

MAKING POST-2015 MATTER FOR SOCIALLY EXCLUDED GROUPS IN INDIA

LUCY DUBOCHET

OXFAM INDIA WORKING PAPERS SERIES

January 2013
OIWPS - XIX



ऑक्सफैम इंडिया

OXFAM

India

The Author: Lucy Dubochet

This paper was written by Lucy Dubochet, Research Manager, Oxfam India, with contributions from: Avinash Kumar, Director–Policy, Campaigns and Research; Anjela Taneja, Programme Coordinator–Education; Maju Varghese, Programme Officer–Essential Services; and Deepak Xavier, Essential Services Lead Specialist.

Published by: **Oxfam India**

Disclaimer:

Oxfam India Working Paper Series disseminates the finding of the work in progress to encourage the exchange of ideas about development issues. An objective of the series is to get the findings out quickly, even if the presentations are less than fully polished. The papers carry the names of the authors and should be cited accordingly. The findings, interpretations, and conclusion expressed in this paper are entirely those of the authors. They do not necessarily represent the views of Oxfam India.

MAKING POST-2015 MATTER FOR SOCIALLY EXCLUDED GROUPS IN INDIA

What post-2015 goals will make a difference for those who are left behind the country's social development? As the deadline for the Millennium Development Goals (MDGs) is nearing, the challenge of addressing inequality in the new framework has been highlighted repeatedly. This paper looks at the issue from the perspective of four groups who face acute poverty and social exclusion: women, Dalits, Muslims and Tribals in India.¹ It draws on their situations to offer insights into aspects that emerge as a consensus in the broader discussion around post-2015: the importance of addressing inequalities and placing human rights at the heart of the framework, the central role of domestic policies, and the necessity of involving those whom the framework aims to serve.²

1. INTRODUCTION

In India . . . we must aim at equality. That does not mean and cannot mean that everybody is physically or intellectually or spiritually equal or can be made so. But it does mean equal opportunities for all, and no political, economic or social barrier. . . . It means a realization of the fact that the backwardness or degradation of any group is not due to inherent failings in it, but principally to lack of opportunities and long suppression by other groups.

*Jawaharlal Nehru, The Discovery of India.*³

As the development community is busy weighing performances on the MDGs, one bottom line emerges from India's outcomes: inequalities along group lines are increasing with the country's rapid economic growth. More than sixty years after the idea of equality translated into India's Constitution, social exclusion remains a central dimension of poverty in the country.

Four groups stand out for social indicators that lag behind national averages: Dalits, Muslims, Tribals, and women, who fare worse than their male counter parts across all groups. Lasting discrimination and insecurity, the lack of economic opportunities and political empowerment combine to keep them at the margins of the country's economic and social development. These outcomes and the underlying dynamics they reveal, exemplify dynamics of social exclusion,⁴ with caste, tribe, religion and gender at their core.⁵ This paper argues that, beyond their regional specificities, these dynamics can be found worldwide. In India alone Dalits, Muslims, and Tribals constitute 38 percent of population, and a major share of the country's poor: their situation is a stark reminder that a framework of development is of little relevance today if it leaves out social exclusion.

While the MDGs cover a number of its symptoms, they hardly address exclusion upfront: gender discrimination is confined to one goal,⁶ and other types of discrimination are altogether left out. In that

regard, India provides a lesson worse drawing on for post-2015: not only does the country exemplify some of the starkest dynamics of social exclusion and discrimination worldwide, it is also home to some of the oldest, most ambitious and diverse policy attempts to address these dynamics.

India's example draws attention to the fine balance required between addressing group-specific vulnerabilities and challenging common drivers of exclusion. The Constitution mandates policy makers to address common drivers of social exclusion for the four groups by declaring: "the State shall not discriminate against any citizen on grounds [...] of religion, race, caste, sex [and] place of birth"; the Directive Principles of State Policy further call on the State to "minimize the inequalities in income [...], status, facilities and opportunities, not only amongst individuals but also amongst groups of people".⁷ In practice, policy makers have privileged targeted measures to address the historic disadvantage of specific groups. Positive discrimination, in the form of reservations in schools, government employment and political representation, has been key to the government's response to social exclusion. While these policies have had some noteworthy successes, they have often failed to address deep-rooted causes of vulnerability that are similar for the four groups. Furthermore, targeted benefits have politicised differences between groups, and slowed down the emergence of common policies to fight exclusion. These failures and successes inform our discussion of the MDGs.

At a time when the impact of donor politics on domestic policies aimed at fighting poverty is declining, India's example is of particular relevance. With foreign aid accounting for no more than 2.8 per cent of public expenditure on social services,⁸ and a government that is the game setter on poverty reduction, India exemplifies a global context where aid is fast diminishing.⁹ The Millennium Declaration decade coincides with the introduction of major domestic policies: the right to education, the right to hundred days of minimum wage employment for rural household, and a number of programmes aimed at supporting access to health and housing for the poorest. The link between these policies and domestic political struggles is obvious; the role of the MDGs in federating them less so: while the MDGs were mentioned in the United Progressive Alliance's National Minimum Programme before the 2004 elections, references to the MDGs have been few and far between since.

This paper draws on the lessons of this situation. It outlines recommendations for post-2015 based on the analysis of three dimensions: the dynamics of social exclusion exemplified by the four groups; the domestic policies aimed at addressing them; and the political forces that have shaped them.

2. HIGHLIGHTING INEQUALITIES: DALITS, MUSLIMS, TRIBALS, WOMEN AND THE MDGS

India is not on track to meet the MDG-targets, but it has made important progress on a number of them. In absolute numbers, India's progress on the MDGs have been among the most important worldwide.¹⁰ However, the outcome for the four groups is notably bleaker, and a reality-check is needed for those claiming success.

While India has attained universal primary school enrolment according to official data, the percentage of girls who had never attended school was just above 25 per cent among Muslims, Dalits and Tribals, and between 13 and 16 per cent for boys.¹¹ Among Muslims officially recognized as lagging behind (classified as "Other Backward Class Muslims"), the rate was even higher, at 31 and 20 per cent for girls and boys respectively.¹² Incidence of malnutrition among children below five was estimated at 48 per cent among Dalits, 55 among Tribals and 42 per cent among Muslims, against the 26 per cent target.¹³ This was in 2006,

and the government has since stopped collecting disaggregated data. On gender-specific goals, India's achievements fall very short of the targets: maternal mortality rates are at 212 per 100,000 live births, against the 109 target.¹⁴ In 2006, 47 per cent of women were attended by a skilled health worker when giving birth; this percentage dropped to 25 per cent for Tribals, against the 100 per cent target.¹⁵ All four groups continue to be over-represented in casual, low skilled employment. In fact numerous studies show that discrimination in the employment market largely prevents them from accessing quality employment, even when they are qualified.¹⁶

Poverty trends exemplify these inequalities. With an estimated 22 per cent of the population below the official poverty level, India is nearly on track to halving poverty over the last two decades.¹⁷ Repeated revisions of the poverty line over recent years amidst heated political debates have raised scepticism about this figure. Nevertheless, there is no doubt that the reduction in poverty has been tremendous over the last decades. Among Dalits, Muslims and Tribals, poverty rates range between 30 and 33 per cent,¹⁸ and the gap between these groups and the national average has been increasing over the last decades.¹⁹ Strikingly, the reduction in poverty incidence has been slowest in urban areas, where much of the country's growth is generated, with an annual reduction of 2.3 per cent in urban areas against 2.5 in rural areas, between 1993 and 2010.²⁰ Muslims have lagged behind, with annual rates of poverty reduction at 1.8 per cent, followed by Dalits and Tribals at 2.1.²¹

This paradox highlights some of the systemic factors that twist the country's development benefits towards relatively more privileged groups. Though the causes underlying this trend are complex and call for a deeper analysis, a few dimensions can be highlighted here: discriminated in the employment market and with lower levels of education on average, Dalits, Muslims, and Tribals often do not find quality employment to compensate for costs of living that have dramatically increased in urban areas. Historically deprived of assets,²² they are overrepresented in slum areas,²³ where land rights are insecure and access to basic sanitation services lacking.²⁴ While urbanisation, at 2.8 per cent between 2001 and 2011, is too low to be the dominant driver of urban poverty, low income rural migrants – often Dalits and to a lesser extent, Tribals – add to the number of those precariously living at the margin of India's cities.²⁵

3. DRIVING INEQUALITIES: FOUR DYNAMICS OF SOCIAL EXCLUSION

These social outcomes point at different but often overlapping dynamics of social exclusion. India's Tribes have historically lived in a multiplicity of relatively small and cohesive groups at the geographic and cultural margin of the majority society.²⁶ Despite its diversity and geographic dispersion, the Scheduled Tribes population is constitutionally defined as a group, on account of its geographic and cultural isolation, associated with low human development indicators. Policies have traditionally moved between recognising and even rigidifying their specificities,²⁷ and foisting on them a development centred on the regions abundant natural resources—forest, water and minerals. The terms of this development have been largely unfavourable to them: mining and dams are often devastating for their livelihoods, and the meagre employment created by these industries do not provide alternative economic opportunities for local populations.²⁸ In light of this, the notion of "unfavourable inclusion" may capture the dynamics at play more accurately than the term exclusion.²⁹ One figure summarises their consequence: at 58 years of age, the life expectancy of Tribal people who fall under the poverty line is eight years less than the national average, and has decreased slightly over the past 20 years.³⁰

In contrast, dynamics of social exclusion against Dalits play out within the Hindu majority. The historic discrimination based on occupation, continues to be starkly felt. Cases of direct discrimination remain

frequent despite the introduction of a series of law aimed at preventing them:³¹ violence against Dalits has not disappeared; caste-identities continue to determine prospects in the employment market; and discrimination in the provision of essential services remains widespread. Despite these enduring dynamics, the group's social mobilisation, and the policies introduced as a response to it are showing results: legal safeguards are providing leverage to organisations working on Dalit rights; reservations policies have supported the development of an educated and empowered middle class. Yet, indirect discrimination continues to deepen the gap between a majority of Dalits and better off sections of society. The absence of land and other assets tremendously limits their opportunities.

Muslims of India cumulate vulnerabilities. Yet, because of sensitivities linked to the country's emergence as a Nation, the effects of faith-based discrimination have played out far from political will and public interest. Historically deprived of assets, many of them share the vulnerabilities of Dalits. In 2002, widespread anti-Muslim violence in Gujarat highlighted their tremendous insecurity. The crisis and its aftermaths prompted a government attempt to probe the social situation of the group. In 2006, the Sachar Committee Report to the Prime Minister highlighted levels of deprivation, at par with some of the country's most underprivileged groups, and pointed at acute social exclusion that translates in geographic isolation, obstacles in accessing employment and welfare schemes.³² Follow up action was modest and poorly implemented.

Gender discrimination cuts across lines, and becomes acute when cumulated with the group-wise dimensions of social exclusion mentioned above. Women constitute more than one third of the workforce, but an overwhelming majority of them do not have a say in decisions within the household: without assets, they are unable to convert this financial resource into empowerment. The symptoms of this situation are to mention only a few: a stark decline in the sex ratio,³³ high incidence of domestic violence,³⁴ and levels malnutrition that are at par with Sub Saharan Africa, where availability of food is less.³⁵ With a few exceptions, women from excluded groups are worst off: 46 per cent Dalit women and 44 per cent Tribal women report facing domestic violence, against 37 per cent for India's population on average.³⁶ Outside home, their exposure to violence also contributes to limiting their access to employment and government schemes.

The group-wise lens should not divert attention from the commonalities between them. Muslims, Dalits and Tribals constitute 38 per cent of India's population,³⁷ and a major share of the country's poorest. As such, they share a core set of interests and challenges: they are for example excessively impacted by the pitiful state of India's essential public services; furthermore, while they play out differently across groups, land rights or crude physical insecurity, historic lack of assets, poor access to government schemes and quality employment, as well as a lack of economic opportunities affect all of them. Similarly, the group-wise focus should not divert attention from deep inequalities that run through each of them. The difference in education attainment between Muslim OBCs and other Muslims highlighted above is a stark example of inequalities that can be found in all groups. The four dimensions therefore act as axes of vulnerability that interact among themselves and with other factors not highlighted in this paper. Gender, in particular, acts as a cumulated factor of vulnerability across Muslims, Dalits and Tribals.

4. THE CENTRAL NATURE OF RIGHTS INSECURITY

Rights insecurity is another dimension of the dynamics highlighted above. In this section, we argue that the four groups exemplify types of rights insecurity that are not only central to India's Constitution but also at the heart of the international human rights framework. After the Constitution and the Directive

Principles of State Policy laid down the principle of non-discrimination and the State's responsibility to minimize inequalities among groups,³⁸ successive laws and international commitments strengthened the fundamental rights of the four groups. The gap between the social indicators of the four groups and those of other groups shows how far the government is from achieving this constitutional mandate.

Mobilisation by women's rights groups from the 70's onwards led to a progressive strengthening of the legal framework. The Indian Penal Code was amended, with the introduction of section 498A on cruelty by husbands and relatives in 1983 and section 304B on dowry related deaths in 1986. The ratification of the Convention on the Elimination of All Forms of Discrimination against Women, in 1993 created a new momentum. In 2006, the government enacted a civil law aimed at providing comprehensive protection to survivors of domestic violence. However, the link between gender and rights vulnerability is undeniable, and becomes acute when cumulated with other factors of vulnerability. Violence against women remains unaddressed and widely tolerated. Furthermore, a majority of men and women believe that a man is justified in beating his wife in specific situations.³⁹ Beyond this, women are more likely than men to be barred from accessing entitlements such as education, health services or decent employment, and an overwhelming majority of them do not own land. With a few exceptions Tribal, Dalit and Muslim women are worst off

Discrimination against Dalits continues to be starkly felt, despite domestic laws aimed at protecting them. The Scheduled Castes and Tribes Prevention of Atrocities Act in 1989 played an important role in fighting some of the crudest forms of discrimination. Despite these legal safeguards, cases of violence have not disappeared, and more diffuse forms of discrimination continue to hamper their access to employment, government schemes, as well health and education services. While it is rooted in specific cultural norms, this discrimination has much in common with discriminations in many other countries. In fact, the recognition of caste-based discrimination as a descent-based discrimination falling under international laws such as the Convention on the Elimination of All Forms of Racial Discrimination has been a consistent demand by Dalit organisations.

The situation of India's tribal population speaks to various international laws: the UN Covenant on Civil and Political Rights and on Social, Economic and Cultural Rights, as well as the Declaration on the Rights of Indigenous People. Tribals cumulate factors of vulnerability: insecurity of traditional land and forest rights, associated with large scale forceful displacements to make way for dams and mining projects; a lack of basic infrastructure often bars them from accessing health and education services altogether; social policies that are insensitive to the cultural specificities of the group—schools in Tribal areas often teach in a language that is alien to the local population. The conflict that has spread in many predominantly Tribal areas makes these issues more intractable, by limiting the outreach of social services, eroding the rule of law and hampering the democratic space for non violent mobilisations around basic rights.

For a long time, the government's attempts to address the disadvantages of the group, through reservations notably, failed to address these systemic vulnerabilities. Two recent laws mark a shift in that regard: the Panchayat Extension to Scheduled Areas Act 1996 that lays the ground for more responsive systems of local governance in tribal dominated areas, and the Forests Rights Act 2006, which recognizes their customary rights to land and forest. However, the situation rights insecurity that has prevailed so far limits the positive impact of these laws.

Targeted protection of Muslims has historically been weak. In 2002, widespread anti-Muslim riots in Gujarat highlighted the group's rights insecurity. The crisis prompted the creation of a number of Commissions

aimed at better understanding the vulnerabilities of the group and outlining possible policy responses. These bodies came up with a number of propositions ranging from targeted welfare schemes to the creation of an Equal Opportunity Commission aimed at gathering data and shaping policies on all forms of discrimination.⁴⁰ Targeted welfare schemes soon made their way through the machinery of policy making. But their impact on the ground has remained limited. Resistance against other propositions that challenge discrimination upfront has been such that they have either been abandoned or are still being debated. While direct large-scale violence has receded, the insecurity lingers on: justice for the 2002 violence remains incomplete; housing insecurity has pushed many Muslim families into segregated and insalubrious spaces, and their civil rights themselves remain precarious. More than twenty years after the adoption of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 1992, many of its principles are yet to be concretised.

To summarize, human security remains central to the concerns of the four groups, and cannot be separated from their socio-economic concerns. This aspect is at the heart of international human rights law, but is poorly reflected in the current MDGs. Post-2015 goals should build on decades of international law making, and embed targets in the existing human rights framework. A look at mobilisations among the four groups adds to this argument. The rights framework is central to the discourses and interventions of organisations that have been at the forefront of the mobilisation for equity—those representing women and Dalits notably. Allying this framework with an instrument that casts light on country-wise progresses will give them additional leverage.

5. DOMESTIC POLICIES AND THE MDGS

While the MDGs have remained a distant process for excluded groups in India, domestic policies – their successes and failures – have been at the heart of debates around social exclusion. India’s policies to fight deprivation have had three broad dimensions: common public services, affirmative action for a number of disadvantaged groups, and policies to address systemic vulnerabilities such as issues of land rights insecurity and governance. This section draws on the lessons of these interventions.

5. a. Public Services

With about 1 per cent of GDP, India’s public expenditure on health is one of the lowest worldwide; private out-of-pocket expenditure is more than three times as much.⁴¹ Consequences on poor people’s lives are dramatic: more than 40 per cent of India’s population has to borrow or sell assets for treatments,⁴² which makes health shocks the single most important risk for households, according to a World Bank study.⁴³ Similarly, public spending on education, at 3.8 per cent of GDP,⁴⁴ is too low to provide quality education for all: the Annual Survey of Education by the NGO Pratham suggests that 50 per cent of rural children pay for their education,⁴⁵ and that a large proportion of children remain functionally illiterate even after spending several years in school—about 45 per cent of children in standard three cannot read a standard one text.⁴⁶ Poorly regulated private providers have spread in this vacuum, and sell services of often dubious quality at prices that are unaffordable for the poor.

Muslims, Dalits, Tribals and women who are overrepresented among the lowest income quintiles, are the first affected by the poor quality of government services. Furthermore, the scarcity of public services is particularly acute in many areas inhabited by them. Numerous studies establish that Muslim dominated areas lack basic amenities, as well as education and health infrastructures.⁴⁷ The same holds true for many

regions predominantly inhabited by Tribal populations. This geographic dimension provides a framework for policy makers: it calls for targeted improvements of public services and amenities in areas inhabited by excluded groups.

5 b. Affirmative Action and Political Empowerment

Debates around affirmative action cast light on the link between political empowerment and development processes. Political representation is a long-time demand by women groups. A law dated 1992 establishes a 33 per cent reservation for women in local elected bodies. Resistance at state and central level was so strong that it prevented the law's enactment beyond local level, and still weakens the decision power of female elected representatives. But the law is an important first step. At local level, the 33 per cent reservation is widely achieved and was raised to 50 per cent last year. Moreover, studies have established that the greater share of women is making a difference in political choices of elected assemblies: female representatives invest more in public goods closely linked to women's concerns – irrigation notably.⁴⁸

Tribals and Dalits have both been targets of affirmative action. Since Independence, the government has used reservations in schools, and government administrations, as well as scholarships. The outcomes of these actions have been radically different for the two groups. Affirmative action came as a response to Dalit mobilisation. This has supported the development of an educated and empowered sub-group, which plays a proactive role in holding the government accountable. While the gap between the group and more privileged sections of India's society is tremendous, improvements in education attainments or even timidly in access to quality employment are encouraging if compared to other lagging groups.⁴⁹

For Tribals, on the other hand, group-wise outcomes on some of the main MDGs show that traditional affirmative action has been insufficient to overcome other drivers of exclusion: the fragmented nature of Tribal populations and their geographic isolation; issues of language and the particular scarcity of education services in many predominantly tribal regions; their land-rights insecurity and poor governance, to mention only a few. As a consequence, political representation has remained abysmal, and the group has not seen the emergence of a collective leadership that can raise social demands. Recently, the government has responded to this failure with two laws aimed at addressing systemic causes of vulnerability: the Forests Rights Act that recognizes their customary rights to land and forest, and the Panchayat Extension to Scheduled Areas Act, which sets up more responsive systems of local governance in tribal dominated areas.

In contrast, faith-based discrimination has not been recognized as a focus for affirmative action. Muslims have only benefited from weaker support under the category of Muslims from Other Backward Classes. The percentage of Other Backward Class Muslims was often grossly unrepresentative of the real nature and size of their most backward population.⁵⁰ At state level, this has translated into erratic policies, further weakened in their implementation by a lack of political will. In the aftermath of the anti-Muslim violence in 2002, the government adopted a number of targeted measures to improve the group's social outcomes.⁵¹ But resistance to religion-specific affirmative action is such that follow-up actions have remained modest; coherent group-specific reservations to ensure political representation and access to government employment are unlikely to be introduced soon.

The array of targeted policies, reservations and safeguards has undeniably played an essential role in challenging some of the country's most deep-rooted patterns of discrimination. However, the outcomes

of more than 60 years of affirmative action also highlight some of the risks associated to this framework.⁵² Distributing group-wise benefits has contributed to divide claims or even pitch one group against the other. It has politicised their differences, and left them competing for entitlements while weakening their mobilisation around common discriminations. It has also prevented debates on mechanisms that could address discrimination at its roots, and left more sensitive issues at the rear. Faith-based discrimination for example is unlikely to be addressed effectively in the predictable future given the political reluctance of taking the issue upfront. The fate of the Equal Opportunity Commission is emblematic in that regards. Conceived as an inclusive body aimed at gathering data and advocating against all types of discrimination it was stalled by resistances and dissensions.

5.c. Addressing Systemic Causes of Vulnerability

By showing the limits of affirmative action, the three trajectories above highlight the importance of addressing systemic dimensions of deprivation. The insecurity of land titles—both in rural and urban areas—is one such factor. Though in different ways, Muslims, Dalits, and Tribals share this vulnerability, and women among them most acutely. All of them have historically been at the margin of formal systems of land ownership: Tribals, because their customary land rights have not been recognised until the recent Forest Rights Act, Muslims and Dalits because of historic dynamics of discrimination. This has deep bearing on their human development and security: land-rights insecurity exposes them to shocks like eviction and displacement, and often prevents them from accessing basic entitlements or credit.

This ties in another dimension of deprivation: the lack of access to economic opportunities. Outcomes on the labour market continue to be overwhelmingly determined by descent.⁵³ Because caste was at its core a system of occupational segregation, its impact on the employment market remains particularly strong. The share of Dalit men who engage in casual labour, at 41 percent, is higher than in any other group and more than double the average for non-Dalits and Tribals at 19 per cent.⁵⁴ Furthermore, the shift from casual labour to self-employment and formal employment has been slower for Dalit men. Dalit women are more likely to work than women from other groups, but have progressively been withdrawing from the labour force in recent decades. Even when self-employed, Dalits face major obstacles: self employment in agriculture is not an option for them because they are deprived of land, and their access to credits and markets is weak. Their limited foray in self-employment distinguishes them from Muslims, who, similarly deprived of assets and discriminated on the employment market, have set up ventures catering to their own communities.

An overwhelming majority of children from excluded groups do not get the education required to access quality employment: while primary school enrolment has increased in past decades, the quality of education remains poor, and drop-out-rates among children from excluded groups are much higher than national averages: girls who attend secondary education are 7 per cent among Muslims and 5 per cent among the two other groups; only 1 per cent of girls among all groups continue towards tertiary education.⁵⁵ The rates are only slightly higher for boys. Discrimination in the labour market emphasises these disparities in education. Studies show that Dalits do significantly worse than people from other social groups with similar education levels.⁵⁶ This limited ability to translate education into social and economic opportunities is likely to impact on drop-out-rates.

The trajectories of the four groups show the importance of outlining targeted policies, planned around their systemic vulnerabilities. This can only happen at domestic level, but the post-2015 framework can play a role in framing domestic policies. Governments should be required to identify vulnerable groups

based on a clear set of criteria that helps go beyond political interests and sensitivities. They should be required to develop policies to address the groups' vulnerabilities in two broad ways. First, they should promote common measures to address the systemic causes of deprivation shared by socially excluded groups. This includes developing quality public services with a focus on improving access for socially excluded groups; creating a common mechanism to highlight and address the discriminations they face on a daily basis. Second, they should promote disaggregated planning to support groups in overcoming their specific disadvantages. This includes supporting their political empowerment through affirmative action, and addressing systemic factors that prevent them from accessing social and economic opportunities—tenure insecurity, the lack of access to credit, for example. Furthermore, because gender acts as a cumulated vulnerability, group-specific planning should include targeted measures to address the vulnerabilities of women.

6 GETTING INTO THE POLITICS OF MEASUREMENTS

Measurements of group-specific social outcomes have long been crucial to political mobilisation around equity. It continues to be an important component of political struggles on inequality, redistribution and accountability.

The demand for comprehensive group-disaggregated data has played a significant role in mobilisations by Dalit and women's organisations. Group-disaggregated data on major social indicators was hardly available to the broader public until recently, even for groups such as Dalits and Tribals that are officially recognized as targets of affirmative action. The government's collection system had many lacunae, and existing data was not exploited by civil society organisations because they lacked the expertise to read and interpret it.

The past decade has seen meaningful improvements in this regard. A number of civil society organisations and institutes have helped develop the expertise required to interpret existing data. The government has progressively strengthened its system of data collection. The National Sample Survey Organisation, notably, has collected group-disaggregated data on a broader number of social issues than the Census ever did. A number of thematic management information systems, such as the District Information System for Education also provide a source of disaggregated data that is yet to be exploited fully.

Despite these improvements, available data has many loopholes: group-disaggregated data is not collected at district and below district levels, despite the central importance of this unit in the planning and implementation of social policies. Furthermore, sensitive indicators continue to be largely under-surveyed: the last pan-India group-disaggregated figures on malnutrition date back to 2006, as do figures on domestic violence.

For Muslims, the lack of disaggregated data has gone hand in hand with a lack of political will to address the group's social exclusion: because religion-based affirmative action were not recognized as a tool of policy making, disaggregated data on the group's social outcomes has not been collected; this lack of evidence allowed successive governments to avoid creating adequate social policies for the group. In 2006, the Sachar Committee attempted to gather extensive data on the situation of Muslims. The report gave good arguments to those advocating for targeted policies by establishing social indicators that were at par with groups that had since long benefited from affirmative action on account of their acute levels of poverty.⁵⁷ However, despite the momentum created by the report, the government has not introduced systematic monitoring of the group's social outcomes or religion-based affirmative action.

While gender disaggregation is common for most social indicators, two dimensions are missing. First, there is precious little data on violence against women. The National Family Health Surveys in 1999 and 2005 are the only large-scale attempts to gather information on domestic violence.⁵⁸ Second, gender disaggregation is often missing in group-disaggregated data. This is a major gap given that gender acts as an added factor of vulnerability, rather than as an altogether separate dimension.

The above highlights the intimate link between group-disaggregated data and equitable policies. It also shows the crucial importance of data in the power relation between stakeholders who call for targeted interventions against inequality, and those resisting them. In light of this, the MDGs should link policy targets with the requirement to report group-wise progress on the goals, with a gender-wise disaggregation for each group. This will back long-time demands for better disaggregated data and for the related improvements in national systems of measurements. Furthermore, the requirement should be associated to a mechanism of review. The UN's system of Universal Periodic Review, a mechanism of the UN Human Right's Council that periodically assesses the human rights performance of member States, offers an example in this regard.⁵⁹

7. PUTTING STAKEHOLDERS AT THE HEART OF THE DEBATE

Levels of engagement with the MDGs vary tremendously across the four groups. While Dalit organisations and women's groups have made their voice heard by publishing papers and organizing conferences,⁶⁰ the MDGs are unheard of among Muslim leaders and the voice of Tribal people is absent in the current debate. These differences are an image of the four group's engagement with policy debates.

Dalit movements have since long articulated social demands and pushed for measures aimed at correcting historic inequalities. Affirmative action and legal safeguards came as a response to this mobilisation. This has translated into the emergence of an empowered sub-group, and in the development of organisations that have moved successfully into activities such as monitoring budget allocations, engaging the private sector or legal activism. Similarly, women's organisations have played a central role in pushing for laws that protect women against violence or establish reservations. Over the last few decades they have overcome tremendous resistance against bringing rights into the privacy of homes and against affirmative action.

On the contrary, Tribals have not seen the emergence of a unified leadership that can assert social demands of the group. Similarly, Muslims have largely stayed away from mainstream policy debates. The group's social exclusion and insecurity has played hand in hand with the reluctance of successive governments to address faith-based discrimination. The two factors have prevented social mobilisation around entitlements at grassroots level, as well as the emergence of a strong political leadership.

The trajectories described in this paper show the link between the success of social policies and the group's engagement with it. The post-2015 framework will only prove effective in empowering these groups if they are involved in the process of formulating the framework and monitoring its implementation. Opening spaces of consultation with civil society organisations is positive but insufficient, as it confines the process to the voices commonly heard in development debates. The process needs to get out of these usual spaces, and seek the views of stakeholders in their own spaces – by speaking to individuals whose voices are not heard in mainstream debates, or engaging religious leaders. This engagement should go beyond the conception and planning phase, and be built into the planning, implementation and review of government policies.

8. CONCLUSION

Inequalities along group lines are not only visible despite decades of formal equality, they are increasing with India's economic growth. This observation is a powerful reminder that a framework on human development cannot ignore dynamics of social exclusion if it is to be relevant in today's world. The trajectories of the four excluded groups outline four key recommendations for the post-2015 framework:

1. It should embed targets in the existing human rights framework;
2. Call on governments to frame policies, planned around systemic vulnerabilities of the group;
3. Link policy targets with the requirement to report group-wise progress on the goals with a gender disaggregation for each group;
4. Go beyond opening spaces for consultation with civil society organisations and involve those it aims to serve in the planning, implementation and review of the new framework by meeting them in their own spaces and through their own representatives.

More fundamentally, India's example draws attention to the fine line between the need to target specific vulnerabilities and create unified mechanisms to fight common dynamics of exclusion: targeted policies to address the deeply entrenched disadvantages of certain groups remain a necessity, but they should have at their core a number of common mechanisms that address exclusion at its roots. Policy makers should aim to go beyond the regime of reservations and targeted planning, by strengthening mechanisms that ensure a level playing ground for all.

The example of India shows how domestic political interests hamper the emergence of such unified frameworks. While the onus remains on country government, the post-2015 goals can play a role in building momentum around such mechanisms. They can promote the understanding of dynamics of social exclusion independently of political interests and sensitivities; support the development of informed policies; and provide leverage to those mobilised for more equality.

REFERENCES

¹ This paper draws on three longer papers commissioned by Oxfam India: T. Fazal, "Millennium Development Goals and Muslims of India", Working Paper, Delhi: Oxfam India (publication forthcoming); R.P. Mamgain, "Situating Scheduled Castes and Scheduled Tribes in the Post-2015 Framework", Working Paper, Delhi: Oxfam India (publication forthcoming); D. Mahadevia, "Urban Poverty and the Post-MDG Framework – India", Working Paper, Delhi: Oxfam India (publication forthcoming).

² United Nations System Task Team (2012), "Addressing inequalities: The heart of the post-2015 agenda and the future we want for all", United Nations Department of Economic and Social Affairs and United Nations Development Programme, available at: http://www.un.org/millenniumgoals/pdf/10_inequalities_20July.pdf (accessed December 2012); Action Aid (2012), "Righting the MDGs: contexts and opportunities for a post-2015 development framework", London, available at: http://www.actionaid.org.uk/doc_lib/mdg_report.pdf (accessed December 2012).

³ J. Nehru (1947), *The Discovery of India*, Oxford: Oxford University Press.

⁴ Sen's classical work on social exclusion is a conceptual starting point for the approach adopted in this paper: "the real importance of the idea of social exclusion lies in emphasizing the role of relational features in the deprivation of capability and thus in the experience of poverty". A. Sen (2000), "Social Exclusion: Concept, Application, and Scrutiny", *Social Development Papers No. 1*, Manila: Asian Development Bank, p. 6, available at: <http://www.adb.org/sites/default/files/pub/2000/social-exclusion.pdf> (accessed December 2012).

⁵ World Bank (2011), "Poverty and Social Exclusion in India", Washington DC: WB, p. 5, available at: <https://openknowledge.worldbank.org/bitstream/handle/10986/2289/613140PUBOpove158344B09780821386903.pdf?sequence=1> (accessed December 2012).

⁶ Goal 3, promote gender equality and empower women: target 1, ratios of girls to boys in primary, secondary and tertiary education; target 2, share of women in wage employment in the non-agricultural sector; target 3, proportion of seats held by women in national

parliament.

⁷ Constitution of India, Article 15 (I); "Directive Principles of State Policy", Article 38, available at: <http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm> (accessed December 2012)

⁸ The data combines state and union government expenditures. Calculation based on: Centre for Budget Governance Accountability (2012), "Unfulfilled Promises, Response to Union Budget 2012-2013", Delhi, available at: http://www.cbgaindia.org/files/budget_responses/RUB-2012-13.pdf (accessed December 2012).

⁹ D. Green, S. Hale, M. Lockwood (2012), "How Can a Post-2015 Agreement Drive Real Change", Oxford: Oxfam International, available at: <http://www.oxfam.org/en/policy/how-can-post-2015-agreement-drive-real-change> (accessed December 2012).

¹⁰ Overseas Development Institute (2008), "Millennium Development Goals Report Card: Learning from the Process, London: ODI, available at: <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/6014.pdf> (accessed December 2012).

¹¹ T. Fazal, "Millennium Development Goals and Muslims of India", op., cit.

¹² Ibid.

¹³ International Institute for Population Sciences (2007), "Key Findings, National Family Health Survey-3, 2005-06", Mumbai: IIPS, available at: http://www.rchiips.org/NFHS/NFHS-3%20Data/VOL-1/India_volume_1_corrected_17oct08.pdf (accessed December 2012).

¹⁴ Government of India (2011), "Family Welfare Statistics in India", Delhi: Ministry of Health and Family Welfare, p. X, available at: <http://mohfw.nic.in/WriteReadData/l892s/972971120FW%20Statistics%202011%20Revised%2031%2010%2011.pdf> (accessed December 2012).

¹⁵ International Institute for Population Sciences (2007), "Key Findings, National Family Health Survey-3, 2005-06", op., cit., p. 215.

¹⁶ See below, section 6, p. 8.

¹⁷ Based on the Planning Commission's 2012 poverty line of INR 28 in urban areas and INR 22 in rural areas. R.P. Mamgain, "Situating Scheduled Castes and Scheduled Tribes in the Post-2015 Framework", op., cit. Poverty measurements have been at the heart of political debates in recent years, and the poverty line has changed over and over again. The data therefore needs to be taken with some precaution.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ S. Thorat, A. Dubey (2012), "Has Growth Been Socially Inclusive during 1993-94 and 2009-10?" *Economic & Political Weekly* XLVII (10), pp. 43-54.

²¹ Ibid, p. 46.

²² T. Fazal, "Muslims in India: Specific Vulnerabilities and Needs", Oxfam India Working Papers, publication forthcoming; R.P. Mamgain, "Scheduled Caste: Specific Vulnerabilities and Needs", Oxfam India Working Papers, publication forthcoming.

²³ The Census does not provide disaggregated data by religious groups. While it establishes the concentration of Dalits in slums, Muslims are left out of this count. However, NSSO data on access to basic housing services in urban areas show that their dwelling is potentially even more precarious. D. Mahadevia, "Urban Poverty and the Post-MDG Framework – India", op., cit.

²⁴ According to the 2009 National Sample Survey, 31 per cent of Muslims, and 29 per cent of Dalits and Tribals, against 23 per cent of the overall urban population have no access to drinking water; 59 per cent of Muslims, 22 per cent of Dalits and 21 per cent of Tribals have no access to toilets, against 11 per cent of the overall urban population. Ibid., p. 7.

²⁵ Ibid., p. 3.

²⁶ Their size ranges from about seven million for the Gonds and the Bhils to less than one for smaller Tribes. V. Xaxa (2001), "Protective Discrimination: Why Scheduled Tribes Lag Behind Scheduled Castes", *Economic & Political Weekly*, pp. 2766-2772.

²⁷ The Panchayat Extension to Scheduled Areas Act for example, which outlines a series of measures aimed at protecting tribal people, forbids selling land in predominantly tribal areas.

²⁸ Mining industries provide very few employment opportunities, and even less formal employment for local populations, who at best fill the ranks of informal workers in and around the mines. Oxfam India (2012), "India's Mining Regulation: A chance to Correct Course", op., cit, available at: http://www.oxfamindia.org/sites/www.oxfamindia.org/files/oxfam_india_policy_brief.pdf (accessed December 2012).

²⁹ The concept is outlined by Sen (2000). The approach is then applied to India's tribal population in a recent book by Xaxa and Nathan. A. Sen (2000), "Social Exclusion: Concept, Application, and Scrutiny", op., cit., p. 28; D. Nathan, V. Xaxa (2012), *Social Exclusion and Adverse Inclusion: Development and Deprivation of Adivasis in India*, Delhi: Oxford University Press.

³⁰ S.K. Mohanty, S. Ram (2010), "Life Expectancy at Birth Among Social and Economic Groups in India", Mumbai: International Institute for Population Science, available at: <http://www.iipsindia.org/pdf/RB-13%20file%20for%20uploading.pdf> (accessed December 2012).

³¹ The Scheduled Castes and Tribes Prevention of Atrocities Act, 1989.

³² S. Sachar, S. Hamid, T.K. Oommen, M.A. Basith, R. Basant, A. Majeed, A. Shariff (2006), "Social, Economic and Educational Status of the Muslim Community of India", Delhi: Government of India, available at: <http://www.minorityaffairs.gov.in/sachar> (accessed December 2012).

³³ The rate was at 914 girls per 100 boys among 1-6 year old children in 2011. Government of India, Census 2011, Sex Ratio, available at: http://censusindia.gov.in/2011-prov-results/data_files/india/s13_sex_ratio.pdf, accessed November 2012.

³⁴ The only wide scale attempt to gather data on domestic violence, the National Family Health Survey, found that about ³⁷ per cent of women report facing domestic violence. For an analysis of the issue see: Oxfam India (2012), "Protecting Women from Domestic

- Violence”, Policy Brief No. 4, Delhi: Oxfam India, available at: http://www.oxfamindia.org/sites/www.oxfamindia.org/files/policy_brief_no4.pdf (accessed December 2012).
- ³⁵ A. Sen, S. Sengupta (1983). “Malnutrition in Rural Children and the Sex Bias”. *Economic & Political Weekly* (XVIII), pp. 855-864.
- ³⁶ International Institute for Population Sciences (2007), “Key Findings, National Family Health Survey-3, 2005-06”, op., cit., pp. 509-510.
- ³⁷ Census of India 2011, available at: http://www.censusindia.gov.in/Census_Data_2001/India_at_glance/glance.aspx (accessed December 2012).
- ³⁸ See above, note VII.
- ³⁹ Ibid.
- ⁴⁰ J. Alam, S. Deshpande, G. Guru, K. Kannabiran, M. Menon, R. Venkataramani, Y. Yadav (2008), “Equal Opportunity Commission”, Delhi: Government of India, Ministry of Minority Affairs, available at: http://www.minorityaffairs.gov.in/sites/upload_files/moma/files/pdfs/eoc_wwh.pdf (accessed December 2012).
- ⁴¹ Oxfam India (2012), “Achieving Healthcare for All”, Delhi: Oxfam India Policy Brief, p. 4, available at: <http://www.oxfamindia.org/content/achieving-healthcare-all> (accessed December 2012).
- ⁴² Ibid.
- ⁴³ P. Lanjouw and R. Murgai (2011) “Perspectives on Poverty in India”, Washington DC: World Bank, p.168, available at: http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2011/05/05/000356161_20110505044659/Rendered/PDF/574280PUBOPers1351B0Extop0ID0186890.pdf (accessed December 2012).
- ⁴⁴ Centre for Budget Governance Accountability (2012), “Unfulfilled Promises, Response to Union Budget 2012-1013”, op., cit, p. 22.
- ⁴⁵ Ibid.
- ⁴⁶ Annual Status of Education Report (2011), “Enrolment and Learning Report Card”, Delhi: ASER, available at: http://images2.asercentre.org/homepage/Conference_Pack/enrollment_and_learning.pdf (accessed December 2012).
- ⁴⁷ S. Sachar, S. Hamid, T.K. Oommen, M.A. Basith, R. Basant, A. Majeed, A. Shariff (2006), “Social, Economic and Educational Status of the Muslim Community of India”, op., cit; also see the Baseline Survey of Ninety Minority Concentration Districts, by the Indian Council of Social Science Research, available at: <http://www.icssr.org/Executive%20summary.htm> (accessed December 2012).
- ⁴⁸ R. Chattopadhyay, E. Duflo (2011), “Women as Policy Makers: Evidence from a Randomized Policy Experiment in India”, *Econometrica*, 72 (5), p. 1440.
- ⁴⁹ R.P. Mamgain, “Scheduled Caste: Specific Vulnerabilities and Needs”, op., cit.
- ⁵⁰ T. Fazal (2007), “The Conundrum of Muslim Reservation”, *Contemporary Perspectives* 1 (2), Delhi: Jamia Millia Islami, pp.110-129.
- ⁵¹ J. R. Misra, T. Mahmood, A. Wilson, M. Singh, A. Das (2007), Report of the National Commission for Religious and Linguistic Minorities”, Delhi: Government of India, available at: <http://www.minorityaffairs.gov.in/ncri> (accessed December 2012); Sachar, S. Hamid, T.K. Oommen, M.A. Basith, R. Basant, A. Majeed, A. Shariff (2006), “Social, Economic and Educational Status of the Muslim Community of India”, op., cit.
- ⁵² For this argument see: F. Naqvi (2011), “Beyond Quotas and Commissions”, *Seminar*, available at: http://www.india-seminar.com/2011/617/617_farah_naqvi.htm (accessed December 2012).
- ⁵³ World Bank (2011), “Poverty and Social Exclusion in India”, op., cit., pp. 89-109.
- ⁵⁴ Ibid., p. 90.
- ⁵⁵ Data from the National Sample Survey Organisation 2007-2008, quoted in: T. Fazal, “Millennium Development Goals and Muslims of India”, op., cit.
- ⁵⁶ World Bank (2011), “Poverty and Social Exclusion in India”, op., cit., p. 98.
- ⁵⁷ S. Sachar, S. Hamid, T.K. Oommen, M.A. Basith, R. Basant, A. Majeed, A. Shariff (2006), “Social, Economic and Educational Status of the Muslim Community of India”, op., cit; J. R. Misra, T. Mahmood, A. Wilson, M. Singh, A. Das (2007), Report of the National Commission for Religious and Linguistic Minorities”, op., cit.
- ⁵⁸ S. Kishor, K. Gupta (2009), “Gender Equality and Women’s Empowerment in India”, National Family Health Survey 3, Mumbai: International Institute for Population Sciences, p. 96, available at: http://www.rchiips.org/NFHS/a_subject_report_gender_for_website.pdf (accessed December 2012).
- ⁵⁹ A. Taneja, “Education in the post-2015 Framework”, Conference jointly organized by the Right to Education Forum and the United Nations Educational, Scientific and Cultural Organization, Delhi, 15 October.
- ⁶⁰ Jagori (2012), “Women at the Centre Stage of Development”, in “The World We Want: Looking Beyond 2015”, Delhi: Wada Na Todo, pp. 10-12, available at: <http://www.wadanatodo.net/download/Reports/Post2015/The%20world%20we%20want.pdf> (accessed December 2012); NACDOR (2006), “Millennium Development Goals and Dalits, A Status Report”, Delhi: National Conference of Dalit Organisations, available at: <http://www.wadanatodo.net/download/MDGs%20across%20India/MDG%20Dalit%20Report/Reports/MDGs%20and%20Dalits%20English.pdf> (accessed December 2012); Social Watch (2004), “Millennium Development Goals and Dalits, The Missing Dimension”, Chennai, available at: http://swtn.org/publications/MDGs_and_Dalits_Special_Component_Plan_2004_Single_Page_View.pdf (accessed December 2012).



Oxfam India, 4th and 5th Floor, Shriram Bharatiya Kala Kendra, 1, Copernicus Marg, New Delhi 110001
Tel: +91 (0) 11 4653 8000, Fax: +91 (0) 11 4653 8099
www.oxfamindia.org