

# Land of contradictions

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India is a country with a humanistic philosophic tradition and an iniquitous social structure and cultural practices. It is a land of mind-boggling contradictions. Traditionally, the Indian social structure based on caste was characterised by "institutionalised inequality". The castes represented discrete social groups organised hierarchically according to ritual purity. Caste pervaded social life, governed social relationships, and determined an individual's social space, opportunities and life styles. Modernisation, which began with the Indian Constitution in 1950, introduced a state structure and governance system, which so far have not fulfilled their promise. They have, however, transfigured the roots of inequities, eroding some and radically ironing out a few.

## Women and New Dynamics

Women are becoming involved in decision-making bodies traditionally reserved for men.

The Indian Constitution guarantees political equality. It guarantees universal adult franchise, and, in Article 15, prohibits discrimination on the grounds of sex. However, there is still much to be done. From 1991 to 1997, 43% to 44% of women exercised their voting rights in parliamentary elections, and around 57% exercised their rights in assembly elections in various states. The percentage differential between men and women ranged from 13% to 15% in parliamentary and 5% to 10% in assembly elections.

**Women seeking elected office grew in number from 3.7% of candidates in 1991 to 4.3% in 1996 in parliamentary elections; the figures for assembly elections are similar. The success rate of women contestants was better than that of men. However, women remain a microscopic minority in these bodies.**

Political parties do not support women's participation. Only 7.5% of persons in the top echelons of national parties are women (end of 1996). Most women candidates run independently and therefore, lack the crucial organisational/infrastructural support of parties. Almost all major political parties opposed the proposed women's representative bill in 1996 that would reserve one-third of seats in all elected legislatures for women.

The number of women serving in the development administration, the police system and the diplomatic corps grew from 6.7% in 1992 to 7.4% in 1996. The number of women administrators/managers is very low (2.3%), and only 3% of judges in the top judiciary of the country are women.

With women's participation in the legislature, the executive and the judiciary little more than symbolic, the Panchayati Raj System offers new promises. Recent Constitutional amendments reserve one-third of all rural and urban local elective offices for women. Though manipulative proxy participation by male family members of elected women is still a problem, the new awakening stirring among women has to be reckoned with.

Women's economic contribution through housework (valued at 25%-39% of GNP by an ILO estimate) is invisible and unpaid.

Thirty-three per cent of rural women participate in the workforce compared with 56.1% of rural men (1993-94). In urban areas, the gap is wider (16.4% and 54.2%). Women's participation in the workforce is largely poverty induced and, therefore, is an indicator of their economic stress.

In 1991, 80% of employed women were engaged in farming and agricultural labour. The average wage for female agricultural and non-agricultural workers (combined) in rural India was 36% lower than for men. In urban areas,

average wages/salary earnings per day for female regular/salaried employees were 20% lower than for male counterparts. This disparity increased as the skill level decreased: for illiterate workers the disparity was 57.8%. Urban female casual labourers received 57% less wages than their male counterparts. Wages received by casual labourers (all sectors) in both rural and urban areas were far lower than the minimum wages stipulated by the government.

**Many enterprises (eg, coir, cashew, bidi, jute, brick, etc) with high concentrations of women workers have shifted from the formal to the informal sector. More than 95% of all women workers are employed in the informal sector, without job security or terminal benefits.**

Most legal protections are available only to workers in the formal sector. Effective implementation of existing benefits is difficult and there is little information about how to access them.

Maternity benefits (Maternity Benefit Act, 1961) are available to all mothers above age 19 for the first two children. These include reduced workload during specified periods before and after delivery, a paltry medical bonus of Rs.250 if perinatal care is not provided, and creches and time off from work to feed children. Working more than nine hours between 6AM and 7PM is also prohibited.

Equal remuneration to men and women for the same or similar work is protected under the Equal Remuneration Act of 1976. Discrimination in recruitment and service conditions is prohibited. The Workmen's Compensation Act gives workers a right to compensation. However, women who work in the informal sector remain outside the purview of these legal provisions.

Although the current structure does not favour women, there are signs of change. Women are entering professional occupations at higher levels (in journalism, electronic media, techno-managerial positions in companies, in the medical profession, educational and research institutions, etc). But numerically they are still a microscopic few. The domain of secretarial assistants, clerks, receptionists, air-hostesses, and nurses remains the most visible pool of working women.

### **Education: The Basic Deficiency**

The Constitution guarantees equality of opportunity to all citizens irrespective of race, sex and caste. It directs the State to provide free and compulsory education to all children up to 14 years of age. The National Policy on Education (NPE) updated in 1992 proposed a two-pronged approach promoting literacy and primary education with a special focus on girls. The goal, which is also endorsed in the Ninth Five-Year Plan (beginning 1998), is education for women's equality.

However, India is far from achieving this goal. While complete literacy is still a long way off, the gender disparity is staggering. In 1991, the female literacy rate was 25% lower than for men. This gap narrowed (gender disparity 22%) in urban areas but widened (gender disparity of 48%) in rural India. This disparity is accentuated in productive age groups (20+) in both rural and urban areas. A later survey in rural India suggests a slight improvement.

School enrolment of girls has improved in recent years more than that of boys at all levels of education. **However, the dropout rate for girls is considerably higher than for boys.** The participation of women in technical and professional streams has markedly increased. The University Grants Commission has set up women studies centers in universities and colleges, and a total of 35,976 places is reserved for women in vocational and technical training institutions. Emphasis is on literacy and vocational education and increasing women's participation in the workforce.

The Ninth Five-Year Plan stresses adoption of a 'life cycle approach to women's health with special focus on reproductive health and choice'. A similar emphasis is evident in the pending national policy on women's empowerment. However, the government's emphasis is on family planning and population control, which is basically a numbers' game. Women's health continues to be dismal with a maternal mortality rate of 570 per 100,000 live births, 88% pregnant women suffering from anaemia, and no perinatal care for about half the women across different communities.

Ninety-five per cent of the population have access to contraception (aggressively promoted by government and

others) and the use rate is 41%. Although abortion is legal, it is still socially unacceptable, so many women undergo (frequently fatal) abortions by quacks. Female foeticide, though illegal, is widely practised and female infanticide is also resorted to. Wife battering and marital rape are rife. Female genital mutilation (FGM) is not prevalent.

Legal provisions have gaping loopholes and are often humiliating for women. Hence they are used infrequently. Despite tall claims, the health situation of women is not likely to improve soon.

## The Social Coordinates

'Gender apartheid', noted by the UNDP in its 1995 Human Development Report, pervades India. An estimated 50,000 cases of female foeticide occur annually after sex-determination tests. Such tests continue despite legal prohibition since 1994. Child marriage clouds the fate of child brides, particularly in rural areas. The problem thrives despite the Special Marriage Act of 1954 and Child Marriage Restraint Act of 1976 that make marriage a secular institution restricted to adults above age 18.

**Subordination of and crimes against women are growing because of the prevalent gender bias and social insensitivity. Crimes against women increased by 45% and 17.9% in 1994 over 1990 and 1993 respectively. Incidence of torture has grown by as much as 93%, rape by 30% and sexual harassment by 22% from 1990 to 1994.**

Women's destitution is rising persistently (by about 0.1 million every year). Most of the destitute women are widows or deserted. As familial and social responsibilities erode, women are left to fend for themselves without livelihood or shelter. Hence, women are pushed to begging and prostitution and exposed to new forms of victimisation and harassment.

The government's response to the problems of women emphasises legal recourse and action through the courts of law. However, there is now a realisation that powerful social initiatives supplemented by positive programmes and services are more likely to succeed.

The National Commission for Women (set up in 1992) is the national statutory body to review legal and constitutional safeguards for women. Securing custodial justice for women is also one of its functions. The Commission is empowered to investigate cases of atrocities against women and denial of their rights.

The government and voluntary organisations run various employment support and savings-credit programmes for women in poverty. Family counselling centres (a total of 1,455 supported during 1991-95) operate throughout the country. These counsel and support women victims of discrimination and violence. They also sensitise society about women's issues and their legitimate rights. Only 64 homes for women who are destitute or victims of violence, and a total of 122 maternity centres, received support from 1992-97. There are public child care centres (creches, short-stay homes, balwadis and similar programmes), which help working women and improve child care.

It is not surprising that women's share of earned income remains low (25% as compared with 75% for men). In agriculture, where women's access to employment has significantly grown, two-thirds of female workers are below the poverty line.

The growth in women-headed households (by 35% in the last few years) is an indicator of the growing feminisation of poverty. Reliable data regarding household income of women-headed households are not available. However, one estimate in 1993-94 was that 17% in rural areas and 32% in urban areas had no access to employment. About 46% of women-headed households in rural and 28% in urban areas had only one woman member earning.

Women do not enjoy property rights equal to men. The Hindu Succession Act of 1956 (HSA) is progressive in recognising the right of women to inherit equally. However, it retains the gender-bias of the traditional system in many states by giving sons certain exclusive property rights. Under the HSA, parents have unrestricted power of testament, which can be and is used to disinherit daughters. The prevalent rules for inheritance of agricultural lands favour male heirs. Land ceiling laws of many states discriminate against daughters by giving special

consideration to sons. The confiscation procedure for ceiling surplus land, by not recognising the wife as a co-owner, allows for her dispossession in practice. Lastly, there being no concept of community of property, divorced women get nothing for their often substantial contribution to the marital estate.

Women are at a disadvantage in accessing credit. Formal institutional credit is usually not available to women. In recent years, women have been able to access credit through self-help savings-credit groups (SHGs) facilitated by NGOs throughout the country. Some supportive initiatives also come from government. The Rastriya Mahila Kosh (RMK) set up in 1993 extends credit to many women through NGOs. Mahila Sammaddhi Yojana (MSY) is another initiative, which had given credit to 20 million women by 1996.

## Empowering Public Policy

The principle of gender equality is enshrined in the Indian Constitution and emphatically set forth in the Fundamental Rights, Fundamental Duties and the Directive Principles of State Policy. The approach of the five-year plans has veered round from welfare to development to empowerment in the 1990s. India has ratified and endorsed human rights instruments that secure equal rights for women, ie the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), and the Beijing Declaration as well as the Platform for Action (1995).

Considering the gaping disparities between policy and practice, a new National Policy for the Empowerment of Women was drafted in 1996 after consultations with non-governmental organisations, women's organisations, activists, researchers, members of parliament and state governments. The planning commission for the Ninth Five-Year Plan supports its 'expeditious adoption'. It gives women and women's organisations the key role in development programme formulation and implementation at the grassroots and district levels. It provides for review of all development programmes and targets at the state and national level based on gender-disaggregated data. It also provides for review and modification of all existing policies (including sectoral policies) and laws to incorporate a clear gender perspective. Active participation of NGOs and women's organisations in formulation, implementation, monitoring and review of all policies and programmes affecting women is an important part of the proposed strategy. But since implementation is usually a gray area, it is hard to know what to expect.

## Equity: Social Roots

There is no discrimination in access to education as such. However, in reality, access to opportunities for development and services differs for different social strata. The literacy rates for scheduled castes (SCs) and scheduled tribes (STs) were 37.4% and 29% respectively in 1991, compared with a general literacy rate of 52.2%. There is a gap between rural (44.5%) and urban literacy rates (73%). Only in primary school does enrolment of SCs and STs correspond to their share of population. It gradually drops through middle, secondary and higher secondary levels. In higher education, their share in enrolment is very low (9% and 3% respectively).

**The government has taken many initiatives for 'equalisation' of opportunity for SCs and STs.** More primary schools have been opened in SC/ST dominated areas. Most states support SC, ST and other economically marginalised children by supplying text books, uniforms, etc. The national programme of nutritional support to primary education, though not targeted specifically to SCs and STs, is expected to benefit them. The massive District Primary Education Programme is also designed to benefit marginalised sections.

In addition, there are positive discrimination measures in force. Secondary education is free for SC and ST children throughout the country. All universities reserve 15% and 7.5% of seats in all courses for SC and ST students respectively. Norms for their admission are relaxed and there are scholarships and fellowships for them.

Nevertheless, discriminatory bias obstructs access to education. Schools for SC and ST children suffer from lack of physical infrastructure and teachers. Assistance often does not reach them. Despite provisions to the contrary, primary education is taught to tribal children in the dominant state language, which erodes tribal culture. Government outreach in rural, relatively inaccessible areas is limited and less efficient.

Preventive and curative health care are expanding. Immunisation and pre-natal care have expanded through expansion of government infrastructure, NGOs and voluntary organisations. Community health centres and sub-

centres at the village level grew by 17% and 1.3% respectively from 1991 to 1996.

However, in 1993, 56.5% of rural and 12% of urban births were unattended by trained persons. Often health centres are not adequately staffed with professionals, facilities are in bad shape and medicine (which is free) is usually not available. Personnel are insensitive and treatment is indifferent.

**Many modern facilities with private practitioners have priced themselves out of the poor's reach. The introduction of user charges in certain hospitals has further worsened the situation (the poor are said to be exempted, but this hardly helps in reality). A 'National Illness Assistance Fund' is being set up at national and state levels to provide funds for expensive medical treatment to people below the poverty line. Judging from the history of such funds, it is unlikely the intended beneficiaries will be served.**

Most people live in sub-standard housing. In 1990-91, 30 million households had no shelter. This number is likely to grow beyond 40 million by 2000. **About 70% of homes are built of non-durable and inflammable materials.** Nearly 12% of households had no water supply and access to water in another 25.3% was unhygienic. In urban areas, 23% and in rural areas 69% of households had no electricity. Households with toilet facilities were only 9% in rural and 24% in urban areas.

The National Housing Policy (NHP), formulated under the Global Shelter Strategy 2001, aims at eliminating homelessness by the year 2000. The Indira Awas Yojana (IAY), a scheme to provide shelter to the poorest of the poor, is targeted at freed bonded labourers, SC/ST households suffering atrocities, SC/ST households below poverty, women-headed households, nomadic or denotified tribals, families with disabled members and international refugees below the poverty line. Houses are allotted to female members of the household, and construction is done in consultation with the allottees. **From 1990 to 1996, 2.2 million housing units were constructed.** Allocations to IAY grew by more than five times during that period. Another successful programme (91 cities covered so far) is the night shelter programme for the homeless in core urban areas.

### **Social Sector Spending and Approach**

Politically sensitive social sector programmes are fluid and unstandardised. There is a multiplicity of schemes undergoing constant repackaging as governments try to appeal to voters. There is also a good deal of confusion about how social expenditures are accounted for. Moreover, since federal programmes are often implemented by the states, funds are transferred to the states who reallocate them to different sub-sectors. Thus transparency of the flow of funds to the poor is impaired. Another chronic feature is that actual payments lag behind allocations. Emergency funds for other purposes tend to be supplied from the social sector budget.

A comparative look at actual spending shows significant increases in 1993-94 and 1995-96 by 37% and 22% respectively over the previous years in constant terms. Increases in other years were nominal, and there was an 18% decline in 1996-97. Given the aim of raising social spending to 20% of total government expenditures, actual expenditures are far too low. Spending rose from 8.7% in 1990-91 to nearly 12% in 1996-97, with an all-time high of about 13.5% in 1995-96. There is no real increase in 1997-98 (budget estimate). As a share of GDP, social sector allocations crept from 1.95% in 1990-91 to about 2.11% in 1996-97 and 2.4% in 1997-98 (budget estimate).

**There is no coordination between public, private and civil society social programmes. While there is support for privatisation of social services, policy options have not been defined. Spending by civil society organisations such as NGOs, voluntary development organisations and charitable bodies and trusts is more efficient and better managed but their outreach is minuscule.**

As policy options, social service investments, basic minimum services and equity objectives are emphasised. The Ninth Five-Year Plan stresses people's participation in programme formulation, implementation, monitoring and evaluation. It also envisages control of social infrastructure by women's cooperatives, self-help groups and other people's institutions.

Equity and empowerment of disadvantaged people are aims of various NGOs and voluntary development organisations. Tribal and forest dependent communities are forming movements for ownership and control over local resources. Local communities are resisting development projects that erode their livelihood support systems and displace them. Agricultural and other rural workers have formed a nearly country-wide movement for better

wages, better access to basic services, and the right to resources. Construction workers have also organised and the state has responded to them by formulating favourable, though inadequate, welfare and employment security measures.

A right to information campaign is supported throughout the country, and has received favourable responses from some state governments and the central planning commission. This movement was instrumental in drafting a right to information bill, which has inspired state and central governments to plan legislation to that purpose. The legislation should lead to more sensitive and effective social sector programmes by making delivery mechanisms transparent and government administration accountable.

### **Economy: The Springboard For Inequities**

In India, the top 30% of the people have a 71% share of the national income or consumption, while the bottom 30% make do with only 12%. **More than half (53%) the population lives on less than one dollar a day.** In 1990-91, 35.5% of people (36% in rural and 33% in urban areas) lived below the poverty line. By 1992, this was 41% of the population (43.5% in rural and 33.7% in urban areas). By 1993-94, the percentage was 35% (rural 37% and urban 30.5%). This national average hides more drastic income poverty at state and regional levels. In three states and union territories, more than half the people live below the poverty line.

Income disparity is high. The per capita income of five income groups (specified as low, lower middle, middle, upper middle, and high) showed high inter-group disparity; the per capita income of the 'high' group was more than eight times that of the 'low' group. The relative inequality within each group (except for the highest category) as represented by the Gini coefficient was also high.

Per capita daily income is three Rupees for 16% of the households in India and 5.50 Rupees for 18.5% of all households. This is too low to meet even the daily basic calorie requirement. Salaried and professional workers (13% of all rural households) had a per capita income 240% higher than the wage earners.

Land ownership and household income are strongly correlated. The proportion of households owning land increased from about 52% in the lowest income category to about 94% in the highest income group. The average size of land held by the highest income group is seven times that of the lowest income group. **15% of households own nearly 40% of the cultivable land.**

Except for two states, Kerala and West Bengal, land reform measures (abolition of intermediaries, enforcement of ceiling laws) targeted at redistribution have not born fruit. National Sample Survey Data reveal no significant decline in either the degree or extent of inequality in land ownership since the 1960s. However, a gradual shift in land distribution in favour of middle and lower classes is apparent in some regions.

People's access to local commons, adjacent forest areas on which they depended traditionally, is controlled by government. With the aggressive pursuit of industrialisation, many industries are being established in common areas without consulting local people who face loss of livelihood and displacement.

With regard to credit, there is a well-laid out structure for credit in urban and rural areas. A measure of success has been achieved by linking informal groups (eg SHGs) to the formal credit system through bulk lending. According to estimates, about 40% of rural households have access to credit, but coverage of poor households is very low. The coverage (term credit) of small farmers by scheduled commercial banks (SCB) and cooperatives was around 32% and 46% in 1993-94. More than one-third of the short-term credit available from SCBs and half the credit from cooperatives went to farmers holding more than five acres of land

Meanwhile, in 1993-94, 3.1% of rural and 8.3% of urban household adults did not have access to employment. For female-headed households, the figures were 17.4% of rural and 32% of urban. Employment in 1993-94 in rural areas was higher (59.9%) than in urban areas (48.1%). Employment was highest among the highly educated (graduate and above), while it was lowest among the moderately educated (secondary) in both rural and urban areas. Over 35% of rural and about 18% of urban employed were casual workers. There is a trend towards casual labour.

To lessen the impacts of privatisation and redundancies, a safety-net has been created in the industrial sector

through the National Renewal Fund (NRF). Under NRF, the National Renewal Grant Fund (NRGF) supports worker counselling, retraining and redeployment and provides soft loans for workforce restructuring. The Employment Generation Fund (EGF) supports area regeneration schemes and employment generation programmes.

Outside the industrial sector, safety nets are provided through rural and urban employment programmes. However, allocations for these declined in 1996-97 and have not been off-set in 1997-98. Moreover, such programmes provide only a limited number of person days of employment, and hence fail to provide any sense of employment security. They have also lost their original objective of creating an asset base.

### **Ethnia, religion, and policy**

India has historically been sensitive to and supportive of minorities and has constitutionally declared itself a secular country. The Indian Constitution provides all citizens a range of fundamental rights irrespective of any distinction, individual or collective. So ethnic and religious minorities enjoy the right to equality before law and to equality of opportunity on matters of employment. All discrimination on grounds of religion, race, caste, and sex is prohibited. Rights to freedom of conscience and free profession, practice and propagation of religion and the right to conserve culture, language or script are also guaranteed.

Though there is provision for one official language at the national level, state legislatures rightfully adopted their own languages for intra-state and interstate communications. No representation to official authorities may be rejected because it is not made in the official language. Every state and local authority is directed to provide adequate facilities for instruction in mother tongue in early education. A national monitoring committee on minorities education monitors the operation and effectiveness of programmes geared to minorities since 1995.

The government is fairly sensitive in its approach to immigrants and refugees. Though there is some resentment among local people, immigrants and refugees enjoy rights on par with Indian citizens in terms of protection of life and livelihood, freedom of expression and association, etc.

**Minority status does not appear to influence negatively access to socio-economic opportunities. Christians register high literacy and low gender disparity, while Muslims have low literacy and high gender disparity. Enrolment and literacy achievement rates are highest among Christians (91.3% and 19%), followed by other minorities (78% and 12%), Muslims (62% and 6%) and Hindus (72% and 9%).**

Christians have the highest per capita income (Rs. 59,201) followed by Hindus (Rs. 4,514), Muslims (Rs. 3,678), and STs (Rs. 3,504). Literacy, professional skills, access to non-agricultural earning opportunities as well as ownership of productive assets determine the level of income.

The percentage of STs holding land is the same as Hindus (69%), but the average landholding per household is smaller for STs (4.3 acres) than for Hindus (4.6 acres). Among other religious groups and minorities there is not much disparity in landedness (Muslims 57%, Christians 58% and other minorities 56%). However, average holdings are relatively low among Christians (two acres) and Muslims (3.6 acres).

Ownership of consumer durables and household amenities varies with income. 74% of ST families live in Kutcha houses, followed by Muslims (66%), Hindus (55%) other minorities (43%) and Christians (34%). 60% of Christian households have access to electricity, followed by Hindus (43%), Muslims (30%) and STs (29.7%). Seventy-eight per cent of Muslims have access to protected water, followed by Hindus (71%), Christians (65%) and STs (62%).

**Most social problems are not due to religious or ethnic discrimination. Of late, however, political party interests have caused Hindu majoritarianism to surge. This has generated some measure of polarisation between religious groups, particularly Hindus and Muslims, and considerable insecurity among different minorities. However, this kind of religious fundamentalism has already fallen from grace and is on the decline.**

On the whole, India's approach to development is firmly secular. Sensitive civil society associations within minorities (particularly Muslims) are advocating for change of cultural elements (eg, gender biases) that stand in the way of development. A new inter-communal amity and collaboration for progress is in the offing.

Indian citizens have the fundamental right to profess, practise and propagate their own political ideas. They have the right to form associations and unions for all purposes. They can form political parties and fight elections to public offices. The freedom of assembly (peaceful and without arms) also enables all political parties, trade unions and all other civil society organisations to organise mass meetings and events. These rights may be suspended in an emergency. However, suspension of these rights led to the overthrow of the ruling party and generated strong public sentiments that will deter any such move in future.

By the institution of universal adult suffrage, every citizen above the age of 18 is constitutionally empowered to elect representatives to the lower house of parliament and state assemblies. The state is obliged to conduct free and fair elections as and when they become mandatory. An independent Election Commission ensures that voting rights are exercised freely by all citizens.

There is no provision for public funding of election campaigns. The Representation of People Act of 1951 places a ceiling on election expenses by political parties. However, until recently, parties took advantage of loopholes in the law and weakness of the enforcing agency to spend enormous amounts of money. There are also cases of voter intimidation. In the last half decade, enforcement of a model code of conduct by an assertive Election Commission has drastically reduced such aberrations.

India enjoys freedom of the press, which has a great tradition starting with a brilliant record in the country's freedom struggle. The press demonstrates commitment to responsible investigation and presentation of the truth. Government attempts to gag the press have rather strengthened it. Until recently, the National Radio and Television was under government control and spoke the language of the ruling parties. Now, by special legislation (Prasar Bharati Act, 1990), they are autonomous.

The judiciary is independent and autonomous. It has the power to declare unconstitutional and therefore null-and-void actions by the legislature or the executive. It plays its role in an exemplary fashion.