MANUAL ON INEQUALITY IN INDIA

MAJOR DIMENSIONS AND POLICY CONCERNS

CBGA

Centre for Budget and Governance Accountability

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CONTENTS

The Constitution of India recognizes each citizen as equal and guarantees the Right to Equality under the Fundamental Rights. Right to Equality includes equality before the law, prohibition of discrimination on grounds of religion, race, caste, gender or place of birth, equality of opportunity in matters of employment and other socio-economic rights.

The makers of the Constitution included the Right to Equality in the Fundamental Rights because they envisaged a society where each will be treated as equal irrespective of their individual identities.

Unfortunately, even after 67 years of independence we have a long way to go in terms of achieving the equality that the makers of the Constitution envisaged. We witness rampant poverty, illiteracy, huge urban-rural divide, gender-based discrimination and violence, regional disparities among other forms of deprivation. There are more than one unequal 'Indias' that live within the one Indian polity and society.

In this context, the civil society organizations have a crucial role to play. They are the organic link between the governing state and the people. And they have consistently, over the years spoken and worked in favour of the marginalized and the vulnerable. This activism, however, can only be deepened by an in-depth understanding and analysis of the persistent gaps in the distribution of income and wealth as well as the socio-economic inequalities.

This manual aims to facilitate the activism by providing an illustrative understanding of these inequalities in our country.

ECONOMIC DIMENSIONS OF INEQUALITY

Much of the discussions and debates on economic inequality dwell upon the issues of measurement of inequality. It panders around the symptoms and not on the causes of increasing inequality, which has its roots in the overall policy paradigm. The adoption of 'neoliberal' market-friendly economic policies has pushed through a cutback of State expenditures on public provisioning of essential services and social welfare schemes designed to address the needs of the vulnerable sections of the society.

Some of the methods of reducing State expenditures have been:

- 'Targeting' social welfare expenditures
- Privatisation of social services
- Withdrawal of different forms of state support in crucial sectors such as health, education, etc.

However, such 'cost cutting' policies only end up worsening the existing inequalities.

The influence of such policies is not only restricted to social expenditures, but also permeates to other sections of the economy as well. The increasing importance of private sector has led to a tighthold of the corporate sector over the society. Thus, while profits have been increasing over a period, wage levels have stagnated or declined, leading to worsening income inequalities across classes. There has been a rise in employment in the form of temporary or part-time contractual employees, deprived of basic labour rights, to enable the capitalists reap in more profit.

Over the last decade, real wages did not rise at the same level as the rate of growth of GDP. This implies that the larger section of the population, the wage-earners, have not been able to reap the benefits of a high rate of growth. The unorganised sector (which includes mostly daily wage earners in sectors such as agriculture, construction, manufacturing, petty trade and services, etc.) is one of the largest sectors of employment in India, and also the most vulnerable one. The workers in this sector remain deprived of their basic labour rights and social securities, and often work at less than the stipulated minimum wage norms.

Inequalities in levels of salary earned has worsened over the period. The top 10 per cent of wage workers now receive almost 12 times more wages than the bottom 10 per cent, compared to just 6 times in 1990s.[1] Lack of employment opportunities that can help sustain livelihood has resulted in an increase in self-employed workers engaging in petty trade and services like domestic help, cooks, security guard, solid waste management etc. in desperation.

On the other hand, much of the high revenues of the corporate sector are accumulated as 'surplus' and are not distributed as dividends. A very small group of companies dominates the corporate sector and about 200 companies (out of 8 lakh companies) account for over 55 per cent of the profits.

Inequality in income distribution lies at the root of rising inequalities in India. Increasing concentration of wealth in the hands of the few has resulted in large scale impoverishment across the society. The role of taxation assumes greater importance in this regard. Taxation plays a crucial role in income redistribution in a society, and a progressive tax policy can help even out the income inequalities. An ideal approach to taxation would be to apply the principle of 'ability to pay'. However, the tax structure prevailing in India has anomalies that give rise to a high burden of taxation on the poor.

The country has one of the lowest shares of tax revenues as part of National Income (about 17 per cent of GDP in 2012/13) among the G20 and BRICS countries. There are broadly two kinds of taxes:

Direct Taxes: Those taxes which when imposed on the taxpayer, he/she has to pay it to the government without being able to pass the tax burden on someone else. Direct taxes are imposed on individuals and corporations. Some forms of Direct taxes levied in India are Income Tax (on individuals), Wealth Tax (on assets) and Corporation Tax (on companies and businesses).

Indirect Taxes: Those taxes in which the incidence of taxation is shifted from the taxpayer to a third party. Indirect taxes are often imposed on goods and services and not on individuals or organisations. For example, taxes paid on consumption of goods and services (VAT, Sales tax, etc.), Customs Duties (on imported goods), Excise duties (on domestically produced goods), etc.

While Direct taxes have an element of equity in terms of the 'ability to pay' principle, indirect taxes are paid by all irrespective of their 'ability to pay' and is therefore regressive in nature.

However, direct tax revenue constitutes only 6 per cent of GDP in India and rest comes from indirect taxes. Indirect taxes constitute about 66 per cent of total Tax Revenues in the country. This is mostly because:

(a) Direct taxes have a narrow base. This implies that the number of individuals falling within the tax bracket is low. Income tax payers were less than 1 per cent of the population in 1986, and have increased to just about 3 per cent by 2008.

[1] Employment-Unemployment Survey estimates (NSSO, 2011/12)

(b) Unearned incomes (like inheritance) go untaxed while taxes on capital gains are also quite low. The proportion of wealth tax in total tax revenue is one of the lowest in India (0.42 per cent only). Property taxes also have a limited base.

The greater prevalence of indirect tax (as compared to direct tax) is detrimental for the poorer sections of society. This is because indirect taxes are mostly imposed on consumption; and the poor have to spend a higher proportion of their total income on their consumption while the rich have the luxury to save. Thus, while direct taxes can help redistribute income from the rich to the poor, indirect taxes end up levying greater tax burden on the poor who have comparatively less to start with, and end up worsening inequalities.

Another major source of economic inequality is access to loans from the banking sector. Although the Reserve Bank of India (RBI) has mandated that 1 per cent of all loans should go to the poor, only 0.02 per cent of these loans actually are distributed among the poor. Banks and other financial organisation argue that they are reluctant to lend to the poor because they have a higher risk of defaulting in their repayments. However, this is a misconception as data shows that much of the loan defaulters (in terms of proportion of total Non Performing Assets or NPAs of banks[2]) are actually from the corporate sector.

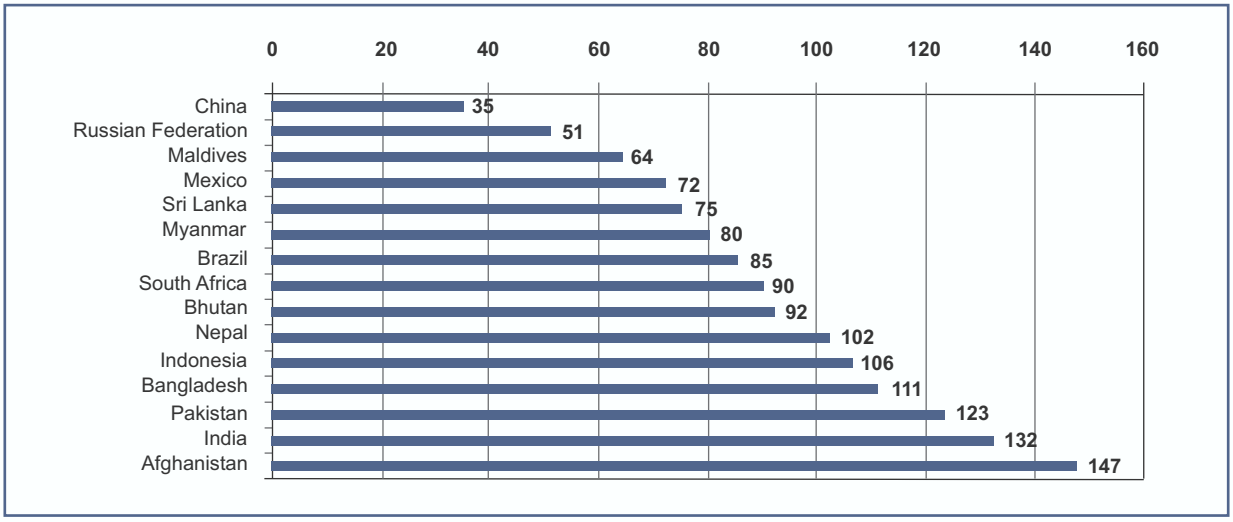
[2] Banks' loans which are not being repaid

GENDER DIMENSIONS OF INEQUALITY

'Gender' is about both men and women and is an analytical tool to understand the operating hierarchies between the two. Biological concept of sex and the socialisation process make up the whole content of gender, where the biological differences have transformed into inequality through the process of socialisation.

The UNDP Human Development Report (2013) reveals that India's Human Development Index (HDI), adjusted for gender inequality, fares worst among all its South Asian counterparts and is barely above Afghanistan. India is ranked 132 out of 187 countries on the Gender Inequality Index (GII). India also remains the lowest-ranked among its BRICSAM counterparts including Indonesia.

Gender Inequality Index: Rankings for Select Countries, 2012



Source: Human Development Report, 2013, UNDP

Gender-based inequalities arise from the bias against women existing in different aspects of life. They are manifested in various spheres like access to healthcare, access to education, political representation and access to land and labour market. One needs to challenge the patriarchal social norms that reinforces stereotypes about women, rendering them as unequal citizens.

Analysis of social inequalities from the perspective of gender is crucial in understanding the deep impact such social biases have. Limitations in adequate access to basic social and economic facilities, such as education, employment opportunities, potable water or basic cooking fuel, have different impacts on men and women because of the gender divide. For example, privatisation of healthcare affects women the most. Since the responsibility of taking care of the ill most often falls on the woman, reduced access to public health services result in women not having enough time for taking up remunerative works or neglecting their own health.

Discrimination against the girl child begins from the womb, and persists in every stage of her life. Selective abortion of girl child has resulted in skewed sex ratios across the country. Census 2011 shows that despite various programmes and schemes aimed at improving the sex ratio, it has improved only marginally since 2001. The alarming situation of falling sex ratios become evident when we look at worsening child sex ratios since 2001.While the gap between male and female literacy levels have narrowed over the years, the gender gap widens above the level of primary education. Thus women still face discrimination in access to higher and technical education.

Studies have shown that women are typically entitled to a lower share of household resources and thus have lesser access to healthcare facilities. As health expenses rise due to increased privatisation and lack of public facilities, families resort to 'rationing' in healthcare in which women in the households are the first ones to forego healthcare.

Women face multiple discriminations in the world of work. It is manifested in a number of ways in terms of access to livelihood opportunities, equal wages and for decent quality of job. A woman is never unemployed in her lifetime given the various social responsibilities she is traditionally expected to fulfill resulting in the double burden of earning a living and taking care of household chores.

Women contribute to the society by both paid work and unpaid work. In the unpaid work framework, there are four different kinds of work undertaken by women:

- Subsistence Production
- Informal Activities
- Household and Domestic Work including Reproductive Activities
- Voluntary Activities

Among the four, subsistence production and informal activities are recorded as productive economic activities by women while the others are not considered in computation of National Income. Hence it is not officially recognised. The limited Time Use Surveys (TUSs) for documenting women's unpaid work in India have shown that the burden of unpaid work on women have increased over time. This could be due to both withdrawal of state from providing basic services as well as non-availability of adequate resources for the households. These render women to spend a lot more time in taking care of elderly, sick and children as well

as spend time to gather fuel and water for household purposes. Consequently, women's paid work participation rate shows a decline in the government statistics despite their visible contribution in both rural and urban areas.

Women in the paid work force face large scale discrimination partly due to the historically determined sexual division of labour. In a patriarchal society, the man of the household is always seen as the primary 'bread earner' and the working woman is often categorised as the secondary earner. There are more women in the low-paid, unskilled segment (given the lack of decent opportunities and adequate skill training) and there are different kinds of wage inequalities in rural and urban areas operating within paid labour that discriminate against women. Currently, almost 94 per cent of women workers are engaged in informal activities in the non-agricultural sector, which implies engagement of women in menial works like domestic help, providing unrecognized labour in family run businesses, home-based work etc[3].

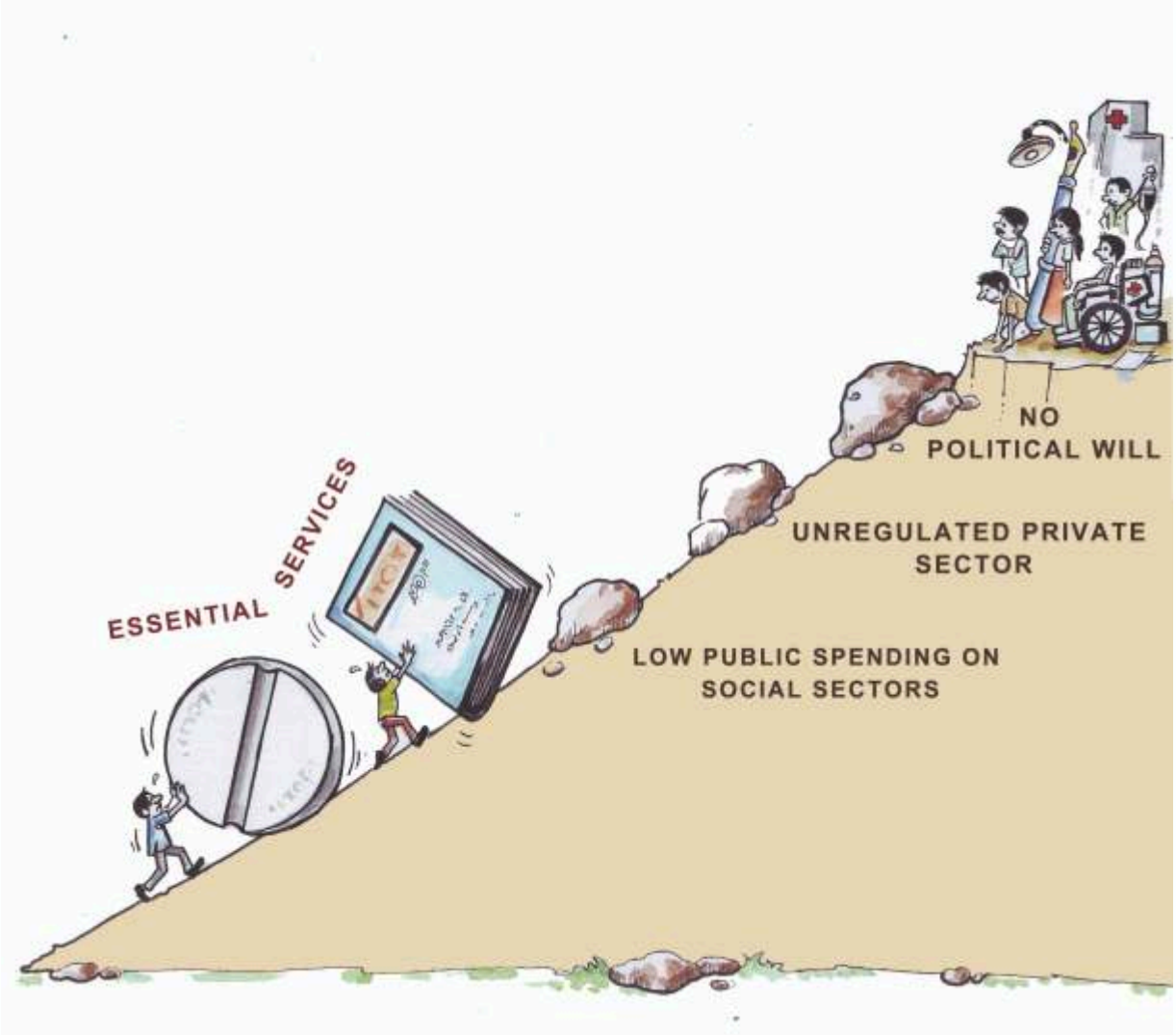
Also, gender inequalities in the labour market are reflected in the type of employment contract; i.e., whether it is regular or casual. While regular employment provides continuity of job, better working conditions and lesser wage disparity between male and female, casual employment (like daily wage earners) has a great deal of wage and non-wage insecurities. Women workers often work at lower remunerations than the male counterparts even at same levels of employment. The World Economic Forum ranked India at 101 (out of 136 countries) with a Gender Wage Gap of 65 per cent in their report in 2013.

Even though political participation of women has increased in India, in certain places this is subverted by some new positions that have been created, who are called *sarpanchpati* where the husband works on behalf of the elected woman representative. There are visible benefits of institutionalized political participation of women, especially in *Gram Panchayats* and Municipalities. There are examples where this process of political representation has helped empower the women and communities at large in the regions, leading to greater gender issues being addressed by the authorities to a higher extent. This needs to be advanced in the highest political platform of Parliament. The Inter-Parliamentary Union of Geneva reports that our neighbours Pakistan (20.7 per cent), Bangladesh (19.3 per cent) and Nepal (29.9 per cent) have higher women representation in Parliament than India (11 per cent).

[3] ILOSTAT, 2013

INEQUALITIES IN ACCESSING ESSENTIAL SERVICES

The persistent inequality in India can be attributed to two factors. Firstly, societal structures are such that there is no equal starting point. The society is differentiated by various identities like religion, caste, gender, region and so on. Secondly, various state institutions that should work towards removing these inequalities often end up worsening them.



Community-led organisations working at the grass-roots level play an instrumental role in making essential services accessible to the people at the lowest rung of the ladder. However, such organisations are often not able to advocate the ground realities effectively at the higher levels of policy formulation resulting in inadequate and inappropriate policies. Civil Society Organisations have to act as a strong link between such community-led organisations and policymakers for better and more effective policy formulation.

Educational Inequalities in India

Equal access to basic education is among the basic human rights to which everyone is entitled. In recognition to this, education has been assigned high priority also in the national objectives of India. Provision of free and compulsory education to all children between the age group of 6 and 14 is a Fundamental Right (Article 21A) in India. The National Policy on education (1986) was an important landmark towards this Constitutional commitment. The journey towards universalisation of elementary education was finally endorsed with enactment of the Right of Children to Free and Compulsory Education Act in 2009. However, we are far from realising this objective.

While in the last 10 years, there has been a visible progress in India's education sector in the form of increase in school enrolment, more adults are declared (functionally) literate than ever before; the age-old disparities of class, caste and gender continue to manifest themselves in the education system.

India has made notable improvement in school enrolments and achieved universal enrolment in primary (I-V) education (116 per cent) and near universal enrolment (85.5 per cent) in upper primary education (VI-VIII) both for boys and girls. However, at the secondary level (IX-X), the Gross Enrolment Ratio (GER) is 65 per cent and at higher secondary (XI-XII) level it is only 39 per cent[4]. The figures for access, attendance, retention and school completion rates are much lower than enrolment and it significantly varies between girls and boys, upper caste and lower caste, urban poor and rich, and for scheduled castes and scheduled tribes etc.

Out of every 100 children who enroll in grade I, about 30 drop out before reaching grade V and more than 40 before reaching grade VIII. It is to be noted that the rate of dropout is less among girls in primary education than among boys, while at upper primary level, the reverse holds true. Nearly 45 per cent of SC children and 55 per cent of ST children drop out from school before completing grade VIII and this proportion increases to 60 per cent for SC children and 70 per cent for ST children before reaching Grade X.

Analyses of determinants of participation (or non-participation) in schooling have revealed the influence of three sets of factors: (a) household economic factors, (b) school environment, including quality of physical infrastructure, human resources and quality of instruction, and (c) social and cultural/traditional factors.

Economic factor is the single largest reason as (i) poor families cannot afford educational expenditures, and (ii) the children drop out to engage in 'work', which amounts to earning wages for boys and attending to domestic chores for girls.

Poor educational infrastructures are another major constraint. A number of schools do not have some of the basic infrastructural facilities functional like school buildings, adequate number of classrooms, drinking water, toilets, ramps, electricity etc. Lack of availability of upper primary and secondary schools in the neighbourhood, and absence of girls' toilets are some of the major reasons for school drop outs, especially for girls. There are different categories of schools being run by the state varying from simple government schools to model schools, central schools, *Jawahar Navodaya Vidyalayas* etc., and the quality of education and facilities provided in these schools vary a lot.

This in turn has led to the rise in popularity of private schools in the country. Average educational

[4] Ministry of Human Resource Development, Govt. of India, 2013

expenditure in private aided schools is almost five times higher than expenditure in government or local bodies run school and it becomes seven times higher in case of private unaided schools[5]. Despite the high fee structures, even low-income families are increasingly sending their children more to private schools than government schools, as private schools are perceived to impart better quality education than government schools. However, due to unsustainable financial demands, children are being forced to quit such schools.

In the process, the government is almost absolving itself from its responsibilities by giving token access in the form of reservation for economically backward students in private schools, which is grossly inadequate and difficult to access, and as a result these quotas are rarely fulfilled. Moreover, given this high cost of schooling, private school admission is weighted in favour of sons than daughters, whereby the boys are enrolled in private school and the girls in government schools. Thus, the growth of private schooling leads to not only growing inequality in terms of quality of education but also exacerbates socio-economic inequalities.

Interventions to ensure access to education for children with disabilities are another immediate requisite. There exist an inadequate number of schools for children with special needs and in places where they exist; schools do not have essential features to accommodate children with disabilities thus rendering the schools unusable. Regular school systems have not been adequately sensitized and equipped to accommodate this section of the population.

Inequalities in Healthcare Facilities

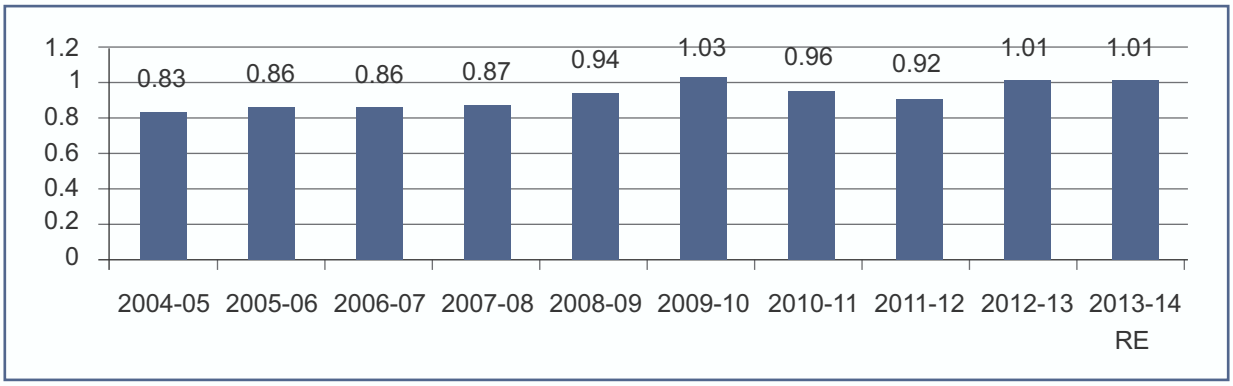
Political will is very important when it comes to strengthening Public Health System in India. The examples of Venezuela or Brazil serve as inspirations in this regard. In Venezuela, the State implemented a state-funded social programme under which free comprehensive health care is available to all Venezuelans. Started in June 2003, Venezuela made a trade pact with Cuba to bring in Cuban doctors, medical technology, and medications in exchange for low-cost oil, that led to a comprehensive healthcare provisioning for the citizens. Brazil has an established Unified Health System under which more than 75 per cent of the total population fully relies on state sponsored healthcare facility. Health care is a Right in Brazil.

Unequal access to healthcare in India, reflected in poor health indicators, has ample statistical evidence to build a strong case against it. Government spending on healthcare in India for a long time has been far below the required levels. In terms of percentage of GDP, India's public spending on health, after increasing between 1950/51 and 1985/86, stagnated during 1995–2005. It was 0·83 per cent of the GDP in 2004/05 which is considered among the lowest in the world, compared to 1·82 per cent in China and 1·89 per cent in Sri Lanka. Post 2005, with the implementation of the National Rural Health Mission (NRHM) in India, the level of public spending on health has gone up marginally but still falls far behind the adequate levels.

Historically, the State has shied away from its responsibility of providing affordable public health services in this country. This trend has worsened in recent times with the State actively promoting privatization through means like insurance-based universalized health access, Public Private Partnership (PPP) models etc, which further deepens inequality.

[5] National Sample Survey Organisation, Govt. of India, 2010

Public Expenditure on Health in India as Percentage of GDP



Source: Compiled from Union Budget documents, RBI State Finance, various years

This is clearly visible in the quality of health facilities available across regions. Hospitals located in affluent areas have better infrastructure and service provisions compared to those situated in poor localities as the paying capacity of the target population has become the prime determinant factor. In India, out of every 100 Rupees spent on health, individuals pay almost 70 Rupees out of their pocket, which is much higher than other developing countries like China, Russia, Mexico or even Indonesia. The country's per capita health spending (total) has risen from USD 63 in 2000 to USD 141 in 2012, which too is quite low compared to some of these countries.

The Indian Constitution lists Health as a State subject. The States do have autonomy in determining the budget allocation on health. However, this has resulted in the Central Government avoiding taking any major initiatives in health. On the other hand, even the State Governments are under major constraints to curb their overall spending that has affected healthcare provision negatively.

There are considerable inter-state variations in health outcomes in India. In general, the southern States fare considerably better than the rest of the country. Infrastructural gaps are observed to be higher in States, such as Bihar, Madhya Pradesh, Chhattisgarh, Rajasthan and Jharkhand, which also lag behind others in terms of health outcomes. Similar situation is observed in terms of human resource requirements, especially for specialists at the Community Health Centres (CHCs). In urbanized States like Maharashtra, Karnataka and Haryana, there is a shortage of doctors at the Primary Health Centre (PHC) level as well.

Health outcomes are also dependent on social determinants, such as food security, sanitation etc. The National Food Security Act (NFSA) of 2013 was a landmark legislation that entitles basic food and nutrition to all citizens of India. Under this act, the Center has committed to provide financial support to States to ensure about 75 per cent of rural population and 50 per cent of urban population receive basic food, and special focus is given on children, pregnant women and other such vulnerable sections of the society.

Some of the laudable initiatives of the Indian Government in the context of food security is the Mid Day Meal (MDM) scheme started in schools to ensure proper nutrition for the children in economically backward sections and *Indira Gandhi Matritva Sahayog Yojana* (IGMSY) to address the issue of maternity entitlements under the NFSA. These are crucial initiatives as maternal and child health is intrinsically related to levels of nutrition they receive in the formative years. However, there do exist design

flaws and issues in implementation of both the programmes. Food under MDM scheme is mandated to be cooked by women Self Help Groups (SHGs). Women engaged in this work end up working more than the stipulated time and they are also grossly underpaid. Moreover, there is no provision of subsidised LPG in this scheme and wherever SHGs are using LPG, it contributes to about 50 per cent of the total cost. In most of the cases these groups use fuel wood that affects their health.

It is also to be noted that there is a provision in the MDM scheme that 50 per cent of the beneficiaries would belong to children from the SCs/STs, and many of the beneficiaries do belong to the lower castes. This has created a ghettoisation of students into caste groups in many cases. The practice of self-exclusion has also been witnessed whereby students belonging to upper castes bring their own food and refuse to eat food cooked by women from lower castes. Such practices have aggravated inequalities in access to some of the important social services.

INEQUALITIES IN ACCESS TO LAND

In a developing country like India, where majority of the population live in the rural areas and the agricultural sector is still the largest in terms of employment share, land is the most pivotal and often the only asset for sustenance. In India, officially there are three types of land i.e. private land, government land and common property land. Throughout Indian history, there have been struggles for land rights between different sections of society.

Between 1993/94 and 2011/12, the share of cultivated land for the bottom 70 per cent of the population reduced from 19 per cent to 14 per cent; whereas for the middle 20 per cent, it increased from 33 per cent to 35 per cent, and for the top 10 per cent, it increased from 48 per cent to 52 per cent. During the past two decades, absolute landlessness increased dramatically from 39 per cent to 49 per cent and there has been no radical change in the ownership of land by various socio-economic groups. It therefore appears that increase in concentration of land has occurred only among the top 10 per cent of the population.

While land has always been perceived as a source of livelihood, lack of institutional support has rendered farming to be unprofitable, with rising input costs leading to widespread indebtedness. This has forced many marginal farmers to quit farming and join the ranks of landless labour. The issue of landlessness is intrinsically linked to access to food and nutrition as well as migration and occupational diversification. Land insecurity pushes people to migrate to cities from villages where they have poor bargaining power and end up working on meager wages that in turn, further perpetuates inequalities.

Real estate surge and rapid urbanisation have brought in momentous changes to the value of land and it is difficult to track and regulate the movement of land prices. This has led to speculative activities around land

as well as increased the demand for land phenomenally. The resistance to land acquisition mostly revolves around the issue of livelihood. The present rush for land acquisition for industrialization is resulting in plundering of lands in all parts of the country. Unfortunately, there are strong biases against the poor and the marginalised on issues of land rights that are institutionalized by the flaws in land legislations. The Land Titling Bill of 2011 has mechanisms to take over the common land as the bill recognises only two types of land i.e. private land and government land and completely ignores common property.

There have been crucial modifications in the Land Acquisition Acts gradually after independence. Earlier, the state could acquire land for public purposes; whereas if a private body acquired it, the rules were more stringent. The present Land Acquisition, Rehabilitation and Resettlement Act, 2013 has a very inclusive definition of public purpose where anything and everything qualifies for public purpose and the government actively helps the companies in acquiring land and thereby takes a position in favour of a certain party, instead of being the impartial mediator. On the issue of defining what 'public purpose' is, the present Act (2013) demands consent for a small per cent of acquisition. There have been regular manipulations on the decisions of *Gram Sabha* against such acquisitions. Such cases of land acquisitions cannot be filed in a lower court and only the higher Courts and Tribunals can take up such cases. All these nuances make the Land Acquisition Act to be biased against poor, rural land owners. Unless this Act is rectified, it can alter land use patterns that can have serious consequences for the food security of the country, besides worsening inequalities.

Apart from the above-mentioned land rights, the Forest Rights Act (FRA) of 2006 was a path breaking legislation also related to land rights. It sought to correct the historical mistake in which the State often claimed tracts of land as 'Government Forest', leaving the indigenous inhabitants of the region with no rights over the land in which they lived for ages. However, certain provisions in the Act, such as limiting the claim of 4 hectares per person, or having to prove at least 3 generation staying in the region for over 75 years, etc., makes the Act a complicated one. Such provisions render the FRA useless for tribal areas as documentation of land deeds is a larger issue in these areas.

INEQUALITIES IN ACCESS TO JUSTICE

Much of the discussion on inequality revolves around the issue of income and expenditure but the access to social justice is an important determinant to equality and is a human rights issue. In a heterogeneous society like India where people are divided along the lines of religion, caste, ethnicity and numerous such social identities, access to justice is a very important factor to ensure a fair and equitable society for all.

Unfortunately, the social inequalities permeate in the governance instruments as well, and access to legal justice is often limited by one's social identity. India has the largest number of undertrials in the world and the proportion of people from SC, ST and Muslim community is the highest. A large proportion of people who are in jails are also one of the poorest. There are three reasons for this disparity:

- Lack of access to legal assistance and this is mostly because these people cannot afford a lawyer for themselves who can fight for them in an unbiased and transparent manner.
- Socio-economic handicaps of these communities where they have poor bargaining power as compared to people on the other side.
- Institutional bias often act as a major reason to stereotype people from these communities as 'offenders' even before the judgment. The police and the judges assume they are criminals because of the stereotypes that exist against these communities. It is a challenge for these people to prove their innocence.

In most cases, the death penalty and mercy petitions depend on the social background of the under trials. Statistics from the recent years show that out of the approximate 250 odd death penalties meted out, most of the 'accused' belong to SC, ST and Muslim communities. In India, the 'accused' often do not have a fair and just trial and the judgment is subjective based on stereotypes, especially when the person belongs to the marginalised communities.

In cases of communal violence, the police do not register an FIR against any person; rather it does in the name of an anonymous crowd. It becomes difficult to prove such cases as the police link many issues to that incident while preparing for the case. In such cases, the State owns the cases of the victims and therefore the whole responsibility for follow-up action is solely performed by the State. This invasion of the State goes to the level where the accused does not even get a photocopy of the statements and the proceedings, as it invariably becomes a State owned property. The biasness of the State and other agencies against vulnerable communities is extreme in cases of communal violence, and the failure of the system to impart justice leads to worsening of social tension.

There are inequalities in (a) access to justice as a right and (b) access to justice as a means to achieve certain rights. There are numerous progressive Acts and legislations aimed at providing justice to the marginalised sections of the society, but their implementation is often inadequate. Thus, legislations such as Panchayati Raj Extension in Scheduled Areas (PESA) etc. suffer from the functional problem of implementation and the additional bias of the system prevents these laws from delivering as they should be.

Often, there is an absolute lack of legal awareness amongst people and even the officials fail to provide the right information which creates delays in the process of providing justice. In the context of violence against women, few cases do get justice but most of them go unregistered or do not surface at all, as the women themselves, due to societal and family pressures, do not want the perpetrators, who are often family members, to get prosecuted and go behind bars. The Protection of Women from Domestic Violence Act, 2005 provides legal recourses to women (wives and live in partners) facing domestic violence in the form of physical, mental, sexual, emotional or economic atrocities. It provides for appointment of Protection Officers, Service Providers, Medical Facility In-charge and Shelter Homes. The Sexual Harassment at Work Place (Prevention) Act was passed in 2013 to ensure safe working conditions for professional women. Any establishment employing 10 or more employees is now mandated to have special mechanisms to redress sexual harassment issues based on the guidelines of the Supreme Court. But despite such strong legislations being designed, the real success of these Acts would depend on the extent and seriousness with which they are actually implemented.

Judicial training does not challenge or attempt to change the mindset of the people. The State being a part of the society also suffer from such biases and State apathy is perhaps the biggest hurdle that civil society activists deal within their campaigns. The National Legal Services Authority (NALSA) was formed in the year 1987 but till 2010 no personnel or infrastructure were provided for its operation. This reflects the systemic bias that exists within the State machinery, which in turn affects access to justice severely.

AFTERWORD

The challenges associated with inequality have reached daunting proportions in the present times than ever before. The historical divisions of the Indian society based on gender, caste and other social identities have been further accentuated with the widening of inequalities in income and access to basic services. The socio-economic inequalities as they persist in the Indian context act as a deterrent for realising the full potential of development. Unless a level playing field is provided for each and every individual, we can never achieve development for the society at large. Such a framework lies at the core of the argument for a universalised rights-based development agenda.

Unfortunately, some of the policy prescriptions that promise to help usher in such a development process often end up perpetuating and worsening inequalities that is detrimental for the welfare of the large sections of the society. The thrust of policy mechanisms therefore should focus on reducing these inequalities and empowering the marginalised sections of the population. The challenge therefore is to enable and facilitate such a process of evidence based policy advocacy for an alternative policy framework which work for such a development agenda. The process thus involves a critical analysis of the mainstream discourse of development in terms of recognizing as well as prescribing alternatives to overcome the limitations and shortcomings of the existing policy formulations.

In the context of a globalized world, it is not enough to have an insight of the socio-economic inequalities in our own country, but to widen our horizon and develop an understanding of the social and economic challenges faced by the other developing countries, especially the BRIICSAM[6] countries. It is equally important to create a common platform where the civil society members of the BRIICSAM nations can come together to share their common learning and formulate a common developmental plan to stem the widening of existing inequalities. This manual aims at facilitating such a process in the Indian context.

[6] The BRIICSAM countries are a group of large developing economies (Brazil, Russia, India, Indonesia, China, South Africa and Mexico) whose elevated economic growth and growing regional and international influence will have ripple effects on the world. (Source: https://www.cigionline.org/project/bricsam)

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