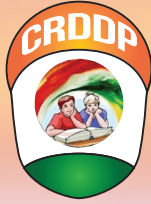




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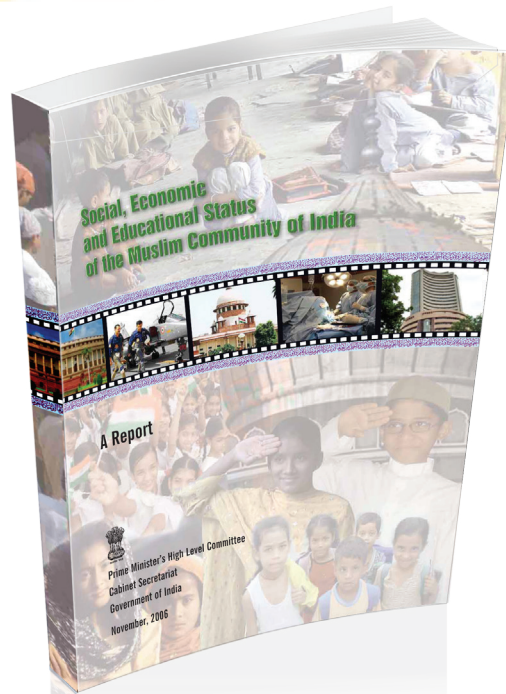
Executive Summary of USIPI Special Report No. 1 • January, 2013



&
Centre for Research and Debates
in Development Policy (CRDDP)

SIX YEARS AFTER SACHAR

Review of Socially Inclusive Policies
in India Since 2006



POLICY PAPER

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Abusaleh Shariff is a human development economist. Through research, publications and policy advice it was possible for him to bring the issue of Indian Muslim deprivation on the mainstream policy and academic debates. He was a Senior Fellow and Chief Economist at the National Council of Applied Economic Research, New Delhi associated with it since 1994. He was member-secretary of the Prime Minister's Committee to assess the social, economic and educational status of the Muslim Community of India and lead author of the now well known 'Sachar Committee' report submitted to the prime minister of India Dr. Manmohan Singh on 17th November 2006. He was also a member of the ministry of Home Affairs, Government of India's 'Committee for the Consultations on the Situation in Andhra Pradesh'. He worked as a senior research fellow, at the International Food Policy Research Institute, Washington DC during 2008-10. Dr. Shariff was a recipient of the Rockefeller Foundation International Family Fellowship to undertake research at Economic Growth Centre of Yale University, USA during 1991-2. He has a PhD (1986) from Australian National University, Canberra, Australia and M.A degree from Bangalore University, India. He has over 30 years of consistent record of academic research in the field of human development, inclusive growth, poverty and inequity, development economics, labor and social security, social sector budgetary analysis, micro-impact of economic reforms, food policy and nutrition. He has executed large scale representative sample surveys on behalf of Indian Planning Commission and the United Nations System in India. He has authored/edited over a dozen books published mostly from the Oxford University press. he is the author of 'India: Human Development Report, 1999, first such report for India, New Delhi: Oxford University Press, pp.i-xiii and 1-370. Has published over 50 articles in refereed journals of international repute. Dr. Shariff is a member of several academic and policy committees.

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US-India Policy Institute (USIPI) is a Washington, DC based, non-profit, 501 (c) 3 tax exempt organization undertaking policy research on diversity and inclusive development in India and the US. USIPI celebrates the special relationship that India and the US share as the World's largest and oldest democracies and the common commitment to equality, freedom, rights and equal access to resources and developmental opportunities. USIPI envisions that citizens of India and the United States and the world at large are economically, educationally, politically and culturally engaged and have equal access to freedom, justice and opportunity without any prejudice.

USIPI is committed to materializing this vision by generating facts for effective public policy, articulating policy vision for economic development, diversity, equal opportunity and inclusiveness, provide forum for debate and discourse on strengthening democracy, secular institutions and minority rights in India and the US and strive to stimulate a deep US and India relationship committed to sustainable development.

Appropriate State response to community demand essential safeguards against “elite or, can we say, ‘majority’ capture” to be articulated

**Local context be sensitively incorporated into the overall central objective
Review unrealistic target settings, weak delivery mechanism
Improve coordinated implementation and real time monitoring**

**Political and Legal actions needed to stop the failure of
‘Participatory Democratic Objectives’**

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Socially Inclusive Development Strategy in the Context of Electoral Politics

Recent and upcoming elections in Gujarat, Himachal Pradesh, Karnataka, Rajasthan, Madhya Pradesh, Delhi and the north-east as well as talk of early general elections contribute to a political context that fuels pandering for votes. The incumbent government may hastily spend on projects to curry favor of the electorate, while opposition parties, with no public funds at their disposal, may try to polarize voters. *The current context demands that citizens should ask: to what extent has the government kept its promises to minorities?*

This report examines the achievement of the United Progressive Alliance (UPA) government, a coalition government led by the Indian National Congress Party, during its eight year rule, particularly during the six years since the Sachar Committee Report launched debates around socially inclusive development that takes religion into account. Recent reviews of data for Millennium Development Goals (MDGs) points to lost opportunities in reducing poverty, increasing literacy and improving health and sanitation. Global watchdogs such as the United Nations and the World Bank and independent research institutions praise India's somewhat resilient gross domestic product (GDP) growth. However, these groups also express concern at India's failure to address deprivation, vulnerability and exclusion.

This report also documents that despite the government's publicized support for the Sachar Committee Report's recommendations to increase diversity in public spaces and to ensure the minorities' proportionate benefits from mainstream institutions, the government's record is notably lackluster. For example, the empirical evidence suggests that the rate of growth of increase in education at all levels has remained the least for the Muslims during 2004–05 and 2009–10. Data also show that the government's approach of public provisioning through special purpose vehicles (SPVs) such as the Minority Concentration District Program (MCDP) is particularly ineffective. Moreover, such policies pose the serious risk of creating new and potentially divisive types of disparity within targeted communities. Flagship programs such as the Right to Information (RTI) Act, the Mahatma Gandhi National Rural Employment Guarantee Scheme, and the Aadhar Project, and the money allocated to them, are invoked as evidence of the government's pro-minority and anti-poverty commitments. However, as yet there is no data that demonstrates the impact of these programs on the poor

and excluded communities such as Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs) and Muslims. *Thus, even after the Prime Minister's statement in the parliament that minorities have the first claim on public resources within the frame of the Indian democracy, there is no evidence that the government is upholding this responsibility.*

Background of Socially Inclusive Development in India

India's well-known cultural, economic, social and political diversity parallels the size of its population and the scope of its history. As a parliamentary democracy, the governments at the Center and in the thirty states are formed through a multi-party electoral process such that a party with as little as 25 to 30 per cent of votes must rely on multiple partners to form a coalition government. The political dynamics and effects of this multi-party electoral process are not well understood outside South Asia.

A significant source of India's economic diversity is related to the wide variety of livelihoods across the country. Over 85 per cent of the 400 million labor force is engaged in thousands of traditional occupations. India's expanding organized modern employment sector is also highly diverse, with its rapid pace of change fueled by technological innovation and shifts in the global economy. The Indian society's complexity and diversity encompass many castes, religions, languages and tribal affiliations. However, over centuries, and more recently in the six decades after Independence, society continues to transform itself largely in an effort to improve governance.

Identities are created and reinvented through the system of classifying castes and other social groups such as SCs, STs and OBCs. The tendency in this context is to classify all major non-Hindu religious groups as 'minorities.' Yet this tendency disguises important differences in social, economic and educational status among the various groups. Size is also a key difference among religious minority communities. In terms of its proportion in India's population, the Muslim community is the largest and constitutes over 75 percent of the entire population of religious minorities.

A careful examination of the socio-economic conditions of the Muslim community is important at this juncture because

of its size and impact on development and equity in India as a whole. Furthermore, a stocktaking of the pro-poor Muslim policies initiated by the government in response to the findings of the 2006 Sachar Committee is necessary and urgent because recent data on economic and social indicators demonstrate that the Muslim community is not advancing at the same pace as other minority communities. Specifically, data show that the community is below the national average on all developmental and welfare measures, a finding in fact highlighted by the Sachar committee itself.

The problems confronting India are related to lack of markets, market failure as well as absence of developmental and community-based institutions. There is lack of or failure on the part of the civil society at the local level, which could be the result of socio-religious communities (SRCs) living in a defined administrative area not cohesive to work together to strive for the stated national and local objectives and outcomes. The local institutional framework at work has been the panchayats and municipalities which have failed to undertake coordinated actions that are efficient, often leading to undesirable outcomes, counter to stated objectives. This double whammy of the failure of societal forces and grassroots institutions must be addressed through parallel and inter-linked processes. They are, to provide guaranteed access to the local decision-making structure through the enactment of national and state level Acts and laws and using IT-enabled monitoring and assessment procedures at the district and taluka level implementations.

One often notices what in literature is identified as 'elite capture'. In case of India this can be described as 'capture by numbers', – the local majority which captures power may not be benevolent and altruistic towards those who are out of power circuits, not because of their interest, but because of lack of numbers. Note that in India the electoral process almost entirely works on caste-, religion-, and language-based identities, pushing most marginalized farther towards the fringes. There is an evidence that the local power structure is captured by the relatively better-offs, landed, educated and most likely belonging to higher caste and community groups and the likely resource allocations favoring themselves. It is important to remember that the current Indian planning and fiscal allocation strategy motivates the local communities to show a certain proportion of households to fall below poverty line so as to sustain continued and often increased fiscal allocations. This is the key to the Indian politics of poverty, which can be addressed when a certain proportion of the expenditures are borne by the local communities themselves.

What can then be the mechanism to address the elite capture? Can the local bureaucracy act as the benevolent agents of the government, the trustees of the public funds, the professionals and facilitators? So far there is conflicting evidence to suggest that bureaucracy has succeeded. The fact that India has grown out of wretchedness and mass illiteracy over the last six decades or so is an example of bureaucracy responding to the economic and societal changes that are taking shape since the mid-1980s. Yet when it comes to inclusive policies and welfare programs the bureaucracy appears to have failed mostly due to sheer apathy and indifference – and often inefficiency. It is also important to note that the bureaucracy is at its best in corruption and misuse and misallocation of public funds at the lower levels.

It is due to the failure on all three fronts, societal (social structure), local self-governance and grassroots level bureaucracy, that reforms are needed. One way to circumvent these difficult and high-cost reforms is to enable local and excluded communities to participate through political and legal processes. Often these are being done through a quota system at all levels of governance and local self-governance structure. What is important is to identify new types and breeds of the excluded, such as the minorities, and more specially the Muslims, and facilitate their participation in the local decision making. It is alarming that even after bringing this fact to the notice of the government, the parliament and the people at large through the Sachar Committee report, no effort has been initiated so far in this direction. The government must enact a law so that the representatives from the minority communities get seats in the panchayat and municipal councils through co-opting and/or nomination. An example of this can already be seen in the state of Andhra Pradesh at the level of 'mandal panchayats'. This example must be emulated and scaled up to cover the whole of India through a national Act as well as deepening the procedures at the levels of the actual panchayats and municipal councils. This process alone will facilitate creation of new types of social and political leadership and promote civil society at the length and breadth of the country.

Other Studies of Post-Sachar Committee Programs

Empirical and analytical studies of outcomes of post-Sachar Committee programs highlight the worsening conditions and increased disadvantage of India's Muslim community.

- In 'Promises to Keep: Investigating Government's Response to Sachar Committee Recommendations', the Centre for Equity Studies in New Delhi analyzes budgetary allocations and expenditures at the all-India level and in selected states¹. *The report finds that government programs purporting to benefit the Muslim community are ill-conceived and miss their target badly. Funds and services designated for Muslim households and communities are diverted to areas where the Muslim population is less or non-existent.*
- 'National Infrastructure Equity Audit' by Social Equity Watch reports on findings of a survey of social and developmental infrastructure in 12 villages. *The data for indicators such as the presence of a school, anganwadi, health center, PDS shop, road, and drinking water facility show that these assets are much less prevalent in villages and residential areas with concentrations of SCs, STs and Minorities².*
- The 27th Report of the Parliamentary Standing Committee on Social Justice and Empowerment (2011–2012) *'criticized the Minority Ministry for casual approach towards the program'. The committee noticed underutilization of funds of multi-sectoral district development program (MsDDP) in minority concentration districts (MCDs). Furthermore, the funds allocated at the district level have gone to blocks with low concentration of minorities.* The report recommends that the block, rather than the district, be the funding unit, with 15 percent, rather than 25 percent, being the proportion of the minority community to qualify as an MCD³.

1 <http://www.scribd.com/doc/52913174/sachar-final>. Accessed December 7, 2012

2 November 2011. <http://www.socialequitywatch.org/images/Files/niea-final.pdf> Accessed December 7, 2012.

3 'Parliamentary panel snubs Minority Ministry for slow pace of MsDP,' Mumtaz Alam Falahi, May 21, 2012. http://twocircles.net/2012may21/parliamentary_panel_snubs_minority_ministry_slow_pace_msdp.html. Accessed December 9, 2012.

Key Findings and Recommendations

This section summarizes the key findings and recommendations of this report. The extensive data and analysis that form the bases for these findings and recommendations are presented in the full report.

1. Establish a national committee on socially inclusive development chaired by the Prime Minister

The UPA has taken a number of initiatives during the last six years since the Sachar Committee Report addressing the deprivation of the Muslim and other minority communities in India. The Ministry of Minority Affairs (MMA) was established in 2006 even before the Sachar Committee completed its report. As soon as the report was finalized, MMA was given the authority to implement the Prime Minister's revamped 15 Point Program on Development of Minorities in India. MMA has assumed the position of a nodal agency, whose main function is to appropriate funds from the national budget and channel them to those states that are *willing to implement* the minority focused programs. Guided by the Sachar Committee Report's findings, MMA initiated two nationwide programs to improve inclusive development—Multi-sectoral District Development Programs (MsDD) in 90 MCDs and pre- and post-matriculation scholarship programs. At the same time, MMA is responsible for monitoring and evaluating the progress, as is routine for other ministries. Chapter 9 details not only MMA's overall poor performance but also the lack of transparency and credible data about programs and outcomes.

Both MMA and other ministries responsible for implementing socially inclusive development programs throughout India require a coordinating body to ensure careful monitoring, as well as accountability and efficient use of public funds. A supervisory agency is necessary to provide responsible leadership for the integration of socially inclusive development efforts across ministries and every level of government. In other words, the office of the Prime Minister needs to assume responsibility for socially inclusive development programs across mainstream ministries and departments and require rigorous supervision and monitoring of implementation.

This work should be undertaken by a National Committee on Socially-Inclusive Development (NCSID) headed by the Prime Minister and should include ministers of selected line ministries and at least one-third members should be academics and civil society institutions. As a supervisory body, this

committee would oversee the implementation and monitoring of socially inclusive development. The committee would charge line ministries and departments with ensuring that expenditure is proportionate to the population of targeted groups of minorities and Muslims at different geographic levels. The National Development Council (NDC) must schedule an exclusive meeting on the issue of inclusive social development with a focus on minorities.

2. Integrate socially inclusive development goals into the programs of more ministries and departments

The centralization of authority and funding for minority development in MMA is counter to the broad and all-encompassing recommendations in the Sachar Committee Report. Accordingly, proper implementation of its recommendations requires at least a dozen line ministries to be responsible for relevant programs such as human resource and education, labor and employment, finance, social welfare, industries, panchayati raj, and urban and poverty alleviation. These line ministries manage large budgetary allocations to achieve targets and improved performance in their respective fields. They also have to ensure equity and equal access for diverse social groups and religious communities.

Twelve ministries and departments have been included under the PM's 15 Point Program for the Welfare of Minorities. More need to be identified and involved, additionally institutions such as the Indian Planning Commission, the Reserve Bank of India (RBI) and the University Grants Commission (UGC) should be brought under its purview. Selected specific ministries and their potential actions are listed below:

Ministry of Finance, Department of Financial Services

- a. Opening of bank branches in districts with substantial minority/Muslim population
- b. Review RBI's master circular on priority sector lending to minority/Muslims

Ministry of Human Resource Development

- a. Target minority communities under the Kasturba Gandhi Balika Vidyalaya (KGBV) scheme
- b. Target minority communities under the universalization of access to quality secondary education (RMSA)
- c. Target minority communities under the UGC-linked girls' education program
- d. Target minority communities for new community polytechnics

Ministry of Labour

- a. Provide social security to home-based workers
- b. Rehabilitate child laborers

Ministry of Urban Development

- a. Target minority communities under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM)
- b. Target minority communities under the Urban Infrastructure Development Scheme for Small and Medium Towns (UIDSSMT)
- c. Target minority communities via the Integrated Housing and Slum Development Programme (IHSDP)

3. Move socially inclusive development efforts away from special purpose vehicles and towards integration into mainstream ministries and development programs

National Minority Financial Development Corporation

The National Minorities Financial Development Corporation (NMFDC) and the National Commission for Minorities (NCM), SPVs, were established in 1994 and 1992, respectively. In the intervening years, neither has come remotely close to advancing socially inclusive development. Given its extremely low allocations, high turnover and scant coverage, NMFDC is a total failure. There is no data on term loan and micro-credit schemes across religious communities. Evaluation and impact assessment is impossible because there is no information on beneficiary characteristics. Furthermore, extending benefits according to recommendations by local politicians and bureaucrats has caused credits to flow to households that are not below double the poverty line. Yet, the very criteria for identifying loan recipients are impractical. For example, what is the thinking behind giving a term loan of rupees 5 lakh to persons with a household income below double the poverty line?

Given the serious flaws in the NMFDC operations the eligibility requirements for loans, its small allocations, and political interference and misuse at the state and local levels, lack of accessible facilities, to name but a few, it is in the national interest to wind up the Corporation. NMFDC does not have branches but operates through a limited number of offices of 'state channelizing agencies'. Accordingly, NMFDC is inaccessible and practically unknown amongst the target population. The normal banking infrastructure would be a more effective and efficient mechanism for socially inclusive lending programs that target minorities. Mandating bank branches to offer financial services that target minorities would deliver and track services in more cost-efficient and transparent manner than NMFDC (see point 9 below).

4. MCD programs: MMA and RBI leaves out majority of the minorities form coverage

The geographical unit of Minority Concentration Districts (MCDs) used by ministries and RBI is mired with conceptual and practical problems such that nearly two-thirds of the minority population is excluded from targeted programs. Using MCD as the geographical unit, program implementation takes place in such a way that religious groups can be and are excluded from accessing services. For example, the Prime Minister's 15 Point Programme focuses on MCDs and does not directly target Christian and Muslim minority groups living all over India. The MMA's MCD program also bypasses the urban areas due to definitional and jurisdictional reasons. Data presented in Chapter 5 details problems associated with using MCDs as the basis for program implementation.

Since many MCDs are too large and heterogeneous geographic units for implementing socially inclusive development programs, the taluka/block is a more effective unit for targeting minority population. Furthermore, within the taluka, villages and *mohallas* with high concentrations of Muslims should be identified for program implementation. Mosque, church and gurudwara committees can be recognized as the community-specific civil society institutions in order to become eligible to facilitate implementation.

5. Establish and monitor a Diversity Index for key economic and social sectors

There is need for baseline and longitudinal data on the impact of socially inclusive development programs. To this end, the Prime Minister's Office (PMO) should constitute a committee of experts (economists, statisticians, demographers, sociologists) to establish and monitor a diversity index for (i) educational institutions, (ii) banks and lending institutions, (iii) state governments, (iv) major Government of India departments such the railways, post and telegraph, security agencies, urban transportation and leading PSUs. Such an index would also provide a framework for benchmarking and evaluating socially inclusive development programs.

6. Increase representation of minorities/Muslims in local governing bodies

PMO must hold the Department of Panchayati Raj and the Department of Urban Development accountable for increasing the representation of minorities/Muslims in *gram panchayats/taluka panchayats/zila panchayats* and urban lo-

cal bodies such as town panchayats and city municipality/municipal corporations. This can be done through a process of nomination/co-option to the respective bodies of members (with focus on women) from the religious minorities. The Andhra Pradesh Municipal Laws (Amendment) Act 2006 provides a useful model (see Sachar Committee Report, p. 188).

7. Support sustained increases in GDP through increased investment in socially inclusive development

Data analysis in Chapter 4 on contributions of different socio-religious communities to India's Gross Domestic Product (GDP) demonstrates that Muslims have high per capita productivity quotients at all educational levels although it declines at the highest level. These data strongly suggest that given their high productivity quotients, increased access to higher education and technical training, Muslims have the potential to efficiently increase their contribution to GDP.

8. Increase access of Muslims to employment in the formal sector and to employment programs of Department of Rural Development

During the period 2001–2011, Muslims have not made any gains in rates of participation in the formal employment sector. Increases would indicate improved opportunities for Muslims to participate in more productive and modern employment sectors. Rates of participation in self-employed and informal sector have not declined for Muslims, similarly indicating that the Muslim community is not benefitting from opportunities to exit traditional sectors of the economy. Participation in salaried employment is only 30 percent for urban Muslims compared to about 37 percent for SCs/STs, 36 percent for Hindu-OBCs and 46 percent for upper caste Hindus. Additionally, the share of Muslims in salaried employment is considerably less than their share in the total urban workforce, and considerably higher for the self-employed and casual labor categories. Furthermore, labor force participation analysis suggests a relatively higher unemployment rate amongst the Muslims.

The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) is the flagship anti-poverty program of the UPA-II national government. Its purpose is to create multi-million mandays of paid employment for rural households. NREGS funds come from amalgamating past programs and amount to about one-third of the Department of Rural Development's annual budgetary allocation. How-

ever, since its launch in 2006, data shows that *only 5.6 percent of the number of available days that are programmatically possible is utilized by the eligible population*. Although the incidence of poverty among Muslims is higher than the national average and those living in rural areas have high levels of unemployment and income insecurity, Muslim participation in MGNREGS is negligible. In fact, data in Chapter 3 show that Muslims are excluded at the outset and do not obtain necessary job cards. That Muslims are also excluded from other major programs such as the Mass *Anganwadi* Program, the Primary and Elementary Education Program and the Mass Micro-credit Program further indicates the structural disadvantage and discrimination facing Muslims.

The National Committee on Socially-Inclusive Development would be the appropriate body to oversee an enquiry into the causes for exclusion of Muslims from formal sector employment and MGNREGS and to monitor programs that increase their rates of participation.

9. Address failure of financial inclusion programs with vigorous policy development and rigorous program planning, implementation, accountability and monitoring

Large inequities in access to bank credit through regular scheduled commercial banks—particularly public sector banking institutions—were highlighted in the Sachar Committee Report.⁴ The failure of Minority Development Corporation programs largely due to lack of transparency and meager allocations by the central and state governments were also brought to the policymakers' attention. However, there is no evidence that post-Sachar Committee financial inclusion programs under the authority of the RBI and Finance Ministry are benefitting minority communities. Furthermore, RBI and Finance Ministry have not reported on access of minorities to development funds although the former routinely collects such data across India. Chapter 6 examines other available data on financial inclusion efforts in 121 MCDs and finds practically no improvement in access to credit by minority communities and that Muslims' share of credit is disproportionately low.

In order to ensure that minorities have equitable access to financial institutions and capital, it is necessary that RBI, Finance Ministry and other ministries and departments involved in financial inclusion design and implement effective programs and report timely and accurate data on program outcomes. Again, the National Committee on Socially-

⁴ Sachar Committee Report, 2006, Chapter 6, pp. 121–137.

Inclusive Development would be the appropriate body to ensure that government units responsible for financial inclusion programs are held accountable for meeting the objectives and serving their target populations.

10. Improve implementation of scholarship programs targeting minority students

Post-Sachar Committee data indicate an alarming decline in the rate of improvement at all levels of education (primary, matriculation and graduate and above) for the Muslim community. Data in Chapter 2 of this report show the literacy level and level of improvement between 2001 and 2011 were modest for Muslims compared to other communities. At the level of the matriculation (10 years of schooling), rates for Muslims both for this level and for improvement decline to very low levels, indicating the possibility of serious policy disadvantages and exclusion for Muslims. This trend is worse at higher levels of literacy, where there is a net decline instead of improvement for the general Muslim category, and barely any improvement even in case of OBC Muslims.

The most pressing concern that the Government of India has failed to rectify is the situation where funds allocated to *Sarva Siksha Abhiyan* to address educational backwardness of communities, including the minorities, have not been fully and appropriately spent. Organizational biases of the state level bureaucracy in education departments and in programs for minorities mean that the benefits of these programs do not reach the target communities. Chapter 9 presents data on the scholarship programs targeting minorities and Muslims and finds that the need far exceeds the allocated resources and official data misrepresent the huge failures of these programs.

It is, therefore, essential to invoke the constitutional provisions of Article 15 which direct the government to create equal opportunity and equity in access to all levels of education even if it requires reservation. To educationally empower minorities the government needs to target eligible minority students under the three schemes: pre-matriculation, post-matriculation and merit-cum-means scholarships. Data indicates that each year only a partial number and share of the eligible students are reached—and almost none of the earlier year's recipients continued to receive benefits for subsequent years.

11. Establish an Equal Opportunity Commission (EOC)

Another mechanism is needed to ensure institutional access to all deprived citizens (including religious minorities) and

equity in the public sphere (see a separate report on the need for an EOC in India). Despite a proliferation of public institutions with the responsibility of protecting the constitutional and legal rights of minorities, systemic discrimination or bias is pervasive throughout India. The formation of an EOC will be a cornerstone of the state's commitment to civil rights, diversity and socially inclusive development.

12. Establish effective mechanisms to ensure and monitor implementation of the provisions of the Right to Information (RTI) Act.

Transparency in governance is a democratic right and responsibility. The RTI Act provides mechanisms to access government held data. Chapter 7 documents the results of filing RTI requests for documents related to the financial inclusion policy of the RBI and the issuance of OBC certificates at the national and state levels. The government did not respond to many of the requests, thereby blocking access to essential data on social welfare of minority and deprived communities in India. Furthermore, the current implementation of RTI shifts responsibility to successively lower rungs of government—all the way down to the village level. Additionally, there is no formal procedure and mechanism for aggregating RTI data from the lower levels of bureaucracy to the district or state levels.

Based on this evidence, it is erroneous to claim that the Indian people are benefitting from provisions of the RTI Act. Given the ineffectiveness of RTI in its current form, the national government needs to demonstrate its commitment to transparency at the national and state levels. To this end, it must provide effective leadership that ensures RTI mechanisms to make government information genuinely accessible and useful.

Inadequate Institutional Mechanisms to seek Redressal in the Indian Bureaucratic and Democratic Structure

<p><i>Bureaucratic Procedures</i> followed by the public institutions, government departments, delivery centers, local security centers and so on.</p>	<p>It is common to approach an officer superior to the decision maker for relief. But in the Indian situation, formal appeal and request for reconsideration of a decision is rarely possible. The bureaucratic chain of command is rigid, opaque and not easy to break in by the common citizens. Since these institutions themselves are the executors and implementers of the government policies and programs, they do not accept their shortcomings defects and are not amenable to providing reasonable redressal. In brief the administrative recourse gets easily exhausted without relief.</p>
<p><i>Legal Recourse through Courts of Law</i> Various levels of legal institutions and courts – the local to district, state and national.</p>	<p>This is one of the independent wings of the democratic structure of India. The courts and the hierarchy are not easily accessible to common citizens. By design the courts do not ordinarily address the systemic bias that leads to exclusion and marginalization as a matter of its routine and / or priority. There is no legal process to enforce social equity and stop inequity to happen and prevail. The court judgments take awfully long time, tedious procedures, long waiting time and are unaffordable for the poor.</p>
<p><i>Human Rights Commission (HRC)</i> As a signatory to international covenants HRC was established in India in 1993. In over 20 major states HRCs are in place.</p>	<p>HRC in India mostly functions as an extended wing of the national government. It generally does not initiate procedures against the government in power. It generally deals with issues and situations which are normally dealt with by the local police and security agencies. Systemic bias and discrimination in the social, economic, educational and employment spheres have never been addressed by HRC in India. It has poor record of documentation and research.</p>
<p><i>Specified Special Purpose Commissions</i> The National Commission of Minorities (NCM), Commission for Backward Classes (not discussed)</p>	<p>These are the special purpose vehicles established by the government generally under a ministry of the national government. For example, NCM is now under the administrative control of MMA. The mandate and objectives of NCM are wide-ranging including the ones relating to societal, economic and educational opportunities for the minorities. NCM has a statutory responsibility, under Section 9 (1) (g) of the NCM Act, 1992, to evaluate the progress of the development of the minorities and to suggest appropriate measures, to be taken by the government, in respect of any community. Functionally NCM has never undertaken any such tasks and it has failed to deliver especially in the areas of ensuring accessibility to education, economic and social services to the minorities / Muslim community in India. This has happened mostly due to lack of independent functioning of NCM as well as poor quality bureaucratic and financial support. NCM annual reports, having tabled in the Parliament, have never been discussed or debated in the Parliament.</p> <p>NCM itself accepts the fact that it has to work out the adequacy of its scope and that it has to increase coverage both in terms of issues as well as geographic reach. NCM claims that it has not received the expected support by MMA.</p> <p>NCM itself considers that it is not authorized to monitor government programs and one has to work at the level of the district and become sensitive to the peoples' needs. Accordingly even the mMinistry of pProgram iImplementation and / or the mMinistry of pPoverty aAlleviation are actively not involved. Thus one finds total failure of NCM to address the issue of equal opportunity and equity.</p>



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