fields, forests and also minds (Patnaik P., 2016). The experience under neoliberal regimes has been one of increasing inequality and the privileged upper classes setting the terms for everyone else.

We see in the next section the influence of these different types on the state that took shape in India after independence.

The Developmental State in India

Decolonised countries around the middle of the twentieth century developed various imaginations of what is best described as the developmental state. Most of these countries adopted diverse routes towards one political objective, i.e., the 'development' and 'modernisation' of societies enfeebled by colonialism. The caveats are, first, that what constitutes 'development' and 'modernisation' are contested ideas, as are pathways to accomplish this. And second, that predatory elements and elite capture of the state set in early in most newly independent countries of Africa and Asia, and these competed with the developmental impetus.

It is important to underline that the developmental state in India was never a welfare state. It was not constructed around any notion of universal social rights which the state must necessarily provision to every citizen, across class, gender and social identity. Developmental states were at that time

following the path of modernisation, wedded to an idea of progress, with the duty to act in favour of the poor in order to eradicate human misery and poverty. But in India, formal political equality, as Ambedkar had warned, never fully translated into social and economic equality. Ancient fractures of class, caste, gender and religious identity persisted and in some cases became more aggravated.

The post-colonial Indian state was an evolving hybrid of the three state ideas that held sway in different parts of the globe during the first half of the twentieth century—Keynesian, Socialist and Welfarist. The path of a mixed economy to accomplish widely shared development as envisaged by Nehru after independence meant planned progress, enough space for private capital albeit with restraints, with the state owning or closely supervising the commanding heights of the economy. But this was also marked by a certain dependence on imperialist capital from the very outset and the power of the propertied classes was not essentially curbed. 'Indian nationalists altered the inherited state less than often meets the eye, and the nature of India's nationalist movement was itself not unrelated to the character of British colonialism in India' (Kohli, 2009). India under Congress rule, as determined by the party's composition and class interests, made a clear choice of not going the full distance when it came to realising the socialist ideals. Despite passing anti-zamindari and anti-untouchability legislations, etc., the considerable clout of the landowning upper caste sections meant that feudalism was not eradicated and neither was caste annihilated. Hence, the abandonment of land reforms (beyond the abolition of large estates, absentee landlordism) and instead the move towards green revolution that raised food production dramatically but served to perpetuate the existing social hierarchies and inequities (Amin, 2005) (Rao & Storm, 1998).

At the same time, whereas the private sector was encouraged in post-colonial India, in the early

decades, there were reservations about industry being driven only by the 'profit motive'. This orientation allowed a major role for the private sector, but restricted facilitation and patronage to national capital only, building tall barriers to the entry of foreign capital. It saw a major role for public investment, in the building of a large dams, steel factories, airlines, a machine tools industry and so on, all through a massive public sector. It adopted from the Soviet experience of centralised planning, was opposed to private monopolies, and was convinced about the redistributive role of the state to prevent too much wealth in too few hands. While it assumed some responsibilities of welfare, such as establishing a public food distribution system, and some public investments in education and health care, it never went for a common school system guaranteeing free and equal education to all children of various classes, castes and faith; there was no universal health care, no universal social protection, and a tight-fisted and narrowly targeted scheme of old-age pensions arrived only in 1996.

The Cultural Politics of the Developmental State in India: Espousing Pluralism and Shunning Communal Majoritarianism

While those like Nehru and Ambedkar, despite their differences, saw new India as being necessarily wedded to universalistic ideas of equality and individual liberty irrespective of cultural differences, Gandhi held an anti-modernist stance coupled with a valorisation of the strengths of India's syncretic traditions. The productive tension in these ideas was directly at odds with the conception of a homogenous national community on the lines of racialised theories of society espoused by organisations like the Rashtriya Swayamsevak Sangh. For all their differences, Gandhi, Ambedkar, and Nehru saw eye to eye on the question of opposing majoritarian communalism and the protection of the rights of minorities, which found strong mention in the constitution. This unequivocal commitment to the

rights of minorities, treating diversity as a strength and affirming the universalism of ideas of equality and liberty formed the bedrock of the cultural politics that was advocated for the new India by the tallest leaders of the anti-colonial struggle. We subsequently discuss in this chapter the unravelling of this consensus in more recent decades.

While its economic strategy rested on the programme of rapid industrialisation, the newly independent Indian state led by Nehru was also marked by a distinctive vision of the kind of society it wanted to bring about, the kind of nation that the new leaders aimed to build: the new India. While not all of these ideas had the backing of law, elements of this vision were built into the political common sense of the time and found expression at the highest political levels. It is possible to identify a set of elements characterising the value system this represented.[20]

First of all there was a commitment to diversity and tolerance in the social body. These principles were seen as representing the cultural-civilisational ethos of India.[21] Nehru played an important role in establishing an idea of India that was not given to narrow definition and made the case for a plural and inclusive society led by a state that would be avowedly non-majoritarian and secular. One can witness the varied influences of modern enlightenment ideals as well as the teachings of Gandhi being brought to bear in how he viewed India as a country.[22]

Second, the emphasis on the development of a scientific temper was a cherished aim for society set out by Nehru. This was a much-needed antidote in an introverted society riddled with conservative dogma and superstition. It became institutionally represented in the establishment of modern universities that had a clear commitment to scientific enquiry. While the institutional reach of the state remained low, and this was particularly the case in higher education, the validation for

scientific temperament coming from the very top of Indian politics continued to be a tool for those seeking to challenge the entrenched conservatism of a deeply hierarchical and unequal society.

One point that deserves particular mention as we cast back a critical eye on the history of state politics in that period is the lack of organisational effort by the modernisers, led by Nehru, on the issue of caste. Though professing their desire time and again to see a casteless India, Nehru and several others assumed that caste would simply wither away with the advancement of modernity in India. But instead of withering away, caste both endured and adapted itself to the mechanisms of electoral politics and the particular variety of capitalism that spawned in the subcontinent. India's experience reveals that the workings of a liberal constitutional democracy by themselves do not guarantee political emancipation of the oppressed and dispossessed groups. They require additionally an ideological lexicon on the basis of which new constituencies are built which challenge historical oppressions of dominant castes and communal identities. This was missing in the work of modernisers like Nehru who relied too heavily on the automatic dissolution of pre-modern institutions, not realising their capacity to sustain and evolve in changed conditions. Given the lack of a conscious organisational effort on the part of the modernisers to create new political constituencies, caste as the existing basis of mobilisation within society got perpetuated, giving it new life, making it central to the grammar of state politics.[23] This has led to the perpetuation of status quo of the social order, with much of the benefits from 'development' being cornered by socially privileged groups, thus perpetuating the tenacious caste-class nexus in India. This was to have lasting impact on the fate of the developmental state as it undermined both, its economic programme as well as its cultural politics. We discuss the unravelling of the developmentalist paradigm in the next section.

Reshaping India: The Neoliberal Turn and the Rise of Majoritarian Politics

The 'contradictions' that Dr Ambedkar pointed to so prophetically in 1949 between formal political equality on the one hand and social and economic inequality on the other, continue to riddle India in the second decade of the twenty-first century; indeed perhaps even more acutely now than at the moment India gained independence. And this arises from precisely the sources to which Ambedkar had pointed: inequality and the absence of fraternity.

We suggested earlier that the idea of the post-colonial Indian developmental state was a hybrid drawing from three main state ideas that gained prominence during the twentieth century—Keynesian, Socialist and Welfarist. These influences were sought to be crafted in conformity with values of liberal constitutionalism such as justice, liberty, equality and fraternity. But this state idea eroded continuously as the decades of independence unfolded. We argue further that the state idea changed dramatically, especially from the early 1990s, in the direction of the free-market neoliberal idea, with a decline of the other three influences. This has been coterminous with the growth of majoritarianism. This is a narrative often told in separate compartments. We attempt here to show that it is not as coincidental as may seem at first, and that there is a structural convergence between a neoliberal order and a majoritarian political climate.

India never was a full welfare state, as we observed. But even its mix of the public and the private that included crucial regulations on the private, particularly in terms of access to public goods to the poor, began to transform in the last quarter of the previous century. Nayyar remarks that economic reforms in India were an outcome of the economic problems the government found itself in and not because they were a representation of the material priorities of Indian people (Nayyar,

2017). These shifts were to have a far-reaching impact in transforming the goals and objectives of the developmental state here in India. The share of the market in the mix expanded by leaps post-1991, though the moves towards the same had started in the 1980s. This led to further incursions of the market into policy-making, legislations, and the idea of provisioning of public goods itself. The idea of provisioning for the poor so as to enhance their social well-being began to be viewed as a 'burden' and 'sops', and the state increasingly made way to commodify the services that till then were regarded, at least in principle, as rights.

There is visible in the new India of the first two decades of the twenty-first century a growing middle class appeal to a politics which combines hard market economics with the politics of open hostility towards minorities.[24] The rise of globalised capital to the commanding heights of the economy dislodging publicly owned enterprises, along with the rise of majoritarian politics, has resulted in the worsening of both inequality and social intolerance in an increasingly unequal India, and has furthered social and political acquiescence among much of the Indian elite and the middle class to inequality and chauvinism.

Two major ruptures formed the backdrop of this transformation and need to be kept in mind in order to make sense of the same. The significance of the first, the introduction of pro-business economic reforms in 1991 from the perspective of the imagination of the state, was that it marked the replacement of the idea of the state being primarily responsible for bettering the lives of its citizens, particularly the historically deprived—its disadvantaged castes, religious minorities, labour, farmers, women, and the poor in general—by one where its major duty was to global big business. It marked the end of the ideal of the redistributive state, committed to preventing rising inequality, the protection of national capital, and the public provisioning of public goods like healthcare and

both schooling and higher education. We analyse this in greater detail in the following section on the Indian experience of neoliberalism.[25]

The other major rupture was the rise in popularity of militant Hindutva chauvinism along with the breakdown of the secular credentials of the Indian state. This was signified by the demolition of the Babri Mosque in 1992, when a mob of Hindutva supremacist foot soldiers broke through police barricades to pull down the three domes of the medieval mosque in dusty Uttar Pradesh. The inaction and complicity of state agents along with the popular appeal of this regressive tendency in Indian politics was a watershed event for the socio-political configuration in India. Hindu nationalist and supremacist warriors had fought a long and determined battle throughout the twentieth century for a Hindu India. This was their first moment of decisive triumph, and they have not looked back since then. This marked the beginning of a gradual replacement of the idea that India belongs equally to all its citizens regardless of their faith, caste, gender and class, by the idea that this is in practice, even if the constitution contradicts it, a country of the religious 'majority'.[26] We will return to this important aspect below.

Neoliberalism: More Than Just an Economic Doctrine

In India, the seismic changes at this time included primarily a change in the economic regime—from a public sector-dominated, dirigiste regime to one that promotes private big business (domestic as well as foreign), with the latter being seen as the agent that would deliver economic growth to the 'nation'. This fundamental transformation was a result of, and gave further momentum to, forces that reshaped the socio-political order. This transformation is by no means complete and the reshaping of social relations is still an ongoing process. Nonetheless, compared to what existed earlier, it has given rise to fundamental changes.

We deal here with three facets of what we are calling the fundamental transformation: change in the role of the state, a new governing rationality and the transformation of common sense, and a reshaping of the public through a project of militant communal majoritarianism. We seek to argue that these three facets, in particular the first and third that are often spoken of as being separate from each other, are in fact inter-related and draw on the effects of each other to result in a composite project, that of neoliberal capitalism in India.

'Retreat of the State'

By the mid-1980s it was apparent that the dirigiste economic regime had exhausted its capacity of expanded accumulation under existing conditions. The failure to create substantial purchasing power in the domestic economy, by executing its redistributive policies, was a major reason for the statist Import Substitution Industrialisation model running out of potential for further accumulation. (Frankel, 2009, pp. 581-585) By the 1980s, sections of Indian capital had matured, having come of age under the protection afforded to them by the Indian state in previous decades, and were looking for avenues of expansion. This led to pressures on the state to open up the economy to allow Indian capital to exploit foreign markets and enter into collaborations with multinational capital.

Political scientist Atul Kohli (2006) provides an important modification by stating that India's reforms should be seen as pro-business rather than pro-market. The advantage of this insight is that it shifts focus from fictitious rhetoric (state vs market) to relations between groups within society (big business vs peasant cultivators, small and micro businesses, etc.) read through actions of the state. It is important to note that many of the decisions regarding the liberalisation of the economy were taken as executive orders and via procedures that did not involve public debate by relatively unstable minority governments, as they would be found to be highly unpopular. As Jenkins (1999) has termed it, the reforms were introduced by stealth. Having avoided the test of popular consent, what still needs to be accounted for is what led to the acceptance of the (gradual) opening up of the economy. Kohli provides an answer by drawing attention to the differential interests within the Indian capitalist class which, with its advances in the 1980s, was split in its interests over the opening up of the economy in the 1990s. Several export-oriented businesses increasingly represented by the Confederation of Indian Industries backed it, while others resisted. The liberalisation of the economy therefore, was not equally supported by all segments of India's business classes. This fractured interest within big business allowed the technocratic elite to introduce a slow but real opening up of the economy (Kohli, 2006, pp. 1362–4).

This transformation came to be supported by the middle class professionals as they sought better returns for their skills in a global market. There were also schisms within national capital, with some elements attracted to opening up to the global market and others favouring protection.[27] While experts who have explained the political economy of the transformation have differences in approach, there is a consensus that it represented a change in the priorities of the state and the advent of a new economic regime, one that was going to be led by big business (ibid.). For the state, promoting a new model of economic growth required justifying new sets of values and intervening on the part of forces whose functioning it sought to facilitate; in this case, big businesses, both domestic and foreign.

The key phrase in this transformation was *retreat of the state*, the idea that the state has to reduce and eventually stop its 'interference' in the economy and let the play of market forces dictate the outcome without concern for who won or lost out in the process. In other words, market fundamentalism was projected as the only way that a change for the better in India, escaping the corruption and

inefficiency of the state, could be achieved. Critical scholars have correctly remarked that the roll-back, or retreat of the state was an ideological code for the state beginning to act in the interests of globalised corporate and financial capital. Retreat of the state then is a misleading statement, rather what happened was the discontinuation of support for petty producers and backing of the interests of corporate and finance capital (Patnaik, 2016). Kaviraj notes, 'Though the eventual and ideal objective of liberalisation is to reduce the state's role in economic life, ironically, it is only the state which can reduce the functions of the state' (Kaviraj, 2010, p. 237).

A New Governing Rationality

The sum total of these transformations had the effect of remaking the state in India not just in terms of the economic policy framework it established, but also in terms of its capacity to respond to various social and political challenges. The new 'common sense' that neoliberalism unleashed is crucially anchored in a utilitarian economic logic but is not restricted in its application to the economic sphere. Its significance is in the deeper *normative* changes that it seeks to bring about. An economistic, individualistic calculating logic, the idea that 'greed is good', begins to be applied to all phenomena including in the social and political.

The project of neoliberalism as a governing rationality entails therefore the creation of a new political subject. The move that was accomplished was from the citizen-subject to the consumer-subject. The former represents a repository of rights as a result of the social democratic compromise between capital and labour in the second half of the twentieth century. The latter is best understood as a fragment of human capital ever trying to self-aggrandise across the registers that mark the individual as a social unit, whether in terms of economic standing, cultural consumption, social status, etc. This is achieved through the deployment of technologies of self-disciplining and care, or rather self-satiation that informs the life-world of neoliberal capitalist expansion. The latter is based not just on the exploitation of wage labour, but is structurally dependent on an increasing share of value being acquired through extra-economic methods.[28] While state agencies reframe the rules of economic conduct in favour of the zealous accumulation of capital (all in the name of the larger public good termed 'development' or *vikas*), the ordering of normative behaviour is achieved through technologies that operate at the level of the individual and creating a social order where though communication is swift, life is increasingly atomised.[29] One can anticipate, without drawing direct causal linkages between them, the implication such atomisation has on the imagining of communities. A combination of our sense of self being increasingly mediated with the ready consumption of unverified information—the abundant flow of images and data across networks, made possible through the democratisation of communication technology, provide the mechanisms of inventing ideologically blinkered visions of history and community, owing to a concerted effort by organised groups invested in a popular legitimacy of the same.[30] We discuss the implications of this in the following section.

To summarise the basic transformation, what is achieved then is a shift in the basis of claim-making of the putative individual subject—from the constitutional guarantee of rights for the citizen-subject of liberal democracy, to the relative positioning of the consumer-subject in the circuits of (hyper)-consumption. The basis of claim-making shifts more nakedly to one's position vis-à-vis the structure of power in society than being dictated through rules that presume an equality among subjects. In a transmogrification of the Cartesian cogito to *I consume, therefore I am*, the thinking entity forming the basis of imagining the individual in classical thought, I

think therefore I am, is sought to be replaced for practico-political purposes as the consuming entity, with consumption being established as the credo of the times. The logic behind the reduction of something like state subsidies for the welfare of poorer sections of society then is considered to be self-evident; the 'wisdom' behind fiscal prudence in a society like India, unquestionable.[31] Making a mockery of established liberal theories of power, the democratic content of liberal democracies and their institutions is being hollowed out.[32] A reimagining of the society and polity has been set in motion. The politics of the new Indian middle class, which might be numerically small but has disproportionate political influence and many members of which benefitted handsomely from the liberalisation of the economy, is imbued with such a logic.[33]

Majoritarianism and the Indian State

With India's robustly secular constitution, the influences of the humanist pluralism of Mahatma Gandhi, and the scientific egalitarianism of Ambedkar and Nehru,[34] Hindu supremacist ideologies were defeated, but not crushed. Adherents of Hindu supremacist beliefs withdrew comparatively into the shadows of public life in the first two decades of India's freedom, sullied as it was with the taint of the ideology that spurred Gandhi's assassination. Revived by their participation in the battle against the Emergency in the 1970s, it was in the rocky decade of the 1980s that Hindu supremacists sought a new symbol to stir Hindu nationalist fervour. They found this in the movement to build a grand temple to Ram at the exact site where a mosque built by Mughal emperor Babur stood. The sub-text of the campaign was to paint the Indian Muslim as inheritors of a historical tradition of violent suppression by Muslim kings of the erstwhile Hindu nation. The historical inaccuracies of this version of history did not matter to them. They also ignored the fact that most Muslims in

India did not descend from the Muslim aristocracy which came from other countries and made India their home. The vast majority are converts from low-caste Hindus who were attracted to the message of equality of Islam. The battle for building a Ram temple where the mosque in Ayodhya stood was never about one more temple for Ram. Thousands such temples exist in Ayodhya itself, and millions in other parts of the country. In any case few would object to the temple if it were to be built adjacent to the mosque. The demand was to build the temple by demolishing the mosque. This demand was a powerful symbol of the terms on which Muslims could be 'allowed' by the Hindu majority to live in India. If popular Hindu sentiment decreed that they break down their mosque to make way for a temple, they must peacefully agree. As minorities, they must know their place, of second class citizens, and if they resist, they must be violently taught their place in the country.

The era of economic reforms was in this way coterminous with the unprecedented consolidation of majoritarian communalism in the country, with its moment of triumph when mobs, led by hardline Hindutva leaders, brought down the Babri mosque in December 1992.[35] One of its outcomes has been the fragmenting of the polity in such a way that secular demands, such as those of socio-economic rights, became difficult to organise for.[36] As Achin Vanaik surmises, neoliberalism fails to provide any solace for the social disorientation it brings, for the loss of dignity, security and (typically male) self-respect. All that it contributes to is an 'exhaustion of perpetually striving after consumerist goals and the anxiety of never seeing them fulfilled.' (Vanaik, 2001) It is precisely in this context that aggressive cultural self-assertion, religious or ethnic, becomes a form of consolation, whose affirmations of virility offer a balm for social despair. The simultaneous reality of the shrinking of the formal jobs and the incumbent collapse or absence of organised traditional Left modes of organisation (trade

unions, etc.) made this transition uncontested. This, of course, has been a phenomenon on the rise across the world. In the West, for instance, the writ of commodification and market undermined the relative safeties of assured employment and universal welfare schemes. The resultant strains and anxieties made fertile ground for cultivating anti-immigrant xenophobia. In our part of the world such market fundamentalism gave way to Hindutva bigotry and majoritarianism that identified the Muslims as the 'enemy *other*'. For the ruling classes, this provides an opportunity to deflect the masses from the insecurities of their lived material realities brought upon by the neoliberal policies. From the Ayodhya agitation, by the RSS/BJP, to the Muslim witch hunt in the name of 'war on terror', to the sweeping electoral victory of Modi on a platform of polarisation, we have witnessed the toxic mix of neoliberal reforms and cultural majoritarianism tearing asunder the social fabric of plural India.

It is this politics of 'othering' that became the norm and the language of electoral politics with this shift. The strength, and deep roots, of this politics has been affirmed time and again in instances of state collusion in episodes of communal violence that have unfortunately occurred very frequently in the recent past. The normalisation of anti-minority hatred as well as increasing marginalisation and exclusion in state politics of the minorities, and the concomitant rise in desiring authoritarian rule in favour of the purported majority has been the other major change in the country alongside economic reforms.

This continuous campaign on the part of the Hindutva forces has had the result of deepening social tensions on communal lines, creation of an anti-minority sentiment that represents minorities as harbouring interests opposed to the 'nation', and an increasing normalisation of violence against members of minority communities who are alleged to be violating some supposed norm.[37] The politico-ideological work of the Hindutva campaign has

effectively utilised the avenues created in the wake of liberalisation—from increasing its financial corpus to harnessing the potential of the new communication technologies. We touched upon the latter in the previous section, and it merits mentioning here that the use of these technologies to create networks through which continuous ideological indoctrination can be effected has proved to be an incredibly useful tool for the regressive forces in India.[38] The cultural politics of majoritarian communalism coupled with the transformation of common sense we referred to above has resulted in the creation of new publics, defined through the principle of mutual exclusion: majority publics that use the trope of victimhood and blame the minority *Other* for problems that are universal, and minority publics that have increasingly become inward-looking as a result of the onslaught they face.

Searching for a Way Forward: Challenging Neoliberal Rule

In these ways, the last quarter century has witnessed the tacit erosion of the idea of the developmental state that sought to usher in a new egalitarian and pluralist India post-independence. While that post-colonial state idea in India had several flaws, it did embrace a relatively universalistic vision of collective welfare and democratic self-realisation as a people. This was represented most keenly in the prevailing common sense, one that was fostered and shared by the tallest leaders of the time, that the advancement of the country depended on the elimination of misery for its toiling masses and an unambiguous rejection of majoritarianism,[39] coupled with the project of forging a national community of diversely marked social actors, positively embracing the multitude of diversities, of religion, caste, gender, language and ethnicity.

The decade after 2004 was a period of high economic growth on neoliberal foundations. However, the market fundamentalism of this

period was tempered with a developing fragile consensus around the need to address the hardships brought about by neoliberal capitalism coupled with the importance of defending liberal values of secularism and coexistence. This period saw the introduction of many rights-based legislations, like the Right to Information Act (2005), Mahatma Gandhi National Rural Employment Guarantee Act (2005), The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006), Right of Children to Free and Compulsory Education Act (2009) and the National Food Security Act (2013). Implemented alongside the operations of a neoliberal capitalist economy, these efforts represented an attempt at the creation of a safety net by making the state legally responsible for ensuring the provision of these basic services.[40] If implemented in earnest, these laws contained the potential to take India closer to a welfare state model, although becoming a full welfare state would require a framework of universal social rights, on the one hand, and the defence of minorities on the other.

But even during these years, there was constant opposition by corporate and financial capital to such increases in budgetary allocation and to the build-up of state capacity to implement them properly. This stymied public delivery, resulting in denial of rights to many, even while the economy continues to remain on a path of high growth. Market fundamentalism has deepened further since 2014 when the still-nascent consensus around welfare and social liberalism seems to have become even more tenuous, if not discarded altogether. The state seems to be moving towards an even tighter embrace of global corporate and financial capital along with giving free reign to the erstwhile fringe elements of the Hindu right to maintain a tense social situation.[41] One that can be effectively harnessed in an electoral democracy based on the first-past-the-post system, as it polarises voters based on communal faultlines.

This change is occurring in a context where around the globe populist leaders and governments are coming to power seizing on the effects of the failure of the neoliberal regime to raise (or sometimes even maintain) the standard of living of the poor and the lower middle classes. Be it the case of Trump in the USA, Marine Le Pen in France, Rodrigo Duterte in the Philippines, they often have an anti-establishment posture and promise to deliver the people from the hardship of lack of opportunities, usually by demonising immigrants and other minorities such as people of colour or religious minorities, especially Muslims.

This change in India represents an antithesis of the state idea of the founding fathers and mothers of the republic, a society based on the principles of equality, liberty and fraternity. It is important today to remember the ideas and praxis of Mahatma Gandhi, Nehru and Ambedkar not for their differences (important as these certainly were) but for their basic consensus in wanting to see a humane and egalitarian society that is built on the acknowledgment of the equal worth, dignity and rights of every human being.

If left unchallenged and unaltered, we fear that the juggernaut of market and majoritarian forces will tear down the social and political fabric of the country. There is on the one hand the wanton destruction of life and livelihood in Adivasi heartlands such as Chhattisgarh which spurred even the usually conservative Supreme Court of the country to exclaim in anguish, 'the horror, the horror'. The court warned that the argument of inevitability around the rapacious neoliberal development paradigm hurriedly buries or criminalises any question regarding its impact on environmental sustainability and the existing social structures. 'Neither the policy makers nor the elite in India who turn a blind eye to the gross and inhuman suffering of the displaced and the dispossessed provide any credible answers. Worse still, they ignore historical evidence which indicates

that a development paradigm depending largely on the plunder and loot of the natural resources more often than not leads to failure of the state; and that on its way to such a fate, countless millions would have been condemned to lives of great misery and hopelessness' (Nandini Sundar & Ors vs State Of Chattisgarh, 2011). Along with the Adivasis, the distressed farmers and agricultural labourers and those labouring at the lower rungs of the informal economy, have been reduced to penury. With insecure jobs (if any), no social protection and no support system, they have largely been at the mercy of the market. At the same time the spate of brutal violence and lynching of Muslims and Dalits from Dadri to Una, from Junaid to Afrazul, from Alwar to Saharanpur, is fast transforming vast swathes of the country into a cauldron of fanaticism and blood lust which, left unchallenged, will ultimately lead to a most tragic end, violently reshaping India as we know it.[42]

Hope remains in the fact that while there are examples of increasing inequality coupled with illiberalism, there are also examples to the contrary. Instances of caste and communal violence have resulted in campaigns of resistance. The famous uprising of Dalits in Una, Gujarat led to nationwide repercussions and wide condemnation of self-styled cow vigilantes who, with tacit support, terrorised members of Dalit and Muslim communities as their traditional occupations involved dealing with cattle. The spate of hate crimes, and in particular lynching of Muslims led to coordinated civil society campaigns[43] in different cities that publicly rejected the majoritarian thrust on the body politic. The resistance to the neoliberal model of expropriation is most strongly coming from those at the receiving end of it. Most recently we have witnessed the grit with which small and marginal farmers took to the highways and streets to campaign at the financial capital (Mumbai). The Kisan Long March saw the participation of thousands of farmers bearing the burden of systematic agrarian distress and denial

of their rights. Their presence was well received in the city,[44] as residents offered food, water, footwear and even flowers to the marching farmers, showing once again that people care for unknown others if left to themselves.

These instances of ordinary people resisting the might of the market and standing up against the machinations of those who seek to foment social and communal violence are part of a global trend, a double movement of sorts that is challenging neoliberal orthodoxy.[45] The last few years have seen the Occupy Wall Street movement in the United States of America, which challenges increasing inequality, as well as the Black Lives Matter movement that stands against systematic racism against black people. New leaders around the world are speaking out in voices critical of neoliberalism, attacking growing inequality, and calling for state systems and society built around greater compassion, solidarity and justice. The wide social distress caused under neoliberal times has been the focus of critique even for Pope Francis, head of the Catholic Church, who has sharply criticised the increasing inequality and denounced the trickle-down theory.[46]

In India, leading Left intellectual Prabhat Patnaik made a significant call for mobilising all Left, secular and democratic elements in society to fight majoritarian forces before they tighten their stranglehold, around a common minimum programme which is workable and to which all parties coming together are committed. 'Such a programme' he believes, 'must include not only overcoming the pervasive fear, the assault on thought, and the flourishing of communal, patriarchal, and casteist attitudes that has occurred of late, but also introducing a set of universal welfare state measures, especially in the spheres of education, employment and health.' (Patnaik P., 2018)

With unprecedented levels of discontentment against a socially divisive and economically

unjust order, the challenge remains to imagine a sustained and credible alternative. In our context it is worthwhile to recall the project of building a new India as imagined and promised in its constitution, and of the sort of state that should see to its realisation, which the foremost leaders of the freedom struggle steadfastly stood for. A state committed to upholding the values of equality, liberty and fraternity, and being duty-bound foremost to securing justice, liberty, equality and fraternity for all its people, and most of the defence of these for its oppressed and marginalised populations.

Mahatma Gandhi's timeless talisman needs to be our inspiration now more than ever : his advice just months before his assassination. To remember the most vulnerable person, and reflect if our actions would benefit that person. With this, he established also the moral parameters of the state idea in independent India, one which would stand steadfast in defence of and solidarity with the last person, for her life with dignity, and for equal rights of people disadvantaged by caste, tribe, gender, disability and minority faiths.

Endnotes

1. We are grateful for extensive research support and insights by Anirban Bhattacharya.
2. Pyarelal (1956).
3. http://parliamentofindia.nic.in/ls/debates/vol2p3.htm
4. Amrita Chhachhi in one of her essays deals with the current debates around whether the emancipator project for these workers today ought to be imagined as the subjects being solely workers or on the basis of citizenship entitlements alone.
5. Mander, 2015, p. 1.
6. We follow the insight of the sociologist Philip Abrams in understanding the state through the concepts of the state idea and state apparatus. The latter refers to existing empirical agencies such as the police, judiciary, etc., while the former is a historically specific understanding (cultural-political) that comes to dominate thinking around the state—what is the purpose of the state, what it should do, etc. The state idea is the result of historically contingent contestations between different forces in society. For Abrams it is primarily a contest between class forces. See Abrams (1988) for a highly relevant critique of the concept of the state.
7. Drawing from critiques of colonial rule and societal ills in India.
8. In the Indian context Dadabhai Naoroji is credited with first establishing that Britain was draining wealth out of India by calculating the net national profits and relating it to the effects of colonisation.
9. See the work of Romesh Chunder Dutt, the foremost economic historian of nineteenth-century India.
10. He goes on to explain that 'Liberty cannot be divorced from equality, equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty would produce the supremacy of the few over the many.'
11. This is a social system where the oppressed are divided among themselves based on an unequal distribution of burdens and rewards to support the system. Thus barring those at the very top and those at the absolute bottom (the Brahmins and atishudras or untouchables in India), all others stand to lose their superior status vis-à-vis those below them if they decide to revolt against the system, even if revolting means challenging the dominance of those above them. This concept is key to understanding the working of caste in the Indian subcontinent.
12. In the course of the freedom struggle, he spoke often of the ills of large economic inequality in India and was attracted to aspects of communism as 'an ideal of society', an ideal 'which aims at common possession and enjoyment of almost everything that the people require'. In 1939 he described equality as the 'sine qua non' of liberty and democracy; and

he declared that this equality could not be brought about 'so long as the principal instruments of production are privately owned'.?

13. It is interesting to note the convergence in the ideas of social democracy as propounded by Ambedkar and that of economic democracy, spoken of by Nehru. Addressing the First All-India Seminar on Parliamentary Democracy in 1956, he said that political democracy was a means to the end of 'the good life for the individual'. 'In the past', he said, 'democracy has been taken chiefly to mean political democracy, roughly represented by the idea of every person having a vote. It is obvious that a vote by itself does not mean very much to a person who is down and out and starving. Such a person will be much more interested in food to eat than in a vote. Therefore, political democracy by itself is not enough that it may be used to obtain a gradually increasing measure of economic democracy. The good things of life must become available to more and more people and gross inequalities must be removed.'

14. What was being debated was a clause forbidding discrimination against minorities in admission to state educational institutions and prohibiting compulsory religious instruction to them. 'The only reason in support for this proposal, one can sense, is that… we must wait and see what rights the minorities are given by the Pakistan Assembly before we determine the rights we want to give to the minorities in the Hindustan area… I must deprecate any such idea.' He added that while the government could diplomatically engage with neighbours for rights to minorities there, he wasn't in favour of the decisions that the Pakistan leadership takes affecting the rights of minorities in India. See Pathak (2015).

15. See Biswas (2009).

16. Orthodox Hindu members like Purshottam Das opposed permitting the freedom to 'propagate' one's faith, suggesting that this was being done only to appease Christian opinion. The matter of permitting conversion was referred to an Advisory Committee, which led to the constitution unambiguously guaranteeing freedom to profess, practise and propagate religion. See Dossal (1952)

17. In the United States unemployment reached a high of 25% during the Great Depression years. Globally figures for unemployment were as high as 32–33% while the global GDP fell by close to 1/6th during this period.

18. Various programmes in the US to support the farmers after the drought of 1933, the unemployed

youth and for the protection of the elderly came to be known as the New Deal under the then president, Franklin D. Roosevelt.

19. Harvey draws attention to the creation of the Mont Pelerin Society in 1947 around Austrian political philosopher Friedrich von Hayek. Deeply opposed to any sort of state intervention and advocating market fundamentalism, this group remained at the margins till the 1970s when its ideas and members started finding representation in well-financed think-tanks and in policy circles. In a sense it was a return with vengeance of ideas that had been in oblivion since the Great Depression.

20. The argument here is not that there was ever a full and robust practising of these values, or that they encompassed all that needed to be done. They were not even subscribed to by all members of the ruling regime, several of whom were deeply conservative. In short, this is not a glorification of the political ethos of the post-independence years. The effort here is to highlight the particular project of creating a modern social order that saw the light of day in independent India and which fiercely kept at bay the forces of regression that would have seized upon the apparatus of the state if not challenged by the modernist forces led by Nehru and others. Despite never quite becoming fully effective on the ground, it determined the norm for political behaviour. Regressive tendencies, even though they existed during this phase, had to remain latent as they did not have popular legitimacy. This, as we discuss later, has changed more recently.

21. Scholars critical of this formulation have argued the short-sightedness of this fiction. See Anderson (2015) for a critique of the official idea of India.

22. A modernist and romantic at the same time, Nehru sought the rapid modernisation of the country while regarding the best in its cultures with deep respect, viewing it as 'an ancient palimpsest on which layer upon layer of thought and reverie had been inscribed, and yet no succeeding layer had completely hidden what had been written previously'(Nehru, 2004).

23. This came under attack in the later decades of the 1970s–80s, which saw mass mobilisation of the lower caste groups and Dalits.

24. One can find numerous instances of this in day-to-day news and popular commentary. For an analytical take, among others see Fernandes & Heller (2006) on this point.

25. Much ink has been spilt on defining exactly what constitutes neoliberalism. Often used to refer to the increased dominance of the market forces, it is

also used to refer to a form of rule or governance of populations. Aihwa Ong (2006), for instance, makes a useful distinction between 'Neoliberalism' (with a capital 'N') representing a set of attributes (market forces) with predetermined outcomes, and 'neoliberalism' (with a small 'n') representing a logic of governing that migrates and whose application is taken up selectively in diverse political contexts. See Springer (2016) for an expansive treatment. It is one of those ideas that seems to apply to much that has occurred in the last half century. As happens with such wide application of a concept, its use is often charged with being vague or rhetorical, lacking in analytical traction. Rather than get embroiled in the definitional scandal, we seek to present a historical narrative of what we consider as being the major changes brought about by neoliberalism in India. We see it as more than simply free market fundamentalism (an economic doctrine) and recognise in it forms of a new governing rationality and discuss its impact on the working of a formally democratic political setup. In doing so, the site of our focus remains the state.

26. It is important to critically reflect on the use of the term religious majority, as the same is contested by various oppositional movements of lower caste groups that have sought to resist appropriation into 'Hindu' identity. The latter understood by Dalit and lower caste oppositional movements as an attempt by the Hindutva movement to establish Brahmanical hegemony.

27. As mentioned earlier, a consensus did not exist within the ranks of domestic capitalists as some stood to gain more than others from the opening up of the economy. The day was won by the outward looking segments. Similarly, as Kaviraj points out, middle class consolidation behind the demand for liberalisation was the result of an internal process of compromise that involved the crucial role of kin ties. See Kaviraj (2010)

28. This change in the operation of global capitalism as a system, that is more and more reliant on expropriating value (rather than exploiting it from wage labour) from resources and populations as yet outside of the circuits of capital has been widely commented upon as being the defining characteristic of a new historical stage of capitalism. For a theoretical treatment of this, see the concept of accumulation by dispossession forwarded by Harvey (2003).

29. This results in unique forms of alienation where one is increasingly unable to comprehend the links that create the collective we encounter as society. It is instructive to think of the experience of higher education and the increasing popularity of *babas,* or self-styled religio-spiritual leaders, as two such instances of alienation.

30. The democratisation of means of communication has, among other things, seen a rise in the spread of fabrications with the purpose of affecting social relations. Any number of false constructions of history, culture and politics circulate through communication platforms like WhatsApp, Facebook, etc. While this in itself should not raise alarm, the organised use of these technologies by political and economic actors, such as political parties and corporations, is a serious issue that has the potential of undermining the democratic process. This phenomenon has given rise to scholars debating whether we have entered an era of post-truth and 'fake news'.

31. Given the scale of its impact, the lack of debate (to say nothing of intelligent engagement on the subject) on matters of cutting back of state support for various sections of the society in India is proof of the effort to perpetuate, and to make self-evident the logic of capital to the consuming population, and also of the success it is achieving.

32. Brown is one among several scholars who have come to a similar conclusion while investigating the governing rationality of neoliberal order. See Brown (2015) for a detailed exposition of how this logic, or governing rationality, hollows out democracy of meaningful content.

33. See Fernandes (2006) for a detailed discussion of the emergence and politics of this category—the new Indian middle class.

34. India's freedom struggle was from the start a battle not just against the colonial state, but also against the idea of free India becoming a majoritarian religious state. Matters came to a head when rivers of blood flowed in the tumult of India's freedom. The country was torn into two on religious lines, and a million people died in Hindu-Muslim riots on both sides of the border. Hindu nationalists were convinced that since Pakistan was a Muslim nation, India should be a Hindu nation. But Gandhi stood resolutely against the idea of a Hindu country and for the ideal that the country belonged equally to people of every religion, defending the idea of secular India with his life. Many supporters of the idea of Hindu India meanwhile joined the Congress, and there were many contestations in the writing of India's constitution. However leaders like Nehru, Ambedkar and Maulana Azad, and eventually the constitution upheld the right of every Indian to

both practise and propagate their faiths, even as the Indian state had no religion. The highest morality that 'we the people' affirmed in the preamble was justice, liberty, equality and fraternity.

35. Tendencies of majoritarian communalism have been present for a very long time in the polity and they have existed in an organised form since at least 1925, which is when the Hindu Mahasabha was formed as an organisation to bring about the establishment of the *Hindu Rashtra*. But they have risen to power only in the past generation.

36. This fragmentation of the polity complemented the effort to demobilise the collective bargaining strength of labour as the state systematically dismantled labour protections and rights.

37. India has seen a spate of public lynchings and violence by groups that claim to be protecting cows from either being killed, robbed or smuggled exclusively by Muslims and Dalits in various parts of the country. The case of Pehlu Khan in Rajasthan got media attention when a mob of over 100 people beat Khan to death on a highway in broad daylight while the whole incident was being recorded. See the report by Raj (2017) on this incident. In another infamous case, a 16-year-old boy Junaid Khan was stabbed to death on a train on the periphery of the national capital on the pretext that he was carrying beef. See the commentary by Kochukudy (2017). The pretext of cow protection has been increasingly used by local goons allied with the ruling regime, often referred to as fringe elements of the BJP/RSS. The spate of lynchings since the current government came to power on a strong Hindutva pitch, has created an atmosphere of continuous fear for members of the minority community as so far only one of the several reported cases of cow-related violence has seen any state order against the perpetrators of violence. See the commentaries by Kumar (2017), Saldanha (2017) and an article by Saldanha (2017) for *India Spend* which shows that 97% of cow-related deaths in India since 2010 took place after 2014 (the year the current government took office) and 86% of those killed were Muslims.

38. In almost all cases of communal violence in recent years, these technologies have been expertly utilised. It is not just a case of hyper connectivity leading to a quick spread of messages that is used for logistical efficiency in organising mass incidents, but the events of recent years show a planned use of misinformation. Top leaders of the ruling party have openly distributed false versions of events that caused violence: consider the case of BJP legislator from Western UP, Sangeet Som who disseminated fake video clips online that caused violence in the region—(*Firstpost*, 2013).

39. This reflected that the political tendency of majoritarian communalism certainly did exist. In fact, the moment of political independence also saw the coming to head of the competing ideas of India: a nation of belonging to the purported majority community of Hindus where all others would have second class status, or a nation that belonged to all its inhabitants irrespective of religious labels. In 1948 a member of the RSS, Nathuram Godse assassinated Gandhi. This loss solidified the commitment towards creating an inclusive country and a rejection of the majoritarian ideology of organisations such as the RSS, which was subsequently banned.

40. Terms such as 'new welfare architecture' were used to describe the developing configuration. See Ruparelia, Harriss, Balagopal, & Vijaybaskar (2015).

41. There has been an unprecedented increase in the number of lynchings and hate crimes in the recent past. The illegal activities of cow vigilantes have been particularly notable. Hardly anyone has been prosecuted in any of the cases, while the social fabric seems to be getting torn asunder.

42. See Vatsa (2015 for Dadri, Kateshiya (2016) on Una, Kochukudy (2017) for the killing of Junaid, and Mander, Dayal, & Shrivastava (2017) on Afrazul's murder. See Bhattacharjee (2017) on mob lynchings in India.

43. The 'Not In My Name' campaign was one of several successful campaigns that took to the streets in the aftermath of communal hate crimes (*The Indian Express*, 2017).

44. The marching peasants travelled over 180 km on foot to register their protest at the state capital. See the report by NDTV for the same (NDTV, 2018).

45. In the West, anti-immigrant and racist tendencies have shaped the cultural response of the right wing on the one hand, while on the other we have the response of those who seek a unified society and challenge the economic orthodoxy of the market.

46. For reportage on this, see Goldfarb & Boorstein (2013).

Bibliography

Abrams, P. (1988). Notes on the Difficulty of Studying the State. *Journal of Historical Sociology, 1* (1), 58–89.

Amin, S. (2005, February 1). India, A Great Power? *Monthly Review, 56* (9).

Anderson, P. (2015). *The Indian Ideology.* New Delhi: Three Essays Collective.

Bhattacharjee, M. (2017, June 25). *The Lynching of a Nation – The Wire.* Retrieved March 27, 2018, from The Wire: https://thewire.in/communalism/the-lynching-of-a-nation

Biswas, S.K. (2009, June 4). *Parliament Speech Delivered by Dr. B.R. Ambedkar on 17th Dec. 1946. Milestone's Literature.* Retrieved February 22, 2018, from Milestone's Literature: https://milestone02.wordpress.com/2009/06/04/parliament-speech-delivered-by-dr-b-r-ambedkar-on-17th-dec-1946/

Brown, W. (2015). *Undoing The Demos.* New York: Zone Books.

Chhachhi, A. (2014). Introduction: The 'Labour Question' in Contemporary Capitalism. *Development and Change*, 895–919.

Dossal, R.S. (1952). Constituent Assembly Debates on Fundamental Rights – A Sidelight. *The Indian Journal of Political Science, 13* (3/4), 99–107.

Dutt, R.C. (1902). *The Economic History of India: In the Victorian Age* (Vol. 2). London: Kegan Paul.

———. *The Economic History of India: Under Early British Rule* (Vol. 1). London: Kegan Paul.

Esping-Andersen, G. (2013). *The Three Worlds of Welfare Capitalism.* Cambridge: Polity Press.

Evans, P.B. (1989). Predatory, developmental, and other apparatuses: A comparative political economy perspective on the third world state. *Sociological forum, 4* (4), 561–587.

Fernandes, L., & Heller, P. (2006). Hegemonic Aspirations: New Middle Class Politics and India's Democracy in Comparative Perspective. *Critical Asian Studies, 38* (4), 495–522.

Firstpost. (2013, September 13). *Muzaffarnagar riots: Who is 'viral video' uploader Sangeet Singh Som? - Firstpost.* Retrieved February 27, 2018, from Firstpost: http://www.firstpost.com/politics/muzaffarnagar-riots-who-is-viral-video-uploader-sangeet-singh-som-1106081.html

Fleming, R. (1989). Lenin's Conception of Socialism: Learning From the Early Experiences of the World's First Socialist Revolution. *Forward, 9* (1).

Frankel, F. (2009). *India's Political Economy* (Second ed.). Delhi: Oxford University Press.

Goldfarb, Z.A., & Boorstein, M. (2013, November 26). *Pope Francis denounces 'trickle-down' economic theories in sharp criticism of inequality: The Washington Post.* Retrieved February 17, 2018, from The Washington Post: https://www.washingtonpost.com/business/economy/pope-francis-denounces-trickle-down-economic-theories-in-critique-of-inequality/2013/11/26/e17ffe4e-56b6-11e3-8304-caf30787c0a9_story.html?utm_term=.3fab5858bc1e

Gopalakrishnan, S. (2006). Defining, Constructing and Policing a 'New India': Relationship between Neoliberalism and Hindutva. *Economic and Political Weekly, 41*(26), 2807.

Harvey, D. (2005). *Neoliberalism: A Brief History.* New York: Oxford University Press.

———. (2003). *The New Imperialism.* New York: Oxford University Press.

Jenkins, R. (1999). *Democratic Politics and Economic Reform in India.* Cambridge: Cambridge University Press.

Kateshiya, G.B. (2016, July 20). *Gujarat: 7 of Dalit family beaten up for skinning dead cow. The Indian Express.* Retrieved March 20, 2018, from *The Indian Express*: http://indianexpress.com/article/india/india-news-india/gujarat-7-of-dalit-family-beaten-up-for-skinning-dead-cow-2910054/

Kaviraj, S. (2010). *Trajectories of the Indian State: Politics and Ideas.* Delhi: Orient Blackswan.

Kochukudy, A. (2017, July 1). *Bloodstained Tickets and Bewilderment are What Remain of a Train Ride Aborted by Hate. The Wire.* Retrieved February 27, 2018, from The Wire: https://thewire.in/communalism/as-fear-grips-junaids-village-family-recalls-horror-of-lynching

Kohli, A. (2009). States and Economic Development. *Brazilian Journal of Political Economy, 29* (2), 212–227.

———. (2006). Politics of Economic Growth in India, 1980-2005 Part 2: The 1990s and Beyond. *Economic and Political Weekly*, 1361–1370.

———. (2006). Politics of Economic Growth in India, 1980–2005 Part 1: The 1980s. *Economic and Political Weekly*, 1251–1259.

Kumar, A. (2017, October 5). *The lynching that changed India | India | Al Jazeera.* Retrieved February 25, 2018, from Al Jazeera: https://www.aljazeera.com/indepth/features/2017/09/lynching-changed-india-170927084018325.html

Kumar, R.N. (2008). The Matter of Mass Cremations in Punjab: a Window Into the State of Impunity in India. In A. Vijapur (Ed.), *Implementing Human Rights in the Third World: Essays on Human Rights, Dalits and Minorities.* New Delhi: Manak Publications.

Lenin, V.I., & Chretien, T. (2015). *State and Revolution.* Chicago: Haymarket Books.

Mander, H. (2015). *Looking Away: Inequality, Prejudice and Indifference in India.* Delhi: Speaking Tiger.

Mander, H., Dayal, J., & Shrivastava, K. (2017, December 18).

Rajasthan hate murder: The other tragedy in Afrazul's killing is a famine of compassion, outrage. Retrieved February 27, 2018, from Scroll.in: https://scroll.in/article/861826/rajasthan-hate-murder-the-other-tragedy-in-afrazul-khans-murder-is-a-famine-of-compassion-outrage

Nandini Sundar & Ors vs State Of Chattisgarh, WRIT PETITION (CIVIL) NO. 250 OF 2007 (SUPREME COURT OF INDIA July 5, 2011).

Nayyar, D. (2017, January 14). Economic Liberalisation in India: Then and Now. *Economic and Political Weekly,* 41–48.

NDTV. (2018, March 12). *Maharashtra Farmers Protest in Mumbai: Mumbai With Farmers. Food, Footwear, Flowers For Protesters.* (D. Ghosh, Editor) Retrieved March 20, 2018, from NDTV: https://www.ndtv.com/mumbai-news/maharashtra-farmers-protest-in-mumbai-mumbai-with-farmers-residents-offer-food-footwear-to-tired-pro-1822751

Nehru, J. (2004). *The Discovery of India.* Delhi: Penguin Books.

Noorani, A. (2004). *The Muslims of India: A documentary record.* Oxford University Press.

Ong, A. (2006). *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty.* Durham: Duke University Press.

Pathak, V. (2015, November 30). *Minority rights absolute, Ambedkar said | The Hindu.* Retrieved February 22, 2018, from The Hindu: http://www.thehindu.com/news/national/constituent-assembly-debates-minority-rights-absolute-ambedkar-said/article7930932.ece

Patnaik, P. (2018, March 6). *In the wake of Tripura | The Indian Express.* Retrieved March 22, 2018, from The Indian Express: http://indianexpress.com/article/opinion/columns/bjp-modi-manik-sarkar-left-in-the-wake-of-tripura-elections-2018-5087281/

———. (2016, July 26). *It Never Trickles Down – The Hindu.* Retrieved February 25, 2018, from The Hindu: http://www.thehindu.com/opinion/op-ed/It-never-trickles-down/article14508121.ece

Pyarelal. (1956). *Mahatma Gandhi – The Last Phase* (Vol. 9). Ahmedabad: Navajivan Mudranalaya.

Raj, S. (2017, April 5). *Hindu Cow Vigilantes in Rajasthan, India, Beat Muslim to Death – The New York Times.* Retrieved February 26, 2018, from The New York Times: https://www.nytimes.com/2017/04/05/world/asia/india-cow-mob-hindu-vigilantes.html

Rajeshwari, B. (2003). *Communal Violence in India: A Chronology (1947–2003).* New Delhi: Institute of Peace and Conflict Studies.

Rao, J.M., & Storm, S. (1998). Distribution and Growth in Indian Agriculture. In T.J. Byres (Ed.), *The Indian Economy: Major Debates since Independence* (pp. 193–248). New Delhi: Oxford University Press.

Ruparelia, S., Harriss, J., Balagopal, G., & Vijayabaskar, M. *India's New Welfare Architecture: Genesis, Promises, Risks.* United Nations Research Institute for Social Development. Geneva: United Nations Research Institute for Social Development.

Saldanha, A. (2017, December 28). *Gau Raksha and Mob Lynching – 2017 Was a Year of Hate Crime – The Quint.* Retrieved February 27, 2018, from The Quint: https://www.thequint.com/news/india/2017-year-of-hate-crime-junaid-khan-pehlu-khan-afrazul-lynching

———. (2017, December 8). *2017 Deadliest Year For Cow-Related Hate Crime Since 2010, 86% Of Those Killed Muslim – India Spend-Journalism India | Data Journalism India | Investigative Journalism: IndiaSpend.* Retrieved February 27, 2018, from India Spend-Journalism India | Data Journalism India| Investigative Journalism – IndiaSpend: http://www.indiaspend.com/cover-story/2017-deadliest-year-for-cow-related-hate-crime-since-2010-86-of-those-killed-muslim-12662

Siddiqi, U.J. (2015). *Land, State and Capital in India.* Delhi: University of Delhi.

Springer, S. (2016). *The Discourse of Neoliberalism: an anatomy of a powerful idea.* London: Rowman and Littlefield International.

The Indian Express. (2017, June 28). *What is the 'Not In My Name' protest? – The Indian Express.* Retrieved February 22, 2018, from The Indian Express: http://indianexpress.com/article/what-is/what-is-the-not-in-my-name-protest-lynching-junaid-khan-4725668/

Vanaik, A. (2001). The new Indian right. *New Left Review, 9*(2), 53.

Vatsa, A. (2015, December 25). *Dadri: Mob kills man, injures son over 'rumours' that they ate beef | The Indian Express.* Retrieved March 20, 2018, from The Indian Express: http://indianexpress.com/article/india/india-others/next-door-to-delhi-mob-kills-50-year-old-injures-son-over-rumours-they-ate-beef/