

Social science research and inclusive policies: A focus on Adivasis, Dalits and Muslims

Proceedings of the TISS-UoE collaboration workshop Compiled by
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TISS and University of Edinburgh received UKIERI funding for an innovative collaboration on the themes of “Marginal Populations, Social Mobilisation and Development”. This thematic collaboration focuses on marginal populations – Dalits, Muslims, and Scheduled Tribes – and analyses their adverse incorporation into or exclusion from processes of development in India.

A two-day workshop in Mumbai in August 2012 focused on Social Science Research and the possibilities for inclusion of Muslims, Adivasis and Dalits. It involved interactive and deliberative exchanges amongst advocacy groups, policy makers and representatives of marginal populations as well as academic experts. The discussions offered rich insights into the dynamic social contexts of marginalised groups and processes of development (defined in a broad sense). We have, therefore, sought to share some of the

insights of the debates with a wider audience through this summary of the workshop.

In what follows we offer a transcript of key debates in the following sessions:

Session 1: Caste atrocities and Missing convictions - Can social science research help policy?

Session 2: Tribal dispossession and inclusion - Frameworks for policy research dialogue

Session 3: Muslim Citizenship and Development – Challenges for policy research

Session 4: Policies for Nomadic Tribes in Maharashtra.

Session one: Caste atrocities and Missing convictions - Can social science research help policy?

The discussion in the first session pondered the question of why conviction rates for caste violence are so low despite the presence of substantive legislation in this area? What are

the gaps between practice and policy? What can social science do to address this gap?

Speakers in this session included Eknath Awad, the President of the Campaign for Human Rights (Mannavi Hakk Abhiyan) and long-standing Dalit rights activist in Maharashtra; Anoop Kumar, the founder of the Insight Foundation; and also Professor Ramaiah and Dr Wagmore from TISS.

Advocate Eknath Awad, President of the Campaign for Human Rights

The terminology of atrocities is changing especially after the Prevention of Atrocities Act (PoA, also referred to as the Atrocities Act or the Act) was brought into force. Also, the form and nature of atrocities is changing. We use PCR 7 D (1978) Act against atrocities to book cases. Though the legislation is in place, politics is the main setback in justice for Dalits; since politicians are not giving back but simply taking votes. Some Dalit politicians who are in powerful positions have become puppets of the higher castes. One can also witness a police-politician nexus. Police don't record caste-based violence as such; they record it as any other crime which carries a much lighter sentence. Police officers who do not record or act on atrocities cases are rewarded by the state. Often offenders are protected. These offenders are powerful and

hold positions of power in village-level state structures.

As activists, our role is to disturb "law and order". As per my own experience, there is no justice without disturbing the law and order. Incidents of atrocities are good moments to demand justice; we must question how agencies use these occurrences and monitor them to see that justice is delivered. With the police, village *panchayat*, judiciary, and local people all averse to providing justice to Dalits, this [extra-institutional action] is the only option for them. Bureaucrats, socialists, activists and agencies can do a lot during these times by writing about these incidents and raising them with higher authorities through various means. But the government is like the buffalo's skin, you can hit it all you want but it makes hardly any difference to the buffalo. Activists have to keep their resolve and will power.

The only alternative is that people should be in power, they should be economically, politically and socially powerful. Local Dalit academics speaking up against caste atrocities face repercussions, whilst academics who maintain status quo are accepted/recruited. The same is true about activists, politicians etc. So those who speak up for justice won't be accepted. Like Babasaheb [Ambedkar] has said before, those who accept the *chaturvarna* [caste] system are seen as being good citizens.

The conviction rates and registration of caste discrimination cases is very low. *Tantamukti* [reconciliation]¹ is the license to *goondagardi* [banditry]. It is easy to get away with committing atrocities. Based on the present political environment, there is a possibility that the Act might be abolished in the coming 3- 4 years as the statistics show that there are fewer cases now.² The truth is that it hardly reflects the challenges of filing cases (finding witnesses who are willing to bear testimony, filing charge sheets, lapses in investigation, delays in registration that benefit the offender) and that atrocities are taking newer forms.

**Advocate Manjula Pradeep, Director,
Navsarjan Trust (<http://www.navsarjan.org/>)**

There are various problems with the implementation of the Atrocities Act. There

¹ Eknath Awad here is making reference to ‘the “Mahatma Gandhi Dispute-Free Villages Campaign”, or “Mahatma Gandhi Tantamukt Gaon Mohim” launched by Maharashtra on 15th August, 2007’. According to A.N.P Sinha from the Ministry of Panchayati Raj: ‘The Campaign aims to resolve village disputes amicably with the cooperation of the people by creating a podium for reconciliation. This campaign in its fourth year has resolved over 2.5 lakh disputes without police or court intervention. The overall impact of the campaign has been to improve caste and religious ties in multi-community villages, defuse political tension, create a general atmosphere of security and ownership of common interest in the State’ (see the statement here: <ftp://ftp.solutionexchange.net.in/public/decn/cr/res20101001.pdf>). Awad suggests that the stress on ‘amicable resolution’ has allowed dominant castes to impose their will.

² This has to be seen in the light of various dominant caste political parties across several states demanding the scrapping of protective legislation for Dalits.

are various efforts involving activists and NGOs to address these issues. Atrocities began to be known as such after the Act came in. Before that these were incidents of violence and it was only since 1989 that violence against Dalits have been termed as atrocities. As a Dalit activist I see law as a tool for social justice, but there is also a need to address the root cause of these atrocities because if the root cause is not eliminated there will not be any change in the problem.

We have been focusing on getting convictions and after several years of work we are getting some success in this regard. It is not just enough to see the loopholes in the Act but to also see how we can use the existing legislation in securing justice. Convictions cannot happen without the role of civil society organizations – it starts from filling out the FIRs [First Information Reports submitted to police] and goes until the person gets justice. Justice doesn’t simply mean conviction; we have to go beyond the justice process to ensure that the person who gets justice lives with dignity and self-respect. For instance, we handled the case of a college going Dalit girl who was gang raped by four professors in an all-girls college. This was a political issue for Gujarat. The right hand of the Chief Minister was also involved since it was his constituency. Through this case we realised that the media plays a major role in keeping an

issue in the limelight and creates pressure on the administration. We were able to use the provisions of the Act and get the six accused a sentence of life imprisonment. However, the delivery of justice in this case is not representative, conviction rates remain very low. A report by my organisation highlights that conviction is the lowest in ten states in India namely Maharashtra, Gujarat, Karnataka, Andhra Pradesh, Orissa, Bihar, Tamil Nadu, Madhya Pradesh and Rajasthan. A report by the National Human Rights Commission on the status of the Act also describes the rate of conviction and the loopholes in the Act itself. There is also a need to understand state impunity in addressing atrocities against Dalits and Tribals.

The forms of atrocities are changing. As Dalits are getting economically empowered there is a tendency of the dominant castes to impose social pressure to ensure that economic liberation does not lead to social liberation.³ We believe that social liberation is as important as economic liberation so in the cases that we see, Dalit youth seemed to be becoming economically better off and upwardly mobile and hence are made targets of attacks by dominant castes. We had a case of a Dalit youth being killed in January 2012.

³ On changing forms of violence against Dalits see: Mendelsohn, O and Vicziany, M. 2000. *The Untouchables: Subordination, Poverty and the State in Modern India*. New Dehli: Foundation Books.

We spent an entire night in the police station with the dead body but the police officer on duty and even the inspector general were refusing to file a case against the perpetrator who was from the Rajput caste as well as closely connected to the Bhartiya Janata Party (BJP) politicians in power.⁴ There were 250 of us in the police station and we were dragged out by the police officers who confiscated the body of the murdered Dalit youth on the eve of 26th January [Republic Day in India] without registering the case. It was a national shame. But finally the story was covered in the news and later the main accused was arrested.

So it is not just through the work of NGOs but the support of the community and mass movements are most important to ensure justice. We have been trying to understand why atrocities happen so we conducted a study of untouchability in 1589 villages. The report was released in 2010, which highlighted 98 forms of untouchability being practiced by the dominant castes.⁵ However the act includes in its purview only acts of violence but not other forms of untouchability associated with touch, eating habits etc. So we have to see how this definition can be extended and then we will

⁴ On the social dominance of intermediate castes and how they use their social capital and networks to exercise power see: Jeffrey, C. 2001. 'A Fist is stronger than Five fingers.' *Transactions of the Institute of British Geographers* 26(2): pp217-236.

⁵ For an academic report on the prevalence of practices of untouchability in contemporary India see: Shah, G, Mander, H, Thorat, S, Deshpande, S and Baviskar, A. 2006. *Untouchability in Rural India*, New Delhi: Sage

discover that the number of atrocities against Dalits increases. We, at my organisation, only take up genuine cases that need support for justice. This involves not just helping the person file a police complaint, ensuring that the perpetrator is arrested and the accused is not given bail [PoA cases are non-bailable offences, but this is often not observed], but also providing social and emotional support, which they lack. Often those who face violence live in fear and are alone. They need a safe and secure place to overcome their fear to be able to fight for justice. This is not addressed in the Act. So it is also important to address social boycotts⁶ and resulting internal displacement/migration. If you do a study of 10 years of displacement of Dalits you will see how the pattern has changed, they are increasingly leaving villages and moving to towns. We held a public hearing last year on social boycotts and forced migration of Dalits and we highlighted 77 villages where Dalits have moved to get away from untouchability and atrocities that are being practiced.

Although the Act has been around for nearly twenty years, there is very little knowledge about all the sections and provisions in the Act even among lawyers. There is very little they learn in their education

and this Act is hardly taught as part of their curriculum. So we are also involved in training lawyers for social change. Often they encourage out of court settlements/ compromise, which are illegal [for atrocity cases]. There needs to be a detailed study on the implementation of the Act. We have done a study in 11 districts of Gujarat that have been declared atrocity sensitive and focused on atrocities against Dalit women. From our experience we have seen that few people from the Dalit community have the courage to fight since the price of fighting for justice is very high.

Anoop Kumar, Activist and founder Insight Foundation (<http://www.scststudents.org/>)

The focus of our work is on Dalit students in higher education to understand what happens to those who enter the education system and their experiences. The concept of merit has been a bane for Dalit students, and the number of suicides reflects a disturbing scenario. Suicides are often attributed to the ‘inability of students to cope with academic rigor’. They are insensitive to the causes for the sudden ‘inability’ of Dalit and tribal students to maintain their past academic performance. Elite institutions (such as IITs) that make claims to ‘merit’ in the face of such tragedies normalises the suicides of Dalit and Adivasi

⁶ A social boycott refers to practices in which entire Dalit communities are denied opportunities to work or social services by the locally dominant castes. For more on this see Gorrings, H. 2005. *Untouchable Citizens*. New Delhi: Sage: pp 112-145

students. The system is brutal to Dalit and Adivasi students and is insensitive and inhuman when it comes to addressing their struggles. The concept of merit (including its determinants that are widely accepted across educational institutions in the country) should be challenged as they are incapable of gauging intelligence and true talent of individuals.⁷

These institutions of higher education are elitist and provide no support to those coming from small towns and villages. The knowledge of English is given preference. Not having studied in English medium at the school level becomes a barrier and affects the attitudes of teachers in these institutions adding to the bias against Dalit and Adivasi students. There is no diversity on the campuses of these institutions. IIT doesn't have a language lab though a large proportion of students come from a regional language background. "Remedial" classes organised for students hardly addresses the complex needs of these students. It is based on an assumption that "they" need a "remedy" and hence has been insensitively named to begin with. Attitudes towards Dalit and tribal students are institutionalised and inherent. There are no avenues for Dalit and tribal students to organise themselves on campus. IITs have copied everything from MITs except those measures they have for ethnic and racial

minorities, for instance on U.S websites one can see how black students have space to organise. The institution itself provides mentorship for black students, and there are specific programmes focusing on social groups underrepresented in certain disciplines such as women or ethnic and racial minorities in sciences etc. Institutions of higher education in India especially IITs have copied their syllabus and teaching methods but what they don't copy are these mechanisms to address discrimination and backwardness. Here they don't even accept that there is a problem. All that they talk about is merit and non-merit. Bias is a very poor word to describe our experiences. The level of indifference is appalling. Forget about atrocities, about direct discrimination - since if someone were to say or do something directly one could fight back.

There is institutionalised indifference; hostility and alienation one can just not limit it to bias. To top it all, institutions of higher education do not take any responsibility for this indifference neither are they held responsible. In a case that we took to court, the judge (who was a woman) dismissed the case on the first hearing stating that caste did not exist in urban areas. Since then we realised that we should never use the word "caste" in courts. The judge at the hearing was quite angry and said, "Are you saying that professors are casteist? How can this happen

⁷ For more discussion of the concept of 'merit' see: Balagopal, K. 1990. 'This anti-Mandal mania' *Economic and Political Weekly*, 25(40): pp2231-2234

in a place like IIT? These things happen in UP and Bihar... we have an old tradition of *guru-shishya* (teacher-disciple) etc.” and went on. We were able to get another judge to preside on the case and changed our case to discrimination against poor students who have come from small towns. We won the case but none of the professors were prosecuted, so I don’t see it as justice. Though the 18 students who had been suspended were taken back it was not established that IIT practiced any kind of discrimination. Eventually, a few of the students dropped out anyway since no measures were taken to see that they are able to carry on. It was made to look that the institutions were giving them a second chance and hence was a big deal. So until institutions are held responsible nothing much can be done about the situation. Politicians are the only ones who are willing to listen, neither academics nor the media. In institutions of higher education claims to merit are like the holy cow. Even politicians or bureaucrats are unable to touch them and the media do not want to write anything bad about them.⁸

Professor Avatthi Ramaiah, Tata Institute of Social Sciences

⁸ For more on caste and higher education see Anoop Kumar’s video here: <http://www.youtube.com/watch?v=SREnS5A6jJE>

The perpetual focus on low conviction rates as a basis for addressing the issue of atrocities is based on an assumption that once laws and governance systems are in place atrocities will come to an end. This is itself an area needing research. As Gail Omvedt said earlier, it is not the lack of awareness about the law on the part of the judiciary and the law enforcers, but knowledge of how to escape the law that is behind the low conviction rate. This says a lot about where we stand today. We still live in a society where an atrocity is not viewed as an atrocity. Caste based crime is a social and religious issue. Though our laws and policy are meant to uphold the values of liberty, equality and justice, in practice that institutions that are meant to implement these are embedded in society and hold societal casteist biases that are maintained. Only political commitment to the issue and Dalit leadership ensures that conviction rates and registration of cases is high. Look, for example, at the high conviction rates during the Mayawati government in UP.⁹ The media does not highlight the good work that some Dalit leaders like Mayawati are doing. Academics also feel the pressure as far as working on these issues is concerned. Unless

⁹ On Mayawati and the Bahujan Samaj Party (Majority People’s Party) see: Jaffrelot, C. 2003. *India’s Silent Revolution: the Rise of the Lower Castes in North India*. London: Hurst.

mindsets are changed nothing much can change.¹⁰

Dr Suryakant Waghmore, Tata Institute of Social Sciences

Our discussion centres on caste atrocities. The wider question, however, is how does social science exactly engage with caste? The idea that the state is declining, is a faulty line of argument. Especially in rural areas, for instance, during political elections the amount of money being spent signifies the growth and power of the state. The idea that caste is vanishing is also a complex story. To put it briefly the nature of discrimination varies; for instance, in education it has resurfaced in newer forms. As Anoop highlights discrimination is such that students may be driven to suicide.

It is very important to think about state. One way I have engaged with these issues is to both critique and rethink the state. A common question is – why do Dalit movements mobilise around the state? Dalit engagement with the state is situationally complex – at times they are opposed to it, at times they make claims upon it. What is important is to engage with and study caste through its normality and not merely through violence.

¹⁰ For more on the legal provisions against caste, see: Ramaiah, A. 2007. *Laws for Dalit rights and Dignity: Experiences and responses from Tamil Nadu*, Jaipur: Rawat Publication.

We have to study caste where its presence is perceived as missing. This is to be done to study the sociology of the state since the state assumes that caste doesn't exist in many contexts. This will enable us to look at how the state manufactures and dismantles caste violence in a more meaningful and sociological way. This is the role academics can play.

Now look at the extent of tolerance in different spaces. How do people engage with each other? If you look at villages we have to see the dominance that exists in terms of caste is not simple dominance it is linked to status, for example the warrior caste - castes like Marathas, Lingayats, Jats and Yadavs. In higher education what we are talking of is elite Brahminic casteism albeit practiced by non-Brahmin castes. The Dalit experience is very different in such spaces like education and in villages. In a village in Beed, a Mang [lower Dalit caste] Sarpanch who held a post graduate degree was stopped by the Marathas when he was about to hoist the national flag. He did not file a complaint despite being denied the right to political expression. Instead, they 'compromised' within themselves. Such compromises – as Eknath Awad stressed - should not be missed in the sociology of state and bureaucracy. They have to be emphasized. Focussing on such processes does not view violence as an

exception but as the norm. This violence has to be temporally and spatially studied. Orissa is an interesting case where several districts have been declared as atrocity prone due to a sudden rise of cases of caste violence. Other states, however, escape such labels, so how does government understand caste violence? I want to stress that we need to analyse the dynamics between society and the state in the production of violence rather than focussing directly on incidents of violence alone.¹¹

Session 2: Tribal dispossession and inclusion - Frameworks for policy research dialogue

The second session focused on the issue of Scheduled Tribes or Adivasis and their struggles against exclusion and discrimination. Key issues addressed included the issue of displacement from land and the struggles surrounding this as well as the impact it can have.

Ms. Shamim Modi, Activist and Assistant Professor, TISS

The forest department seeks to silence and play down issues of displacement. The tribes, who have been living in the forest as a

community for years are being asked for proof of their stay. Individual ownership and rights are concepts alien to them. Numerous cases are filed everyday under the Indian Forest Act but what or whose purpose do they serve?¹² The complainant and the investigator is the forest department. So how can we break such a hierarchy of powers to ensure justice? Is justice possible under such conditions? The judiciary has the responsibility to ensure justice. But when the *adivasi* women raise their voices against the forest department regarding issues like wages, mining mafias, politicians and so on, they are threatened. When they go to collect firewood, they are arrested and taken to the court. The chief judicial magistrate does not even ask why the forest department wants 15 days custody of women for a bailable offence. After 15 days they come to the court, and the dates get extended. Court is a very alien environment for them. It takes a lot of struggle for the tribals to commute and most importantly a minimum of three days of labour is lost to attend one day of hearing. There is no legal aid for them. We filed a petition in the Supreme Court. Following our struggles, the forest department is now registering cases under the Prevention of damage to public property Act

¹¹ For more on Dr Waghmore's analysis of caste see: Waghmore, S. 2013. *Civility against Caste: Dalit Politics and Citizenship in Western India*, New Delhi: Sage.

¹² For more on the Indian Forest Act and its abuses see: Guha, R. 1994. 'Forestry Debate and Draft Forest Act: Who Wins, Who Loses?' *Economic & Political Weekly* 29(34): pp 2192-2196

(1984) since they realized that we are fighting to get bail for the women. The new framework is non-bailable. When these *adivasis* are trying to cultivate trees in barren land, the forest department says that planting fruit trees is a commercial activity and done without permission is an offence. Finally they destroyed 25 thousand fruit trees, which were quite mature. We got a very good order from the high court saying that we are unable to hold the police accountable for their unconstitutional actions. We filed a writ petition and the court eventually agreed to form district-level grievance cells where all the cases against the forest department will be addressed. They will direct the government about all the matters necessary. We need to keep that what we are giving to the *adivasis* are not special concessions of some kind but their *rights*. We haven't changed the colonial perception of tribals and yet we claim to be a free nation. If we look at the Forest Rights Act, the right of the *adivasis* to live in the forest, to use it customarily does not come up in the Act.¹³ We don't talk about historic injustice here. There are a whole lot of people in the forest protection committees whose work is to drive the people away. Although they have applied the new rights when it comes to such issues as suit them, in other

¹³ The 2006 Forest Rights Act was seen as recognising the rights of *adivasis* to live in forest lands. More details here: <http://www.forestrightsact.com/>

respects they ignore the act. The state is the biggest alienator of the tribals. We should listen to what the tribals have to say about their living in the forest rather than Forestry officials.¹⁴

Professor Xaxa, Deputy Director, Tata Institute of Social Sciences and Member of the Indian Government's National Advisory Council

I am not from the grassroots or involved in any movement. My idea will be to look at tribal exclusion and inclusion. It is a fact that there has been deprivation of the Dalits and tribals in their long history, be it dams or other projects and practices. One major factor to my mind is isolation. They are socially, politically and culturally deprived and isolated. The Indian intelligentsia has also accepted such praxis. The key is to include them with the larger society. The disposition actually arises out of unequal thinking. Hence it is difficult to talk of inclusion. The larger historical process to include tribals into the (so called) mainstream has to be problematised, and the mechanism of this inclusion has to address their culture, language, land, forest and so on. It also has to look at disposition from such resources. It has to be understood in the larger economic, social and political process.

¹⁴ See Shamim Modi's discussion of being imprisoned here: <http://www.youtube.com/watch?v=dZbyw8YJztQ>

Uniform civil law and administration irrespective of the region is required.

We find exclusion in terms of land, here I would like to bring the dimension of market/land market, credit market and so on. In this regard administration becomes an important aspect. The aspect of infrastructure like railways, roads also becomes an important way of dispossessing the tribes. It also leads to tribal people being displaced and lot of new people coming in to their areas of residence. The land of the people, thus, is dispossessed through socio-economic development, but an important factor here is the law. The Indian forest land acquisition Act, Wildlife Sanctuary Act etc are directed at the people living inside forests and are a way to intervene on their livelihood. People now talk of poverty, malnutrition, Infant Mortality Rate, Maternal Mortality Rate, literacy and all other social indicators which are acute among the tribes. There are differences in how the tribals are integrated with the state in different parts of India. Areas like Andhra Pradesh are tightly integrated as against north east India which is not tightly integrated to the Indian State hence the conditions of tribes in north east India is better than other tribes in mainland India. Much of the problem here appears to be an inclusion of certain kind. Deprivation takes place due to civil society intervention and also mass dispossession by state sponsored

programs. I would like to extend another category of exclusion with regard to language and culture. The dominant language of the centre or the state takes away a lot from the tribes. Education in the vernacular is not well respected. The large scale dropout and bad performance by the students is due to such barriers. I find that this is very important with regard to policy.

We need to do insightful research. There is no dialogue of the disposition of the tribes. If you look at the post-Independence era, Walter Fernandes points out that 40% of all displaced people in India are tribals.¹⁵ Such dispossession is not just a problem of today. The tribals have been going through this from a long time. It is only when the non-tribals came to be displaced as well that the issue of displacement became a problem. Nandigram is a start because, except Narmada, displacement never became a problem although it has been continuing for years.¹⁶ There is displacement through dams, wildlife sanctuary, mines etc. we need to look at the problem and nature of displacement and also look at the question of politics. We also have to look at the aftermath of displacement and look at both the tribals and non-tribals. Is it possible to inquire into

¹⁵ See, Fernandes, W. 1992. *National development and tribal deprivation*. New Delhi: Indian Social Institute.

¹⁶ On unsung struggles that preceded Nandigram see: Guha, A. 2007. 'Peasant Resistance in West Bengal a Decade before Singur and Nandigram' *Economic and Political Weekly* 42(37): pp3706-3711

the mechanisms of displacement, resettlement, and relocation?

The agenda of nation building post-Independence and the current post liberalization period are important in this regard. There is a process of resistance. Can we look at displacement of the old regime and new regime? Though violence was absent in the old regime and is expressed very vividly in the new regime, I think there is a possibility of dialogue. The last 60 years of experience has been terrible and the only way has been to resist. Forget the people who are being displaced, the people who are relocated are in a terrible state of affairs as they don't have an address of access to rights and entitlements.¹⁷

Dr Bipin Jojo, TISS

I will focus on one particular aspect. Let me share a story. A group of people who were displaced went and protested (staged a *gherao* or encirclement) at the Mantralaya [the administrative headquarters of the state government of Maharashtra in South Mumbai]. One young man asks the secretary about his salary and his years left in his job. The secretary was obviously angry at such a question. Then the young man said, 'why are you asking me how much I earn, and asking

¹⁷ For more analysis see: Xaxa, V. 2008. *State, Society and tribes: Issues in Post-Colonial India*. Delhi: Pearson Education.

me to leave my home and go away?' If I take the example of Orissa, 75% of the tribals are in the Below Poverty Line category. On the other hand, in the states of north east, there is a huge growth of industries which will lead to a lot of displacement. In 1994, the Government of India, in the state of Orissa identified 3 zones for industrial development which are Central Orissa (Vedanta¹⁸, NTPC), Southern Orissa and North-West Orissa (Jindal). 80 MOU were signed and the major investment was in the steel and power sector which expected huge investment. 500 mining corporations acquired a huge amount of land in Kalangute district. What happened to this kind of dispossession? There is a huge risk to identity surrounding displacement. If we look at the Chhattisgarh and Jharkhand states the situation is the same. Interestingly in the state of Chhattisgarh, the river or part of the river is being leased out to corporations like Jindal which is a unique case in India now.¹⁹

Access to forests and water constitutes a very important aspect of *adivasi* lives as it defines their life/worlds, social and political life. There is a big problem of ideology, accumulation by dispossession; primitive accumulation still exists. We are still with it.

¹⁸ For more on Vedanta see:
<http://www.foilvedanta.org/>

¹⁹ See Alok Prakash Putul's 'Privatisation Unlimited':
<http://infochangeindia.org/water-resources/analysis/privatisation-unlimited-rivers-for-sale-in-chhattisgarh.html>

The sophisticated capitalism has not brought any change. Liberalization and the changing role of the state has increased the dispossession. The major cities have experienced tribal migration in search of work and this process has led to loss of culture and so on. The state is the owner of all natural resources. People don't have a direct entitlement to it. Land is seen as a contradiction, not as a historical and cultural value. The lack of *adivasi* history leads to many kinds of misunderstanding. We need to look at the cultural aspects of displacement not just the facts and figures.²⁰

Session 3: Muslim Citizenship and Development – Challenges for policy research

The third session focused on the position of Muslims in India and the question of how their continued marginality might be addressed. Professor Basant – who was a member of the Sachar Committee offered some important insights from his analysis of the raw data on which the report based its recommendations. Intriguingly, he suggested shifting the focus from group to individual level endowments in noting the significance of parental education for the future well being of children.

²⁰ For more details see: Jojo, B. 2005. 'Tribal Development in India: Challenges for NGOs', in B. Ekka and A. Prasad (eds) *Social Empowerment through Development Interventions*, Ranchi: Xavier Institute of Social Service.

Professors Jeffery and Shaban then offered insights from their data before we heard from Jyoti Punwari on the Azad Maidan riots, violence and the marginalisation of Muslims.

Professor Rakesh Basant, IIM Ahemdabad and member of the Sachar Committee²¹

I will tentatively raise some issues. Let me start by saying that the Sachar Committee primarily looked at Muslims in a comparative perspective which is evident in the use of data, we have Hindu OBCs [Other Backward Castes] and Muslim OBCs as categories. The broad conclusion was that if one compares Muslims with other OBCs they are actually closer to Adivasis and Dalits. Basically they are one of the marginalized groups in the socio-economic paradigm. They also face identity difference and discrimination. I would like to revisit the Sachar committee data. I will focus on higher education and employment. If you talk to psychologists and Muslims, they have the perception of discrimination significantly more than the ST (Scheduled Tribe) and the SCs (Scheduled Caste) and other minorities. There is still a sense of demarcation and distinction. And if you look at the data, the participation in education is quite low among Muslims. In recent years the enrolment of girls has increased which is clear

²¹ To read the Sachar Committee Report see: <http://www.minorityaffairs.gov.in/sachar>

from the Human Development Index data. We can see a tremendous interest in education, but despite increase in enrolment there is low participation in education. It basically highlights discrimination, hence the low participation in education and in regular employment. They basically focus on self-employment. Data thrown at us by economists show that there has been higher return to education of the Muslims than other groups. Right to Education and earning perhaps help explain this. This is one puzzle I want to share with you. The other puzzle, the detailed analysis of data shows us that there is some evident discrimination, but the bulk of the difference of the community as regards participation in employment and education is explained by individual level endowment. If you are able to capture the level of education, it becomes a key determinant in participation in employment and education. To put it differently, my background as a Muslim does not become a key determinant; discrimination exists but it seems more toward individual endowment. So that remains a puzzle. So is it perception or actual life? Data shows that if one does have education and employment then you get decent return.

The other issue is related to policy. The bulk of discussion in India has focused on reservation. Our argument is that as far as OBC reservation is concerned, the Muslims

have it. The Sachar committee didn't recommend reservation. Unless reservation extends to the private sector, since government sector jobs are shrinking, moving forward one would expect further decline. Indeed, this kind of a policy creates consequences which may affect minorities, we may have a BJP [Bharata Janata Party – Hindu Right organisation] backlash. Instead of focusing on reservation, therefore, can we think of other ways of addressing Muslim marginalisation since it is politically complicated? Two ways can be thought of which are:

a) focusing on school level education from the supply side. We can thereby increase the potential towards higher education. If we look at people who are eligible to go to higher education, the people who end up moving ahead vary among different communities. The percentage declines considerably even with the existing difference in households, income etc. so, the idea was if we can somehow increase the supply side, we can help the education process and uplift Muslims from their poverty.

b) Just out of curiosity, we finalized the data of three rounds of National Sample Survey (NSS) to figure out if parental education affects the participation of different groups in education. If we control caste, gender, socio-economic status, with state community difference - we found that parental education played a more important role than all the

various variables together. Can we change the debate by not focusing on caste and communal agendas? I am not saying not to focus on reservation but what we are asking is: can affirmative action be focused on parental education? I am not sure what it will cover but my sense is that all the marginalized communities will benefit from it.

Finally there are two or three themes that we are starting to explore; that is the documentation of discrimination in different parts of the country in education, employment and so on. Comparison of specific issues across the country will be very beneficial for policy measures. The Sachar Committee report did not do a detailed analysis from the affirmative action perspective in different states and did not do an interstate comparison. Research is needed to capture the participation of different people in different spaces.

Professor Roger Jeffery, University of Edinburgh

I will speak from my experiences from research in Uttar Pradesh. There is a need to provide opportunities to voice the opinions of the marginalised communities. It is also important to get inside the basic necessities for a good life like employment, education and to increase their individual endowments. I think that one of the things that is required in the long run is repeated and parallel studies.

Repeated studies lead us towards a better understanding. What kind of things come out of different kinds of small-scale studies is important. I have been involved in the issues of development for Muslims in western UP. You get different social patterns for different groups in that area. The availability of public sector amenities is different for different social groups. Just because there is a school does not solve the problem. Even access to school can be problematic and being at school does not guarantee that there is no indifference to children's chances of learning. The children of minority groups walk through many hostile environments en route to school for instance. They face discrimination at the level of humour and similar exclusionary practices. Processes of exclusion persist even in more safe places like education. One of the things I have tried to do in the last 30 years is ask how Muslim children in India survive more than in other countries, keeping all other things being equal. If you look at the interaction between public sector facilities, you will get a lot of references of social exclusion. Simple things like cultural gaps in the health sector; like the background of the doctor also matters as they may come from other caste groups. If you look at exclusion and marginalization it is variable across the country hence making small scale studies important. We think in terms of multidimensional exclusion like ethnicity,

race, gender, caste etc., but we can also talk of rural, urban and local issues. For instance in eastern UP there are only few Muslims in rural areas but mostly in towns and cities and involved in the informal sector. One form of comparative analysis is the physical location of Muslims. Studies suggest that in small towns the form of exclusion becomes more visible than in other settings. One other thing is the ghettoisation of the people. People in rural areas are being increasingly ghettoised which was not so earlier. Many of these villagers have changed a lot over the years. In 1991-92 when there were attacks, minority Hindu and Muslims alike felt insecure highlighting the significance of place and space for our analysis or marginalisation.²²

Professor Abdul Shaban, TISS

When we look at Malegaon and other places where there are many small scale studies being done and there are lot of fractures that have come into being. What I am going to do is show how within the diversity people survive and are subject to a lot of violence. I will specifically look forward in studying the Muslim community and start to trace its independence. I would like to start from the discourse of political theory. The Muslims

²² For more details see Jeffrey, C; Jeffery, R & Jeffery, P. 2008. 'School and madrasah education: Gender and the strategies of Muslim young men in rural north India'. *Compare* 38(5): pp581-93.

have been the most excluded people in the country over the years.²³ Though there is no policy that addresses Muslims as a social group, there is a sense of distinction that is always being maintained with the Muslims. We know in political theory, as experiences in western countries point out, that there are two regimes or concepts of citizenship - republican and liberal. India has multiple concepts of regime. It is the mind of the individual where we fit the individual scheme. In 1947 Savarkar, Gowalkar, and Jinnah all spoke of different notions of citizenship. We also have the Gandhian vision of a non-state setup, and a belief in village republics. Liberalism and its focus on individual rights was fundamental in constituting the idea of citizenship in India. We also have the republican idea of citizenship propagated by Aristotle and the like, which talks of citizenship but in the larger goal of a nation state and sees citizens as having to undergo certain sacrifices for the good of the society. We have ethno-nationalists who have argued for certain kinds of identities which strive to be accommodated within the larger notion of citizenship. We have references to the Muslims in India which found a place within the liberal idea of accommodative identities.

²³ See Raghavan and Nair (2012), "Overrepresentation of Muslims: Prisons of Maharashtra" in EPW, Vol - XLVIII No. 11, March 16, 2013, available at <http://www.epw.in/commentary/over-representation-muslims.html>

After independence in 1947 the division of countries was based on religion. The idea of India was not that close to the heart with the older generation of people like my grandfather. The idea of village life was more central and attached to their imagination and life. The question of Muslims became important to the political apparatus during the dawn of independence. It is also to be noted that most ordinary Muslims did not have any idea of, or desire for, a separate state. This was more the concern of the leaders of the country such as Vallabhai Patel for instance. Even in the constituent assembly we had intimidating views on citizenship by people like P.S. Deshmukh. The debate on citizenship became strong at that time and resulted in a lot of bloodshed. We can look back at the Ambedkar-Gandhi debate in 1937 when the Muslims were as scattered as the Dalits and there was no consolidated identity of Muslims. Gandhi tried to bring the Dalits into the majority fold as Hindus and the Muslims were left out. The Constitution came up and a notion of full-fledged citizenship became prominent and was liberalized. We also see centralized planning and a notion of republican regime developing. The idea of collective citizenship became the idea of India. Within this idea of citizenship the notion of development emerged. We had socialistic pattern of society in vision, this was the means

of making India, political and economic democracy, redistributive justice and centralized planning as the backbone of republican democracy. Another important development was that Muslims could not cope up with the citizenship movement. Gandhi's death also brought about a problem. We had lot of movements to follow like the Vinobha Bhave - where the land question came up strongly, also the "Gram Daan" movement. We also have a shift in the discourse where we have the J P movement in Bihar on the backdrop of the failure of the centralised planning and the republican idea became problematic. We observe a shift of words like *rajniti* (politics) to *lokniti* (people's politics) and *lokshakti* (people's power) and so on. Over time, an organization that was formed said that Muslims must sacrifice for the idea of India, but around 1969 they realized that development is not directed at the minorities and their cultural identities are not being identified. We find a whole debate on the importance of cultural development of the minorities. Gandhi tried to restore the republican idea which did not seem to work. Muslim population in India thus seems to be disenfranchised. There still exists inadequate access to resources like education and development. Indian Muslims despite their large number have not mobilized politically around Muslim political parties. They have

largely remained distant from the idea of Pakistan. Muslims have been loyal to the country but they have not been met with the same vision of development. By 1970s we see all backward communities mobilising for unified politico-cultural identity but we also see many right wing activities trying to work against such a move of integration of the Backward Movement. Hereabout we see the emergence of the BJP. Amidst the gloom, the Sachar committee report brings back hope that the state can be used to incur development. On this basis, I agree with M J Akbar that democracy is the hope for the Muslims in India.²⁴

Jyoti Punwani, Journalist and activist

I have been covering Hindi-Muslim conflicts for many years and I conclude that Muslims have always been considered as second class citizens in India and that this has held back their development process. They are either defensive or apologetic about themselves. They have a sense of victimization and tend to be in isolation. The resultant exclusion is a manifestation of these attributes. Riots have been a recurring feature in India. There is a pattern to this violence. First their will be provocation and build-up and then the violence starts. The Muslims are always at the

²⁴ For more details see: Shaban, A (ed). 2012. *Lives of Muslims in India: Politics, Exclusion and Violence*. New Delhi/London: Routledge

receiving end as they are outnumbered by the Hindu communal party, so the fight for the Muslims occurs in two ways.

When I covered the Sri Krishna commission I came across to see that what is the reason for such behaviour, what kind of behaviour and ideology follows.²⁵ It can be concluded that the police consider the Muslims through the same kind of ideology as the Hindu communalist. For them the Hindu parties are doing nothing wrong but helping them to find the traitors instead. Such an outlook comes out visibly in their acts. For example the build-up to the Bombay riots saw a whole lot of provocative campaigns by the RSS and Shiv Sena which was almost 6 months before the riots intensified and yet the police took no action against it. The police under cross-examination said that there was nothing wrong with such slogans and no patriot can have any problem with such slogans. The police commissioner gave instructions that no protest in Bombay will be allowed on the Babri Masjid issue. When the Hindus protested nothing was done but when the Muslims came to the streets, that too unarmed, they were shot at. The double standards started right from then. The Commissioner said that the role of the BJP

²⁵ For one of Jyoti's reports on Sri Krishna see: <http://www.thehindu.com/todays-paper/tp-opinion/justice-in-maharashtra-local-muslims-need-not-apply/article3959677.ece>

was not communal but the act of the Muslims was. I saw the affidavit with which the police defended the firing by saying that the Muslim protesters were angry and were destroying public property. If you see clearly most of the property destroyed was of the Muslims. Also how do the police explain the killing of Hindus in the firings and others? How do they explain deaths which were not caused due to firing? This explains that the Hindu mobs were present from the very beginning. Many Muslims were killed in the mob violence and such facts came up in the cross examination.²⁶

The police also conceded that they couldn't do anything with the Shiv Sena activists as they feared an outburst, but why did they not predict the Muslim outburst? I was wondering whether the police was trying to mislead the commission by not acknowledging the presence of Hindus, but later I found out that they considered Hindus as non-violent. There were two phases of violence - one was in December and one in January. Between these two episodes of violence lots of activities took place where people from both the communities were violent. Police inspectors reported that the Muslims attacked and were violent and the Hindus reacted with a backlash to such acts.

There is again the perceived theory of a Pakistan connection. Such was the mind-set of people.

One other aspect was that no Muslim cop was allowed to fire at the Hindu mob. If so they were transferred and in some cases they were kept off during the riots despite there being a shortage of manpower. This happens all over India. These are the messages that the Muslims get from the police and the establishment. One other medium of stereotyping is the media where they show Muslims as fanatics, backward and so on. They at the same time glorify Hindu leaders. For instance when L K Advani became the Home minister no reporter asked him about the Babri Masjid demolition of which he is a prime accused. The continuous portrayal of Muslims as terrorists has become commonplace. In every country the Muslims are subject to difference but where they are subject to difference and punishment, the perpetrators are punished but this is not the case in India. In India they are protected. For instance the Azad Maidan violence the people involved were the RSS-BJP and drug mafia and there was nothing religious. During the violence a lot of anti-Muslim slogans were raised and also a lot of communal hatred. The English newspapers did not write about it nor did the Urdu newspapers. There was tremendous anger among the Muslim

²⁶ See Punwani sharp analysis on this here:
<http://www.dnaindia.com/analysis/1797196/column-ignoring-srikrishna-commission-recommendations-at-a-price>

community. It is difficult to come out and middle-class Muslims are unhappy with the *ulemas*. Talking of policy is hopeless as the state is communal but if somehow the court could force the state to recruit Muslims in security forces then there can be changes expected in these regards.²⁷

Session four: Policies for Marginal Communities

The fourth session centred around two specific marginal groups. A talk by Santhosh Jadhav focussed on the status and position of 'Denotified and Nomadic tribes' in India. Such groups are often neglected or absent in discussions of marginalisation and this talk offered a welcome corrective. Dr Shaileshkumar Darokar then offered an overview of the position of 'manual scavengers' and their struggles for dignity and rights.

Santosh Jadhav, Activist and Founder of Nirman [NGO working on Nomadic Tribes]:
<http://www.nirmanindia.org/index.php>

The denotified tribes (DNT) are one of the most backward people in India. There are 313 nomadic and 198 denotified tribes. They are wandering from one place to another in search

of livelihood. Under the Criminal Tribes Act of 1871 many of these group formations are considered outright criminals by birth.

Although the Act was repealed in 1952, they are still treated as criminals and the harassment continues. They do not have citizenship rights and cannot access any government schemes and facilities. In our Indian social system of caste they are reduced to wandering all around. As per the Criminal Tribes Act they cannot stay for more than 3 days in one village. Hence there is no scope for sustainable life. The second aspect is education; they have extremely low literacy. The children have to change schools frequently and it is not easy for the parents as well as the students.

Another important issue is that some communities are included in ST and some are in SC and some as DNT. The Banjara community, for instance, is classified as DNT in Maharashtra but as ST in Andhra. The problem of classification is vibrant and works against the emergence of a common movement. Most of the DNT in Mumbai face all sorts of harassment and injustice. There is no exact population of NT/DNT as there is no census allowed. The 5 year plans, since the first one in 1951 have allotted 35 million, 40 million, and finally 45 million rupees for rehabilitation, education and economic development for the NT/DNT, but the

²⁷ For more of Jyoti's hard hitting analysis see: <http://www.dnaindia.com/mumbai/1731987/column-arup-patnaik-saved-mumbai-from-burning> and also <http://www.dnaindia.com/authors/jyoti-punwani>

NT/DNT were ignored in the 5th plan. In the last 25 years they have lost visibility until the 11th plan where allocation was made for economic and educational development. If we look at the developmental aspect, there is one Vasant Rao Naik Vimukta Jati Corporation which looks after the development of these communities. This was established in 8th Feb 1984 in Maharashtra for the economic development of the people belonging to NT/DNT. Some interesting facts emerge on examining the scheme and its allocations. In 2006-07, 71,337 rupees were allocated, and 71,105 rupees in 2001-02. In 2009-10, a total of 1,84,250 rupees were allocated but only 31,058 rupees were spent. And in 2010-12, no allocation was made. This is a mockery of these helpless people. They don't have basic citizenship rights. There are lot of problems with regard to access and functioning of different schemes that are being provided by the government. Moreover, there is no scheme for settlement (housing), which stands as their primary concern. The demographic study of NT/DNT is very essential, because population figures for NT/DNT is not available which comes as a major obstacle for resource allocation. The data available is from the British government in colonial India. We also have to give special focus to the status of the government policies and programmes that are directed at the NT and DNT. We also have to

look at the livelihood patterns. In Maharashtra, we have 42 kinds of group formations having different life worlds. Moreover, emphasis has to be given to women and human rights violations as important areas of study. The access of legal aspects is also important. An ethnographic study of the NT and DNT will bring out their life-worlds in the contemporary ambit of democracy.²⁸

Dr Shaileshkumar Darokar, TISS

In Maharashtra, there is a separate school for manual scavengers. We have a legislation banning manual scavenging, but on the other hand *safai karmachari* [manual scavenger] children have to get certificates to get enrolled in an educational institution. The government of Maharashtra adopted legislation that contributes to the problems of this section of the people. The enrolment in these schools is very low and such schools are mostly run by politicians. Here is one example from my research; the GOI sanctioned 6 billion rupees for the rehabilitation and social development of manual scavengers for a population of 6,67,000. The audit report identifies that out of 6 billion rupees that the GOI sanctioned, it only shows the rehabilitation of 33,000 people.

²⁸ Read Nirman's recommendations to the National Advisory Committee here:
<http://www.nirmanindia.org/Report/NT-DNT%20Key%20suggestions%20and%20recommendations.pdf>

The same picture goes for the government of Maharashtra. Another example is that all the three categories - i.e. Muslims, adivasis and Dalits face forced ghettoisation both in urban areas and the rural areas. All the three categories are backward. In Mumbai every month 23 *safai karmacharis* die. This does not include those who are formally employed like in hospitals. This story is similar for other cities also.²⁹

NB. In 2013: A more robust Bill banning manual scavenging was passed by the Indian Parliament. For more detail see: <http://www.thehindu.com/news/national/stringent-antimanual-scavenging-bill-passed/article5105129.ece>

Concluding Remarks

Following these sessions there was a more open session when the key lessons learned were considered and discussed. Some of the key issues raised included:

When we talk of minorities here, this relates to an absence of political power. This lack of power means that integration into the state is not necessarily any solution. The inclusion of the excluded has created a theatre of exploitation for the Dalits and other minorities.

Inclusion and exclusion are achieved through various mediums and agents, and minority identities are very fragmented which provides further space for exploitation. There is a need to understand processes of adverse incorporation as well as exclusion and to map the variations within and between different groups. One point to emerge very clearly from the sessions in this workshop was that ‘marginalised groups’ are not homogenous and do not experience discrimination in the same way in differing places. It is imperative for us to map out differing degrees of exclusion and think through strategies for effective and meaningful inclusion. 🇮🇳

²⁹ See: Shaileshkumar, D. 2010 ‘Understanding Social Exclusion in India: Ambedkarian Perspective’, *Journal of Inter-disciplinary Policy Research and Action*, 14(1): pp31-53.