

State of Injustice: The Indian State and Poverty

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free India through a new constitution, to feed the starving people, and to clothe the naked masses, and to give every Indian the fullest opportunity to develop himself according to his

as it seems to a conception of what development should mean that comes very close to the one that Amartya Sen has laid out much more recently, of development as freedom. Sen argues that people should be able to develop their capabilities so as to lead lives that they have reason to value, being able to engage in reflexive life planning. This is pretty much what Nehru seems to

idea of justice that Sen has set out in his recent book of this title (Sen 2009), where he presents

rangements may be judged

according to what is usually regarded as just and reasonable by people in different places and in regard to different spheres of life. The idea that social arrangements should be such as to allow

a fairly common-sensical statement of what would be regarded as fair and reasonable by very many people. Nehru thus suggested that independent India should be dedicated to the achievement of social justice.

My title suggests, however, the view that the Indian state has rather been one that has perpetrated injustice, and I aim in this talk to explain why I think this is so. In part I take off from recent, generally acclaimed book *Red Tape: Bureaucracy, Structural Violence and Poverty in India* (Gupta 2012), which addresses the same

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question that of why the Indian state has perpetrated injustice - though Gupta uses somewhat different language from finding his arguments severely limited in critical respects, as I shall try to explain. He claims far too much for his ethnography and for his analysis. I then go on to examine the passage, since - breaking legislative acts that enshrine a number of socio-economic entitlements through legally referring to the Right to Information Act of 2005, the National Rural Employment Guarantee Act of 2005, the Forest Rights Act, the Right to Education Act, and most recently the Food Security Act. There are aspects, too, of the recent Land Acquisition, Rehabilitation and Resettlement Bill that, remarkably, share in some of the features of the wider rights agenda (see Jenkins 2013). Is the Indian state at last delivering on the bly?

The paper proceeds in the following way. First, I provide a brief historical account of the actions of the Indian state in regard to poverty, and to offer a statement of the poverty problem, since I take it as axiomatic that the persistence of extensive, deep poverty shows the failure of the that he phrases much more dramatically than me as being that of explaining why the Indian state kills poor people. His answer offers helpful insights, I think, but falls short of adequate explanation. Finally, I ask how far the recent ground-breaking legislation addresses the problems that I identify.

Poverty in India: A Short History

The Indian National Congress made firm commitments in the course of its deliberations in the 1920s and 1930s to the achievement of greater social justice. Notably, the Motilal Nehru report of 1928 included claims for economic and social rights; the Karachi Resolution of 1931 made a commitmen redistributive land reform in the interests both of social justice and of the improvement of agriculture was made rather strongly. But, in the course of their debates, concerns of practicability and of appropriateness eventually led the members of the Constituent Assembly to

relegate economic and social rights to the non-
Constitution of India statements of desirable directions for state policy but without any legal
backing.

but without *requiring* the state to do any of
these things. Only civil and political rights are included amongst the (justiciable) Fundamental
Rights of Part III of the Constitution. Some members of the Constituent Assembly doubted the
capacity of the state to deliver economic and social rights, and consequently questioned whether
it was reasonable for the state to make constitutionally binding commitments to their realization
adopting the argument that has often been marshaled in distinguishing between civil and .22 Tm[(st)-12(a)4(ter

the ownership of productive assets was held to be detrimental to the maximization of production

be further to lend credence to what are, I believe, misleading numbers that contribute powerfully, bureaucratic action that he believes accounts for the continuing reproduction of the ill-being of so many people.

Research and policy practice in regard to poverty in India have followed the same course

Poverty

Knowledge

so understanding of the drivers of poverty has been neglected, and the condition of poverty associated more and more with the personal characteristics of individuals. People are poor because of who they are and the choices they are supposed to have made – they are black mothers perhaps, who are unmarried - not because of social and economic processes which may also help to make some other people rich. And the policy approach is, at best, to offer some social assistance to individuals who are marked by the state in some way so as to make them recognizable.

Much the same trend may be discerned in India. There has been an obsession with measurement of the incidence of poverty, and with definition of the poverty line. The absurdity of this approach is shown up in the cartoon from *The Hindu*, reproduced below, and in the whole in order to target

ever had any serious commitment to redistributive measures, outside their rhetoric.

both Niraja Jayal and Pratap Mehta have argued, the upshot of this has been competition for access to resources made available by the state, rather than struggle for social transformation. As

Second, much of the ethnography that is presented in *Red Tape* clearly shows up the indifference of bureaucrats, especially toward people who are marked in some way as inferiors by virtue of gender, caste or class. The everyday corruption that Gupta documents, too what James Scott ca has the most negative outcomes for the same sorts of

s for identifying people eligible for pensions. The camp left some who should have had pensions

bureaucratic procedures worked out. But the idea that it is the arbitrariness of bureaucratic action that accounts for the big problem that Gupta has identified, that of explaining why the state

Gupta misses out altogether on what is probably the most important problem affecting the functioning of the bureaucracy in India that has very negative implications for poor people. This is the problem of absenteeism. This is certainly not the only reason why the state in India has failed so dismally to deliver services for poor people, but it is, equally certainly, an important part of an explanation. Studies of public education have drawn attention, over many years now, to the problem of absenteeism amongst teachers; and there is insightful work by economists showing that, in spite of the fact that the doctors and nurses in the public health care system in Rajasthan are better trained and more competent than private practitioners, most people generally

system of payments of rents in various forms that connect higher and lower levels of the bureaucracy in much the same way that Robert Wade, in several by now classic papers (1982, 1985), showed to happen in the irrigation bureaucracy of Andhra Pradesh. This is a structural problem, no doubt, but the moral responsibility of all the officials concerned, for the failures of public service is also clear.

This is one of several ways in which I believe that the idea favoured by Akhil Gupta, that poverty in India is the outcome of structural violence

necessary is doubtful. The idea is that violence occurs in any situation in which some people are unable to achieve their capabilities to their full potential. It is structural when it is impossible to identify the actor or actors who commit the violence, and violence is rather built into the

s it. The poor of India are

programmes, and no matter how sincere the officials in charge of them, the overt goal of helping the poor is subverted by the very procedure

The idea of structural violence further dramatizes what is happening to poor people in India, but it does not make for analytical clarity. The idea of the killing of people makes for a passionate denunciation of the state, but then the idea of structural violence, by suggesting that

to the point politically, to consider what is happening to poor people in India rather in terms of injustice? This sets up a specific political agenda, addressing the class character of the Indian state.

It is this that is altogether missing from the analysis of the book. The ethnography on which the book is based was carried out in UP, but at no point does Gupta consider the class character of the state of UP, nor does he reflect at all on the differences between Indian states. There can be no question that the state of UP, for notable example, has been much less

accounts for the difference? The answer to this question is to be found in the long history of the political mobilisation of lower castes/classes in the two southern states, and of their mobilisation over service issues, while this has not been the case in UP (Harriss 2003).

rents. And it is the system of transfers that underlies and goes some way to explaining

In situations of patronage democracy, specific powerful caste and class groups often come to dominate access to local government bureaucracies. Studies, for example, of the Patidars in Gujarat (Breman 2007, Rutten 1995) and of Jats in western UP (Jeffrey 2010) show that rich, male, higher caste individuals are often able

often been able to institutionalize their power through developing their own corrupt networks. Bureaucratic functioning is by no means as arbitrary and confused as Akhil Gupta suggests: Rather, it systematically reflects caste, class and gender privileges.

The Significance of the New Rights Agenda

I have argued that the Indian state has failed quite badly in regard to social justice, and series of legislative innovations? This is the last question that I want to address.

On the face of it the passage of so much social legislation in India is surprising, given a context in which neo- and the extent to which neo-liberal policy has been implemented remains quite modest to the chagrin of some policy makers. But still, neo-liberal thinking is influential, including the idea that public expenditure should be cut back and that people should to a very great extent look

leave these marginalised populations without the means of labour to fend for themselves. That

(2011: 33).

Another important aspect of the new social policies, however, is that they complement the labour market flexibility that seems to be required for tackling the competitive pressures that are set up by neo-liberal globalisation. M. Vijayabaskar argues this in a study of labour markets in the south Indian city of Tiruppur, which is an important centre of the Indian knitwear and garments industry:

Though the emerging social regime in Tamil Nadu appears to go against the tenets of neo-liberal reforms that mandate cut-backs in public provisioning of social services, the

been essential to the passage of rights legislation have shown up the significance of the activities of several organisations and of particular individuals, including several serving or former officers of the Indian Administrative Service. These include Mr B.D. Sharma, a former Commissioner for Scheduled Tribes and Scheduled Castes, who played an essential part in the genesis of the Forest Rights Act (Bose 2010); Ms Aruna Roy, one of the leaders of the Mazdoor Kisan Shakti Sangathan (MKSS), the non- at spearheaded the struggle for the passage of the Right to Information; Mr N.C. Saxena, who in several senior positions in the IAS, fostered support and sympathy for socially progressive legislation, and who has continued in his retirement as an influential activist; and Mr Harsh Mander. Aruna Roy, N.C. Saxena and Harsh Mander, together with the economist Jean Dreze, have been members of the National Advisory Council [NAC], chaired by Mrs Sonia Gandhi, the President of the Congress Party who has been described as a social democrat which monitors the implementation of the Common Minimum Programme. The NAC played a particularly important role in securing the passage of

have led the Prime Minister, Manmohan Singh, in September 2010, to take on the Court, specifically in regard to food security.

Supreme Court should not go into the realm of policy formulation. I respect the sentiments

The legislation that has been passed rests on the principle of targeting. Government has vigorously resisted universalism, and seems to prefer that the public distribution system (through which subsidised or free food and other essential commodities is made available) be scrapped and replaced by cash transfers in spite of the evidence of the effectiveness of a public distribution system based on universal access in the state of Tamil Nadu, in particular (see Himanshu and Sen 2011). Government continues to favour both targeting and privatisation; and there is a definite tension between the assertion of rights by or on behalf of citizens, and the

- of equal citizenship.

My conclusion is that the new rights agenda in India is more about the management of poverty, in the interests of capital, than it is about the realisation of social justice. This is not in any way either to pass a negative judgement on the policy entrepreneurs and civil society activists who have fought so hard for the new legislation, or to question the fact that poor people can derive very significant benefit from it. But as I suspect many of the activists will agree it falls far short of the promise of social justice that Nehru set out in January 1947.

References

Banerjee, Massachusetts Institute of Technology. Retrieved from <http://econ-www.mit.edu/files/5172> (last accessed at July 2010).

I of Economics.

No.39, Research Programme Consortium for Improving Institutions for Pro-Poor Growth (www.ippg.org.uk).

Breman, J. (2007) *The Poverty Regime in Village India: half a century of life and work at the bottom of the rural economy in south Gujarat*. Delhi: Oxford University Press.

Chandra, K. (2004) *Why Ethnic Parties Succeed: Patronage and Ethnic Head Counts in India*. New York: Cambridge University Press.

London and New York: Routledge [also in *Economic and Political Weekly*, 43 (16): 53-62].

(1), 89-107.

Corbridge, S. and J. Harriss (2000) *Reinventing India: Liberalization, Hindu Nationalism and Popular Democracy*. Cambridge: Polity Press.

Political Weekly, 6, pp. 25-48 and 106-46.

(47), pp. 1975-82.

Weekly, 15

Gupta, A. (2012) *Red Tape: Bureaucracy, Structural Violence and Poverty in India*. Durham, NC: Duke University Press.

Sen, A. (2009) *The Idea of Justice*. London and New York: Allen Lane, Penguin Books.

48 (44), pp.37-42. Political Weekly,

Economic and Political Weekly, 45(22): 38-46.

-328.

Indian state is not better at