

The Land of Exclusion*

Jayati Ghosh

There are many ways to divide Indian society, and unfortunately we seem to be pretty good at all of them. There are material inequalities: in terms of asset ownership, incomes, consumption, access to finance, control over physical and natural resources, access to physical infrastructure and housing. There are social inequalities that determine opportunities: access to nutrition, health, education, other basic services and to reasonably clean environment. There are political and legal inequalities that affect voice, the ability to have some influence over the things and processes that directly affect you, and access to justice. There are cultural inequalities that determine how you see yourself and are seen within society. There are relational inequalities that drive the hierarchies that you function within and your degrees of autonomy and freedom. And so on.

All of these inequalities in turn have different dimensions, determined by social categories – and it is possibly in this regard that India may well have the most complex and entrenched systems of hierarchy, discrimination and exclusion to be found anywhere in the world. So the problem is not just that Indian society is characterised by sharp and often growing divides, it is also that many of these aspects of inequality intersect according to social categories, such as caste, religious community, ethnic or linguistic group, extent of physical disability and of course (and most of all) gender.

Some aspects of inequality and exclusion are relatively well known and widely discussed, most of all the income inequalities that are approximated by the difference in per capita consumption expenditure that are revealed by our periodic national sample surveys. But because our public service delivery has not been universal or sufficiently good quality in its implementation, this often translates into all the other inequalities mentioned above. Thus, a poor person is more likely to have little or no schooling (and that too of uncertain quality); live in more difficult and congested conditions with less physical protection; have insufficient access to housing infrastructure and sanitation; have poor nutrition and also worse health conditions; have less access to well-paying jobs and therefore more likely to be in more demanding yet fragile and poorly remunerated employment; and suffer more indignities in the course of daily life. For women and girls in poor households, many of these are likely to be compounded by relational inequalities that restrict autonomy and freedom and further add to deprivation in different dimensions.

A recent report from the Centre for Equity Studies ([India Exclusion Report 2013-14](http://www.indianet.nl/pdf/IndiaExclusionReport2013-2014.pdf), New Delhi: Books for Change 2014, www.indianet.nl/pdf/IndiaExclusionReport2013-2014.pdf) brings this out only too clearly. And its emphasis on the extent to which intersecting inequalities dominate the lives of those at the bottom of various different piles provides a sobering reminder of how far we are from reaching even the most basic promises of our Constitution.

The report focuses on inequalities in India from the angle of exclusion in four important areas: school education, urban housing, decent work in labour markets and legal justice (particularly in relation to anti-terror legislations in India). The prolonged persistence of such exclusion points to major state failure, since the duty of the state

to ensure just, equitable and sustainable access to these for all citizens is obviously enshrined in the Constitution and also derives implicitly from fairly universally accepted moral/ethical frameworks. To that extent it is frightening that recent political and social changes suggest that we may be moving even further away from achieving those ideals, rather than progressing towards them.

In the case of school education, many people in India believe that we are close to achieving universal schooling and that inequalities in this field are possibly lower than in other aspects of life. Yet the high enrolment figures conceal the lack of coverage of street children (whose total numbers are unknown, though [a study in 2011](#) found 50,000 such children in Delhi alone) and others such as children travelling with temporary and seasonal migrants (estimated to be as many as 6 million) as well as working children who may be enrolled but barely able to attend. But inequalities persist within the schooling process, not only in terms of the quality of school that are accessed by children from different income groups, but through social discrimination that particularly hurts Dalit, Adivasi and Muslim children and those with disabilities, in ways documented in the Report. This helps to explain why early dropout rates are concentrated among such categories of children.

Inequalities with respect to housing are well known, but once again most people believe they relate dominantly to income. It is certainly true that of the estimated housing shortage of nearly 19 million units, 95 per cent affects low income households, with less than Rs 10,000 total income per month. But many more live in (often self-built) homes that are unacceptable in terms of minimum physical and social conditions. Further, even within the poor there are social differences. Scheduled Castes and Scheduled Tribes live on average in worse housing than other, and among these female-headed households fare the worst. There is evidence of social discrimination affecting both ownership patterns and tenancy contracts. The report describes systematic patterns of discrimination and self-segregation of Muslims in formerly more cosmopolitan cities like Mumbai; and provides pervasive evidence of discrimination in housing access also along caste and other lines, with the adversely affected being Dalits, people living with HIV, transgender and Hijra communities and people with disabilities. In slum settlements there tends to be a preference for male tenants, or those from particular regions and/or communities. Housing finance shows similar evidence of systematic discrimination, for example with minority neighbourhoods being treated (officially and unofficially) by banks as “no-lending zones”.

The labour market is perhaps the sphere in which social discrimination is most profound and simultaneously complex. Of course the vast majority of Indian workers are in informal employment, but even within that social differences exist. There is a preponderance of Dalits in casual labour, and Adivasis too are over-represented in such work. A much lower proportion of Muslims finds regular work as compared to the total Hindu population, and even those are mostly employed in low end and poorly paid work. Persons with disabilities are largely excluded from the labour market, and this is worsened by the relative absence of disabled-friendly infrastructure in public areas and work places. Among all workers in all categories, women workers are particularly disadvantaged, with lower recognised work participation, lower pay for such work, inferior working conditions and generally precarious contracts, and double burden of paid and unpaid household work. In any case, it should come as no surprise that the generally low status of women in India

renders them particularly vulnerable to other forms of exploitation, abuse and violence within and to and from the workplace, as indicated in the Report.

Despite all these glaring examples of discrimination, the most shocking parts of the Report relate to the way the legal justice system operates to the disadvantage of already disadvantaged groups. There is significant over-representation of Dalits, Adivasis and Muslims in the prison population, and especially among undertrial prisoners, most of whom have been languishing in jail for years without any recourse.

The implementation of anti-terror legislation has been particularly indicative of this broader tendency. Of the 67,000 persons arrested under TADA (the [Terrorist and Disruptive Activities Prevention Act](#)) when it was in force between 1985 and 1994, only 8,000 went to trial and only 725 were finally convicted. In Rajasthan, only Muslims and Sikhs were detained under the Act. It was also heavily used in states that were then relatively unaffected by terrorism: for example, in Gujarat the majority of those arrested were anti-dam protestors, trade unionists and people from religious minorities. There is similar evidence of the misuse of POTA ([Prevention of Terrorism Act](#)). For example, in Jharkhand just after the Act was introduced in 2002, most of the 202 persons arrested were Adivasis and Dalits. In Gujarat, all the cases registered under the Act by the end of 2003 were against Muslims, with the solitary exception of one Sikh.

The new avatar of these now-repealed Acts, the Unlawful Activities (Prevention) Act, is similarly open to abuse by the state. The Report provides examples from Uttar Pradesh, Odisha, Chhattisgarh, Delhi, Karnataka, Madhya Pradesh and Maharashtra, of the use of the Act to target disadvantaged groups and particularly Muslims, as well as to silence social activists and political dissenters.

There are obviously many elements to such exclusion that adds additional deprivation and oppression to those already hit by economic and social inequality and poverty. The Report identifies four major processes: faulty design of both laws and policies; failures and institutional bias in their implementation; active violence and discrimination by the state; and low and faulty budgetary allocations that limit the capacity to achieve better outcomes. These are all crucial, but the current indicators from the new national government and many state governments is that all of these may even be getting worse, so multidimensional exclusion will become more extensive and more profound. If this is to change, we need more public awareness of the extent of such exclusion and active social mobilisation against these adverse processes.

*** This article was originally published in the Frontline, Print edition: December 12, 2014.**