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## **India's New Welfare Architecture: Genesis, Promises, Risks**

*Sanjay Ruparelia, John Harriss, Gayarshi Balagopal  
and M. Vijayabaskar*

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UNRISD, Palais des Nations  
1211 Geneva 10, Switzerland

Tel: +41 (0)22 9173020

Fax: +41 (0)22 9170650

[info@unrisd.org](mailto:info@unrisd.org)

[www.unrisd.org](http://www.unrisd.org)

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## Introduction

In 2004, following the election of the United Progressive Alliance (UPA), led by the Congress party, India began to introduce a series of groundbreaking national measures to expand the economic security and social opportunities of its citizens. Strikingly, many of these new entitlements were acts of parliament, which explicitly highlighted their legally enforceable rights.

The flagship initiative of the UPA was the National Rural Employment Guarantee Act (NREGA), 2005, renamed the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in 2009. The MGNREGA sought to protect the livelihoods of poor agricultural laborers during periods of distress by granting adult members of every rural household the right to demand 100 days of unskilled work at stipulated minimum wages from the state, making it the largest work guarantee programme in the world. The National Rural Health Mission (NRHM), launched in 2005, sought to improve basic health outcomes of women and children and to control the spread of basic diseases. Targeting eighteen states, the NRHM decentralized essential services, instituting a system of conditional cash transfers and tiered health societies at the village, district and state level to promote better outcomes. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006, empowered such communities the right to own traditionally cultivated land and to protect forests. The Right of Children to Free and Compulsory Education Act (RTE), 2009, made the enrollment, attendance and completion of schooling of every child between the age of six and fourteen the obligation of the state. To promote equity, the bill prohibited any school from screening potential students or imposing capitation fees, and requires private educational institutions to reserve 25 percent of their seats for children from economically disadvantaged backgrounds. The National Food Security Bill, 2013, respectively entitled 50 and 75 percent of the urban and rural population to highly subsidized foodgrains per month, allocating 5 kgs for each individual and 35 kgs for the poorest households. Lastly, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR), 2013, enjoined the state to gain the consent of local communities whose land it seeks to designate for compulsory acquisition, compensate landowners between two to four times extant market valuations and provide for rehabilitation and resettlement all of persons whose livelihoods depend on designated land. The passage of these acts, in short, signified the emergence of a new “welfare architecture” with a distinct “social contract” in modern Indian democracy.<sup>1</sup>

Indeed, the introduction of these new civic entitlements was part of a larger ambition to reform the workings of government by renewing the purposes, capacity and accountability of the state. The UPA established the Second Administrative Reforms Commission (SARC) in 2005, charged to “revamp public administration” by reconsidering its organizational structure, administrative capacities and financial management. The government passed the Right to Information Act (RTI), 2005, which mandated all government agencies to release information regarding their activities to individual citizens upon request in a timely manner. In 2009, upon winning re-election, the UPA unveiled a new flagship initiative, Aadhaar (Foundation). The purpose of Aadhaar was to give every resident of the country a Unique Identification Number (UID), to make sure entitlements reached their intended beneficiaries through direct cash transfers, beginning with pensions, scholarships and maternity entitlements. Yet proponents of the new technology envisaged, more controversially, a wider range of

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<sup>1</sup> Pratap Bhanu Mehta, “Public advisory,” *The Indian Express*, 6 April 2010.

cash transfers over time in lieu of state controlled prices for petroleum, food rations and other commodities. Mass social protests in the summer of 2010 against high-level corruption scandals pushed the UPA to introduce further governance reforms. The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of Their Grievances Bill, 2011, required all public authorities to publish a citizens' charter detailing specific benefits and timelines regarding their delivery, and to appoint officers and procedures to handle individual complaints and impose stiff penalties for non-performance within thirty days of a grievance being lodged. The LokPal Bill, 2011, established a national public ombudsman with the power to investigate and prosecute cases of corruption implicating all public servants, including the executive. At first glance, these governance reforms appeared to embody the principles of "new public management", applying market-oriented principles to reinvent the state. Yet the government clearly sought to situate the new project within its new rights-based social compact, justifying the UID on grounds that *Aadhaar aam aadmi ka adhikar*, 'every person has a right to identity'.

The parliamentary rout of the UPA in the 2014 general elections, at the hands of the Bharatiya Janata Party (BJP)-led National Democratic Alliance (NDA), led many commentators to speculate about the future of these landmark acts. The BJP had attacked the government for pursuing its welfarist agenda at the cost of growth, allowing industrial stagnation, rising inflation and economic deceleration. The party vowed to pursue greater private investment, infrastructural development and market reforms, championing the slogan, "Minimum government, maximum governance". The first year of the new government, led by Prime Minister Narendra Modi, reveals cross cutting tendencies. On the one hand, it has defended the high food subsidies given to farmers to support the NFSB during contentious meetings of the World Trade Organization in the summer of 2014, claiming it was a key foundation of the country's food security. The Modi government has also accelerated the completion of Aadhaar. On the other, it has sought to revise the RFCTLARR, to expand the list of projects that do not require stakeholders' consent in land acquisition and reconsider what counts as 'necessary' infrastructure, part of a new push to expand industrial production through a 'Make in India' campaign. The landmark rights-based welfare acts passed by the UPA, in other words, have become subject to fierce political contention in various public arenas. Nonetheless, they have reshaped the debate over Indian social policy.

## **Situating India in a Comparative Global Perspective**

The introduction of India's new welfare regime, of course, fits into a broader global pattern. Since the 1980s many development organizations and social movements have embraced a rights-based approach to welfare and development in the global South.<sup>2</sup> Rising economic inequalities within many countries, exacerbated by structural adjustment policies and the globalization of trade, finance and investment through the 1990s, produced a groundswell of opposition at the dawn of the twenty-first century. Popular mass discontent fuelled the resurgence of left in Latin America, ranging from the radical economic nationalism of the Partido Socialista Unido and Movimiento al Socialismo in Venezuela and Bolivia to the social democratic policies of the Partido Socialista and Partido dos Trabalhadores in Chile and Brazil, respectively.<sup>3</sup> Similarly,

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<sup>2</sup> See Brigitte I. Hamm, "A human rights approach to development," *Human Rights Quarterly*, 23 (2001): 1005-1031; Caroline Moser and Andy Norton, *To Claim Our Rights* (Overseas Development Institute, 2001); and Andrea Cornwall and Celestine Nyamu-Musembi, "Putting the 'rights based approach' to development into perspective," *Third World Quarterly*, 25, 8 (2004): 1415-1437.

<sup>3</sup> See Stevin Levitsky and Kenneth M. Roberts, *The Resurgence of the Latin American left* (Baltimore: Johns Hopkins Press, 2011).

rapidly growing disparities in many Asian countries compelled various governments to expand welfare services, from universal health insurance in Indonesia and ambitious pension schemes in Thailand to basic income guarantees in China.<sup>4</sup> Indeed, the Great Recession that followed the global financial crisis of 2008 ignited new mass protests against corruption and inequality in many advanced industrialized economies of the West, from the Indignados in Greece and the Five Star Movement in Italy to Occupy Wall Street in the United States. The emergence of all these “counter-movements”, seeking to protect their societies from the depredations of footloose global finance, suggested the possibility of another “great transformation”, to borrow Polanyi’s well-known phrase, in world capitalist development.<sup>5</sup>

That said, India’s new welfare architecture warrants particular attention. First, historically successive governments in New Delhi and the states have unveiled an extraordinary range of social welfare initiatives: community development projects, area-based initiatives and resettlement programmes; public distribution schemes to ensure nutritional security and subsidized foodgrains; compensatory discrimination in public sector institutions for historically disadvantaged communities and targeted anti-poverty schemes; unemployment benefits and public pensions; policy interventions in health and education.<sup>6</sup> Significantly, the state justified many of these interventions via the Directive Principles of State Policy, which enumerated a series of social and economic aspirations in Part IV of the 1950 Constitution, unenforceable and non-justiciable, vis-à-vis the civil and political Fundamental Rights codified in Part III. In theory, the state espoused a philosophy of welfare. In practice, however, the state dispensed benevolence and paternalism as “institutionalized charity”.<sup>7</sup> Moreover, the residual basis of many of these schemes, offering minimal protection, constituted an “informal security regime” that left most citizens to rely on various informal networks too.<sup>8</sup> The major constitutional reforms of the early 1990s, decentralizing political authority and economic resources to and mandating reservations for women in local village *panchayats*, enhanced the possibility of greater civic participation in poverty-alleviation schemes. Yet even these major efforts to restructure the design of the state retained the distinction between civil and political rights and social and economic entitlements in the Constitution. The legislation of rights-based socioeconomic entitlements over the last decade, relatively unusual in comparative historical perspective, contests the principle underlying these distinctions.

Second, few constitutional democracies have established a rights-based welfare regime at a comparable stage of development. Sustained high levels of economic growth since

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<sup>4</sup> See The Economist, “Asia’s next revolution,” 8 September 2012.

<sup>5</sup> Karl Polanyi, *The Great Transformation: the political and economic origins of our time* (Boston: Beacon Press, 2001). The issue generates continuing debate. See Peter Evans, “Is an alternative globalization possible?” *Politics & Society*, 36, 2 (June 2008): 271-305; Michael Burawoy, “From Polanyi to Pollyanna: the false optimism of global labor studies,” *Global Labor Journal*, 1, 2 (2010): 301-313; Richard Sandbrook, “Polanyi and post-neoliberalism in the global South: dilemmas of re-embedding the economy,” *New Political Economy*, 16, 4 (2011): 415-443; Wolfgang Streeck, “Citizens as consumers,” *New Left Review*, 76 (July-August 2012): 27-47; and Nancy Fraser, “A triple movement?” *New Left Review*, 81 (May-June 2013): 119-132.

<sup>6</sup> See Jayati Ghosh, “Social policy in Indian development,” in Thandika Mkandawire (ed.), *Social Policy in a Development Context* (Palgrave MacMillan, 2004), pp. 284-307; Stuart Corbridge, Glyn Williams, Manoj Srivastava and Rene Veron, *Seeing the State: governance and governmentality in rural India* (Cambridge: Cambridge University Press, 2005), pp. 47-84; Neera Chandhoke, “Democracy and well-being in India,” in Yusuf Bangura (ed.), *Democracy and Social Policy* (New York: Palgrave Macmillan, 2007), pp. 164-188.

<sup>7</sup> Niraja Gopal Jayal, *Democracy and the State: welfare, secularism and development in contemporary India* (New Delhi: Oxford University Press, 2002), pp. 39-42.

<sup>8</sup> On the notion of “informal security regime”, see Geof Wood and Ian Gough, “A comparative welfare regime approach to global social policy,” *World Development*, 34, 10 (2006): 1696-1712.

1980, second only to post-Maoist China, has transformed India into one of the ten largest economies in the world measured by GDP. In fact, the country has now become the third largest in purchasing-power-parity (PPP) terms. Yet India remains a lower-middle income economy, according to its GDP per capita, placing it in the bottom quartile of world rankings. Moreover, despite its unprecedented historical success in consolidating representative democracy in a poor agrarian society marked by deep human destitution and powerful social hierarchies at independence, and in making significant progress on both fronts since the 1970s, India still accounts for more than one-third of the absolute poor in the world at the start of the twenty-first century. Hence the fate of its new social policies, for better or worse, carries global significance.

Third, the conceptual underpinnings and causal genesis of its welfare regime invites comparative reflection. In recent years, many countries in the global South have introduced reforms to contain the dominance of markets in politics and society, deploying the language of citizenship to counter the commodification, consumerism and corporatization of everyday social life that epitomizes neoliberal ideology. As a result, some observers suggest the possibility of a postneoliberal era.<sup>9</sup> India's new rights-based welfare regime, arguably, represents another attempt to forge a postneoliberal welfare state. Yet it has a different trajectory. Rights-based mobilizations in civil society, seeking to politicize constitutionalism and the law as a site, technique and discourse of contestation, emerged in many authoritarian regimes in the 1970s amid mounting economic crises.<sup>10</sup> Perhaps the most striking was Brazil, where new civic movements, non-governmental organizations and "alternative lawyers" struggled for an expansive notion of citizenship, demanding equal recognition of political and civil as well as social and economic rights, as well as the right to participate in the Constituent Assembly.<sup>11</sup> The constitutional architecture of post-apartheid South Africa, which embraced human rights doctrines in international law to address the injustices of the past and guide state action in the future, represents another very significant case.<sup>12</sup> Unlike many countries in Latin America and Sub-Saharan Africa, however, absolute poverty and economic inequalities declined in India during the 1980s. Moreover, the catalytic role of the Indian Supreme Court and "non-party political movements"<sup>13</sup> in reclaiming the meaning of constitutionalism and encouraging the recognition of socioeconomic rights was comparatively unusual, in contrast to the role historically played by traditionally organized labor and left-wing parties in pushing such demands.

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<sup>9</sup> For recent analyses of neoliberalism in the United States and Europe, see Margaret R. Somers, *Genealogies of Citizenship: markets, statelessness and the right to have rights* (New York: Cambridge University Press, 2008), pp. 63-117, and Wolfgang Streeck, "Citizens as consumers," *New Left Review*, 76 (July-August 2012): 27-47. For recent debates on the notion of post-neoliberalism, see the special issue of *Development Dialogue*, "Post-neoliberalism: a beginning debate," 51 (January 2009); Jamie Peck, Nik Theodore and Neil Brenner, "Postneoliberalism and its malcontents," *Antipode*, 41, SI (2009): 94-116; Jean Grugel and Pía Riggirozzi, "Post-neoliberalism in Latin America: rebuilding and reclaiming the state after crisis," *Development and Change*, 43, 1 (2012): 1-21; and Julian S. Yates and Karen Bakker, "Debating the 'post-neoliberal turn' in Latin America," *Progress in Human Geography*, 38, 1 (February 2013): 1-29.

<sup>10</sup> The likelihood that constitutions will codify a right to education and to health has risen over time. See Varun Gauri, "Social rights and economics: claims to health care and education in developing countries," *World Development*, 32, 3 (2004), p. 465.

<sup>11</sup> James Holston, *Insurgent Citizenship: disjunctions of democracy and modernity in Brazil* (Princeton: Princeton University Press, 2008), pp. 247-253.

<sup>12</sup> Lawrence Hamilton, *The Political Philosophy of Needs* (Cambridge: Cambridge University Press, 2003), pp. 175-176.

<sup>13</sup> Rajni Kothari, "The non-party political process," *Economic and Political Weekly*, 19, 5 (4 February 1984): 216-224.

## Aims of the Research

The emergence of India's new social welfare paradigm, and the contestation over its character, scope and trajectory, raises many questions:

1. What are the political, economic and social drivers of India's new welfare architecture? How do they relate to patterns and dynamics of economic growth, social distribution and global integration? What role have domestic actors, institutions and processes played vis-à-vis major donors, multilateral institutions and the global development campaigns in planning, advocating and funding these welfare reforms?
2. What are the main features of specific legislation and government initiatives in distinct policy sectors? What are the main policy coalitions responsible for their introduction, sequencing and design? How are the rights and entitlements in these bills and programmes conceptualized, operationalized and supported? What have been the main lines of public debate, and how have they evolved and been addressed over time?
3. How are these new social programmes being implemented thus far? Do they conform to officially stipulated aims, procedures and expectations? Have these new social programmes been designed well, to address the main deficits in each social domain through sufficient fiscal, administrative and political resources and to strengthen policy complementarities and institutional convergence between different arenas through systematic reform, or do they suffer from explicit compromises and unforeseen ambiguities that mar their actual performance?
4. What social policies have been most effective in achieving their respective goals, where and why? Have any increased the economic opportunities, social capabilities and political voice of its most disadvantaged citizens in structural terms, or simply reinforced the residual nature of many prior schemes? How should we assess India's new welfare architecture and its broader developmental processes in light of these patterns?
5. What comparative lessons can we draw from social welfare reform in India? And what can India learn, in turn, from successful reformers in the global South?

## India's New Welfare Regime: Literature Review

### *The emergence of India's new welfare regime*

In general, three slow-burning transformations explain the emergence of India's new welfare regime. First, since the late 1970s India's Supreme Court has progressively interpreted the basic socioeconomic needs of relatively disempowered groups as integral to the fundamental 'right to life' under Article 21 of the Constitution. Progressive rights-based mobilizations encouraged the expansion of public interest litigation, allowing popular grassroots movements and non-governmental organizations to serve as "midwives to judicial activism".<sup>14</sup> Second, since the early 1990s India has witnessed an

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<sup>14</sup> Upendra Baxi, "The (im)possibility of constitutional justice: seismographic notes on Indian constitutionalism," in Zoya Hasan, E. Sridharan, and R. Sudarshan (eds), *India's Living Constitution: ideas, practices, controversies* (New Delhi: Permanent Black, 2006), p. 48.

acceleration of uneven capitalist development. Liberal economic reforms gradually stimulated rapid growth, structural diversification and technological change, while aggregate economic prosperity increased public revenues, enabling the expansion of basic social programmes. Yet these new patterns of accumulation simultaneously exacerbated old social, sectoral and spatial inequalities, and created new vulnerabilities in the vast informal economy, igniting fierce conflicts across the country in response to processes of dispossession.<sup>15</sup> Third, the growing political clout of new regional parties has secured greater political representation, dignity and self-esteem for historical subordinate groups since the late 1980s. However, they collectively failed to devise a redistributive politics to address political corruption and structural inequalities that economic liberalization has deepened.

### ***The character of India's new welfare regime***

Three factors distinguish India's new welfare regime. First, its landmark acts employ a language of citizenship that recognizes a right to basic socioeconomic entitlements, a significant change. The bifurcation of rights and entitlements in the 1950 Constitution created two distinct spheres: a bourgeois "civil society", defined by law, and a subaltern "political society", outside the law. Urban middle classes appealed to universal individual rights in the former as equal democratic citizens. The urban and rural poor that inhabited the latter negotiated strategic welfare claims, however, as members of distinct population groups and benefit seekers defined by official state policy and the logic of governmentality, which often proved limited, provisional and unstable. Hence the entitlements of the historically disadvantaged in political society, "even when recognized, never quite became rights".<sup>16</sup> In practice, of course, many social contestations elided these neat conceptual boundaries. Nevertheless, India's new welfare regime challenges these foundational distinctions. Contrary to the view that rights-based struggles inherently privilege individual civil liberties and discourage popular democratic struggles in a neoliberal age, its landmark acts introduce a range of socioeconomic rights that seek to decommodify the value of labor and land, albeit in varying degrees.

Indeed, they have stoked fierce debate. On the one hand, critics denounce these acts in neoconservative terms, for distributing "handouts" in the name of a "povertarian" agenda, entrapping its recipients in destitution.<sup>17</sup> The presumption that economic growth automatically enhances life chances begs credulity. Whether these new socioeconomic entitlements divert attention, effort and resources away from creating new economic opportunities to escape chronic poverty represents a more serious concern, however. Opportunity costs exist.<sup>18</sup> And granting poor laborers the right to demand unskilled work could easily be construed as "workfare", imposing a duty to hard physical labor.<sup>19</sup> Yet the notion that such provisions simply reconstitute a 'dole' misses the point. Virtually every act passed in the last ten years grants a statutory right to extant welfare programmes, whether it be the FRA with respect to the Joint Forest Management program established in 1990, MGNREGA with respect to the Employment Assurance Scheme (EAS) set up in 1993, or the RTE with respect to the Sarva Shiksha Abhiyan (SSA) established in 2001. The reason why social activists in India demanded legalizing

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<sup>15</sup> Amongst many others, see Atul Kohli, *Poverty amid Plenty in the New India* (New York: Cambridge University Press, 2012).

<sup>16</sup> Partha Chatterjee, "Democracy and economic transformation in India," in Sanjay Ruparelia, Sanjay Reddy, John Harriss and Stuart Corbridge (eds), *Understanding India's New Political Economy: a great transformation?* (London: Routledge, 2011), p. 27.

<sup>17</sup> For example, see Shekhar Gupta, "The deformatists," *Indian Express*, 29 July 2013.

<sup>18</sup> For example, see Devesh Kapur, "The wrong of rights," *Business Standard*, 7 July 2013.

<sup>19</sup> Somers, *Genealogies of Citizenship*, p. 90.

these entitlements as rights was the failure of successive government schemes to ensure that intended beneficiaries received them.

On the other, even sympathetic observers worry that such rights campaigns “leave the *big* story untouched—the huge inequalities of resources in the country . . . [of] restructuring existing structures of power and forging new and equitable . . . social relations”.<sup>20</sup> Indeed, although the NREGA and RFCTLARR alter class dynamics in the countryside, neither fundamentally restructures existing relations of production. Some even fear well-meaning interventions to recognize civil liberties and extend social entitlements, as of those speaking on behalf of *Adivasi* communities in the “red corridor” of renewed Maoist insurgency in the remote hinterlands, risks deepening unwanted state penetration into every social life.<sup>21</sup> The Naxalite movement often demands such rights, such critics admit, if only tactically to expose the commitment of the state. But such demands also betray, arguably, genuine desires to reclaim such rights. And the strategies, tactics and ends of different Maoist groups warrant critical scrutiny themselves. Ultimately, as the history of India’s rights movement demonstrates, the language of rights stakes a claim to have rights, to act and thus to have a right to politics.<sup>22</sup>

Second, the basis, level and scope of entitlement vary across different welfare acts. Individuals constitute the basis of most of these new rights. A number recognize, however, larger social units. Several grant entitlements to households: the MGNREGA bestows adult members of every rural household the right to demand 100 days of wage labor; the NFSB grants a higher monthly food allowance to extremely poor households; and the FRA warrants *adivasis* and families residing in or dependent upon forested lands to claim legal title. Several of these acts recognize the rights of communities directly or seek to empower them in practice through mechanisms and procedures of consent. The most radical in principle is the FRA, which grants communities the right to protect and manage forest resources, unprecedented in India. Yet collective rights also inform the RFCTLARR, which requires the state to consult village assemblies with proposals to compulsorily acquire land, gain the consent of at least 80 percent of project-affected individuals and allow local committees to monitor the rehabilitation and resettlement of displaced persons and families.

Similarly, the level and scope of these various acts vary too, from open and universal to targeted and residual. The RTE makes it incumbent upon the state to ensure the enrollment, attendance and completion of all children between 6 and 14 years of age. Yet it excludes mandatory educational services at the pre-school and secondary level, legitimates four types of schools and failed to consider fully the financial responsibilities of the Centre and the states. The MGNREGA grants every adult member of a rural household the right to demand work but it to 100 days per year. Others restrict benefits, targeting specific groups, such as the NFSB, which entitles “priority” households 5 kgs of subsidized foodgrains per person and Antyodaya-designated households 35 kgs per month, and sets a ceiling on the number of eligible households not to exceed 50 and 75 percent of the urban and rural population, respectively. Moreover, the act leaves the criteria for selecting beneficiaries to state-level governments, without providing strong grievance redressal procedures, making it hard for individuals to contest possible exclusion. Yet the attempt to target entitlements

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<sup>20</sup> Chandhoke, “Democracy and well-being in India,” p. 186.

<sup>21</sup> Alpa Shah, “The tensions over liberal citizenship in a Marxist revolutionary situation: the Maoists in India,” *Critique of Anthropology*, 33, 1 (2013): 91-109.

<sup>22</sup> See James D. Ingram, “What is a ‘right to have rights’? three images of the politics of human rights,” *American Political Science Review*, 102, 4 (November 2008): 401-416.

in other laws, such as the discrete community rights granted in the FRA and RFCTLARR to protect and empower historically marginalized groups, underscores the complexities underlying criteria of selectivity. In general, the more overtly ‘social’ acts of India’s new welfare regime seek to protect historically marginalized groups in rural society, which still comprise the majority of the poorest citizens. Understanding the causes and consequences of these programmatic differences warrants critical investigation.

Lastly, a distinctive feature of India’s new welfare regime concerns its aim to enhance political transparency, responsiveness and accountability. The overt purpose of the RTI, the culmination of efforts by the National Campaign for the People’s Right to Information (NCPRI), is to reduce the opacity, unresponsiveness and secrecy of public officialdom. Many argue that demands for greater state transparency are symptomatic of a neoliberal order. Yet the inspiration for the NCPRI lay in the nexus between corruption, destitution and inequality in India. The early aim of its leading organization, the Mazdoor Kisan Shakti Sangathan (MKSS), a grassroots organization from Rajasthan, was to recover unpaid wages on behalf of poor villagers who worked on drought-relief projects in times of distress. Such investigations always encountered resistance from local officials, highlighting the “labyrinthine” design of the Indian state, where the “fealty to procedures” undermines bureaucratic responsibility for substantive outcomes.<sup>23</sup> At its worst, the method of recording, storing and transferring administrative files within the state, difficult to decipher or retrieve, inflicted a horrific form of “structural violence” upon the poor.<sup>24</sup>



Consequently, the primary aim of the MKSS evolved to gaining access to official government records scrutinizing the latter in open public hearings (*jan sunwais*) organized along the lines of court proceedings, allowing villagers to discover the theft of funds by state officials and their various clients through bogus muster rolls and ghost projects.

<sup>23</sup> Devesh Kapur and Pratap Bhanu Mehta, “Introduction,” in *Public Institutions in India: performance and design* (New Delhi: Oxford University Press, 2008), pp. 12-17.

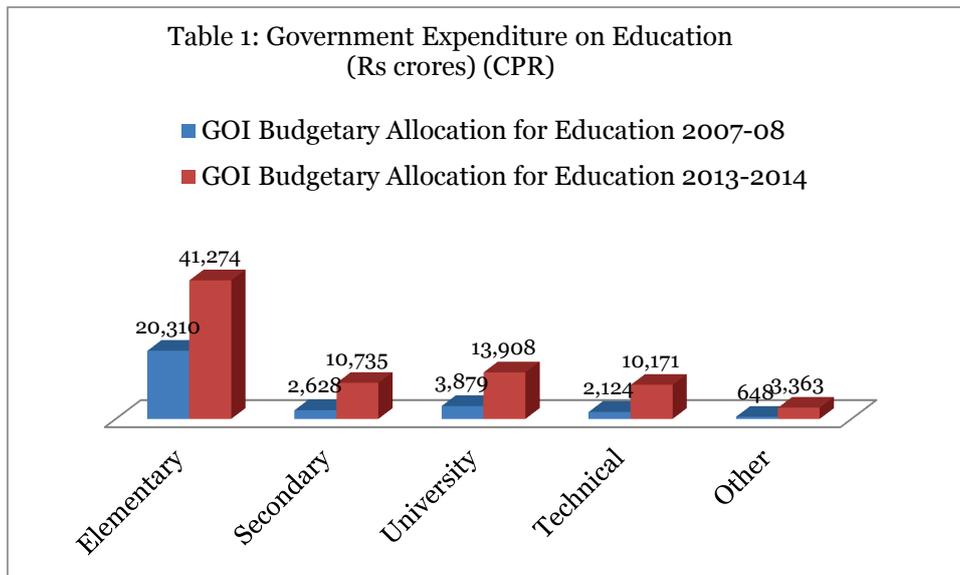
<sup>24</sup> On everyday bureaucracy as “structural violence”, see Akhil Gupta, *Red Tape: bureaucracy, structural violence and poverty in India* (Duke University Press, 2012).



The deep legal imaginaries of its strategies and tactics, rather than reinforcing judicial sovereignty at the expense of political accountability, sought to expose the clientelistic practices that marred relations between state officials, social intermediaries and individual citizens. The rallying cry of the MKSS—*Hum janenge, hum jiyenge*, ‘If I know, I shall live’—underscored the significance of “seeing the state” in order to secure basic socioeconomic entitlements.<sup>25</sup> Many ostensibly ‘social’ acts in India’s new welfare regime, including the MGNREGA and RFCTLARR, contain novel design features to achieve similar goals.<sup>26</sup> Indeed, a distinctive trait of India’s new welfare regime is its concern with the relationship between power and knowledge, producing a new politics of sight.

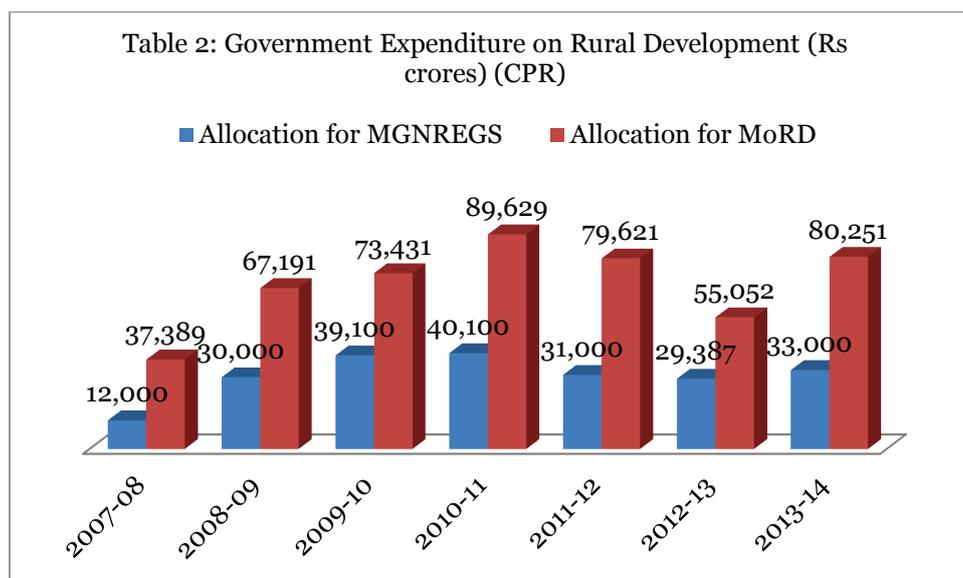
### ***The performance of India’s new welfare regime***

Ultimately, whether India’s new policy regime expands political empowerment and social welfare depends on its design, execution and implementation. Three broad patterns have emerged to date. First, the central government has allocated greater funds towards its landmark acts, from the MGNREGA to the RTE (see Tables 1 and 2).



<sup>25</sup> Corbridge et al., *Seeing the State*.

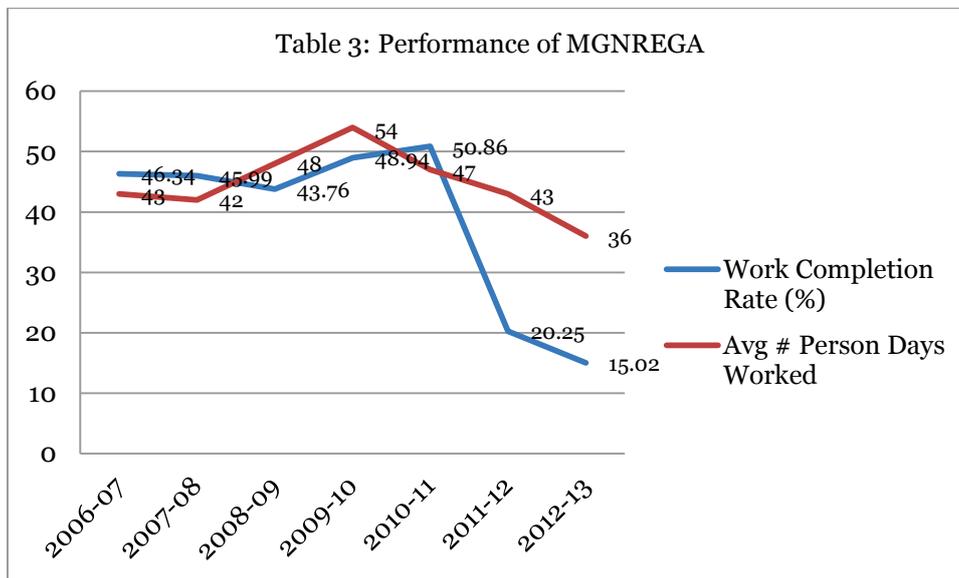
<sup>26</sup> See Jenkins, “Land, rights and reform in India,” *Pacific Affairs*, 86, 3 (September 2013), pp. 594-598.



However, as a percentage of GDP, social sector spending in India remains considerably below international norms.

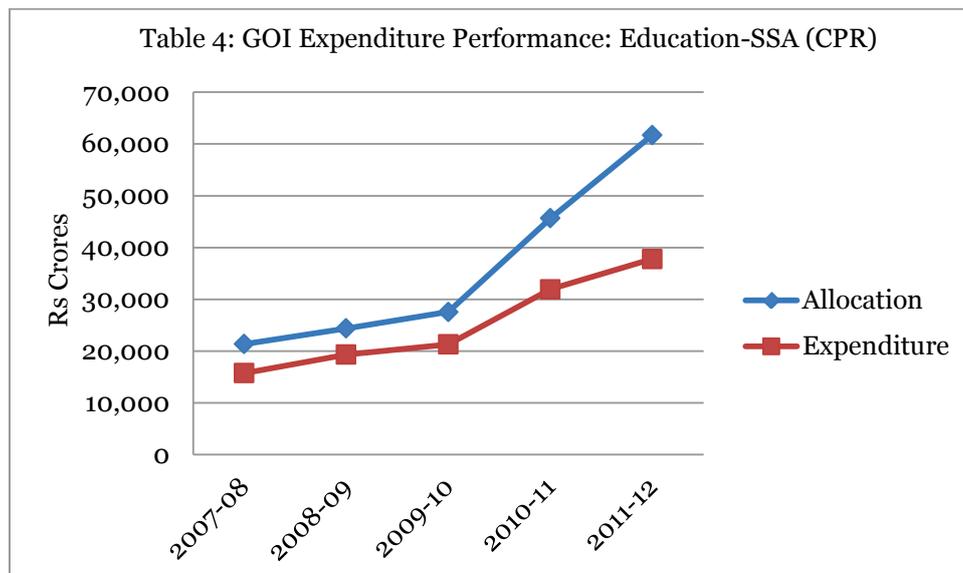
Second, the utilization of these resources has proven sub-optimal. The MGNREGA originally increased the bargaining leverage of laborers, raising agricultural wages in general. However, the number of person days worked per household averaged roughly half of the full 100-day entitlement, declining precipitously in recent years, alongside long delays in wage payments and unemployment allowances and poorly maintained work facilities. And the completion rate of commissioned works nationally was approximately as low as 30 percent during a recent audit by the Comptroller and Auditor General (see Table 3).<sup>27</sup> Senior government officials in the (recently abolished) Planning Commission credited the early positive impact of the MGNREGA on rural wages. But they claimed that capping non-labor costs at 40 percent induced small projects and few durable assets.

<sup>27</sup> See Jean Dreze and Reetika Khera, "Water for the leeward India," Outlook, 24 March 2014; The Hindu, 24 April 2013.



Source: Parliamentary Standing Committee on Rural Development, PRS Legislative Research Blog: <http://www.prsindia.org/theprsblog/?p=3013>

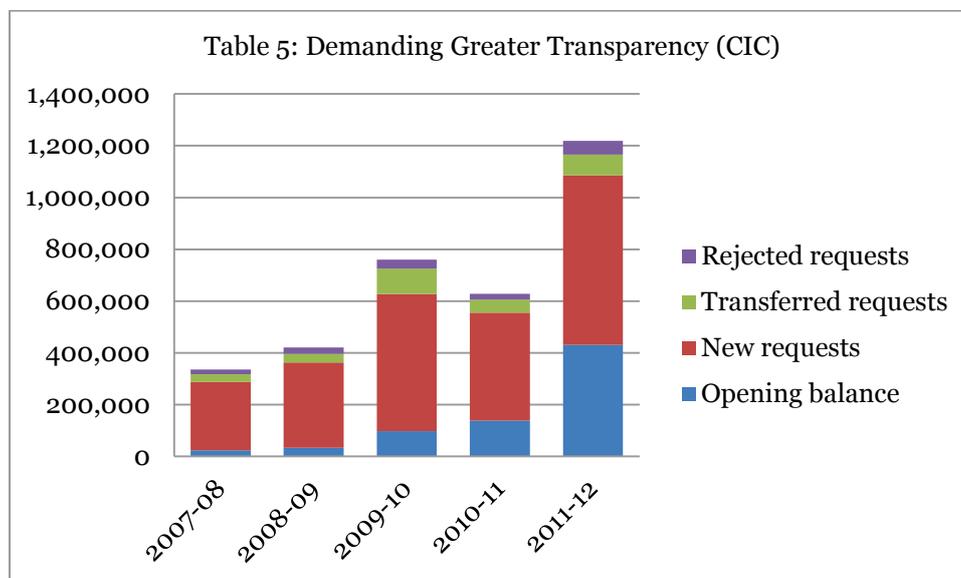
A similarly mixed picture emerges regarding the RTE. In aggregate terms, student enrolments and the number of schools had increased. Yet the failure of many states to recruit, train and retain teachers has led to rising student-teacher ratios and many vacant posts, reaching as high as 40 percent in many regions (see Table 4). Moreover, slow progress in constructing sanitation facilities for boys and girls in many districts has led the latter to drop out in higher numbers. Curricular standards remain deeply troubling.<sup>28</sup> Yet the capacity or willingness of the states to spend allocated resources has declined over time.



The record of the RTI, a powerful new tool that has captured public imagination, appears more positive. Citizens, activists and journalists have employed the right to information to unearth many scams, from the inquiry into the allocation of spectrum in

<sup>28</sup> See Louis George Arsenault, "No high five for RTE," The Hindu, 1 April 2013; Aarti Dhar, "RTE fails to deliver," The Hindu, 1 April 2013.

the 2G telecoms to misappropriated funds, illegal evictions and labor violations during the 2010 Commonwealth Games. Reportedly, its unexpected popularity convinced the UPA government to shelve a proposal prohibiting petitioners from gaining access to bureaucratic “file notings” except for matters concerning development and ongoing executive decisions in general.<sup>29</sup> Yet the utilization of the RTI, the only act which empowers citizens to make a complaint and receive a time-bound reply, has created its own problem: a rising backlog of petitions (see Table 5).



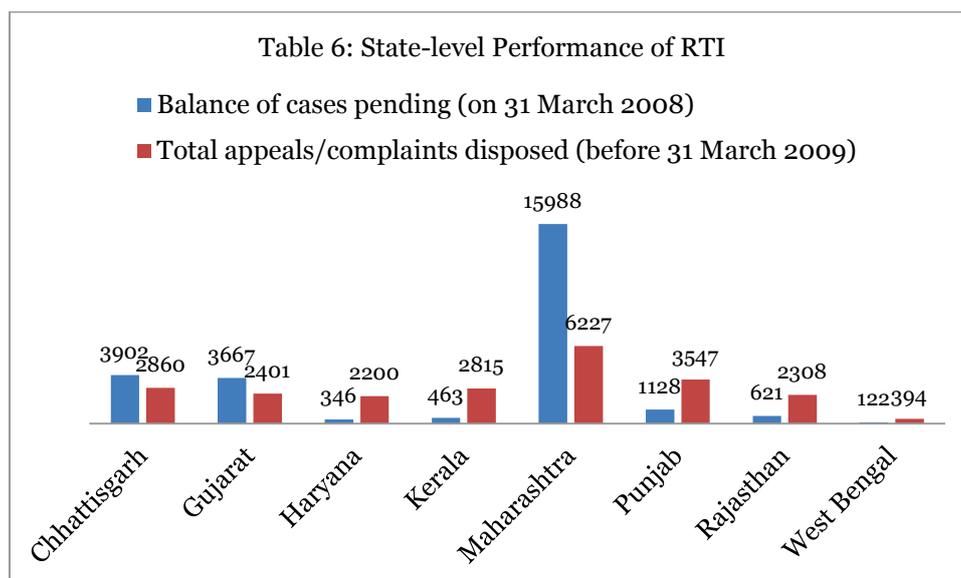
The failure to ensure adequate staffing threatens to undermine its early good work. Otherwise, the very success of the act may tragically reproduce the ‘structural violence’ it sought to eliminate, manifesting itself anew.



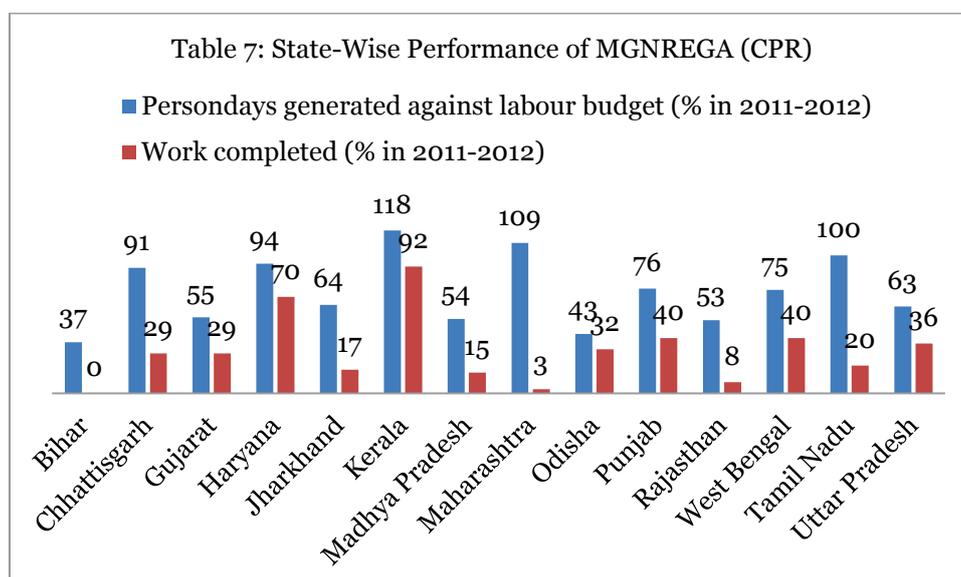
Finally, given the immense regional differences that mark India, state-level performance has varied tremendously across programs, whether measuring the efficiency of states in handling petitions under the RTI, the number of person work days as well as projects completed under the MGNREGA, or the number of teachers and block resource coordinators recruited under the RTE. However, despite contending theoretical explanations of why certain states perform better than others regarding poverty reduction and human development, ranging from the necessity of public action and media vigilance to encompassing left-wing parties and progressive caste-class coalitions

<sup>29</sup> Editorial, “Power of RTI,” The Hindu, 5 November 2012. ‘File notings’ refer to handwritten remarks made by government officials on administrative files, indicating decisions taken and not taken, as they pass through the bureaucracy and executive.

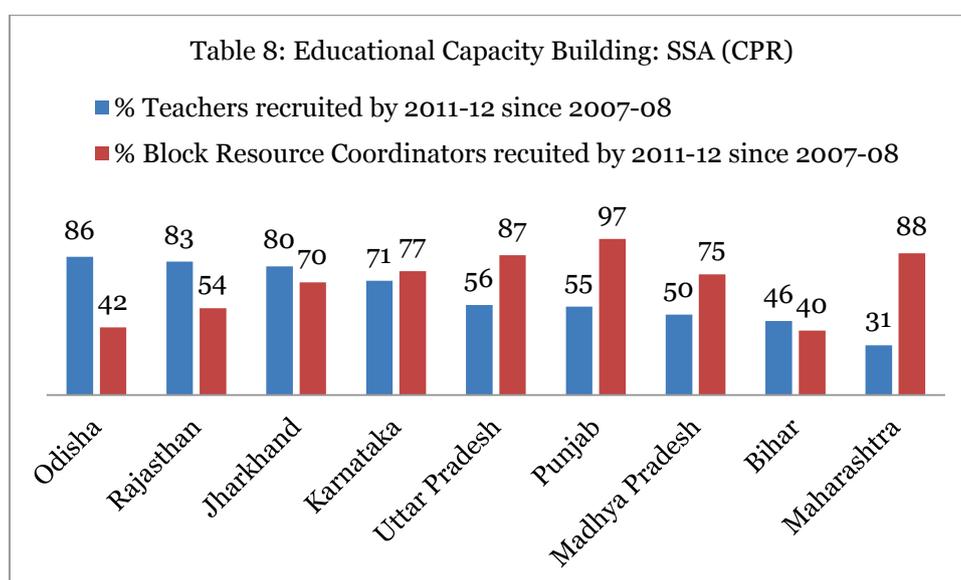
to the strength of subnationalism,<sup>30</sup> individual state performances in implementing specific obligations under various acts do not seem to exhibit uniform patterns (see Tables 6-8).



Source: Raag/NCPRI, Safeguarding the Right to Information



<sup>30</sup> See Atul Kohli, *The State and Poverty in India* (New York: Cambridge University Press, 1989); Jean Dreze and Amartya Sen, *India: development and participation* (New Delhi: Oxford University Press, 2002); John Harriss, "Do political regimes matter? poverty reduction and regime differences across India," in Peter P. Houtzager and Mick Moore (eds), *Changing Paths* (Ann Arbor: University of Michigan Press, 2003), pp. 204-232; Purna Singh, "We-ness and welfare," *World Development*, 39, 2 (2010): 282-293; and Richard Sandbrook, Marc Edelman, Patrick Heller and Judith Teichman, *Social Democracy in the Global Periphery: origins, challenges, prospects* (Cambridge: Cambridge University Press, 2007).



Source: Centre for Policy Research Accountability Initiative, *Budget Brief MGNREGS, 2013-14*

What explains these aggregate patterns? Does the underutilization of funds and mediocre completion rates of the MGNREGA, inadequate recruitment, training and retention of teachers under the RTE and inability of RTI commissioners to manage growing demands for information reflect flaws in the design of legislation? Were these aggregate programmatic outcomes, given the purportedly “flailing” character of the Indian state, destined to transpire? Or are insufficient public awareness, political resistance by local power structures and the absence of in-built grievance redressal mechanisms largely to blame for failures of implementation?

Where, how and why such mistakes occurred in some regions versus others demands further investigation: whether or not state-level politicians have taken advantage of these new programmes, alongside other economic reforms and administrative changes, to enhance social capabilities and create new electoral coalitions; whether or not high-level bureaucrats have encouraged adequate resource mobilization and created proper expectations amongst front-line bureaucrats in the local trenches of the states to discharge their new mandate; and whether or not local civic movements and social campaigns have helped to mobilize community awareness and confront political resistance. Our research seeks to illuminate these questions.

## Methods

Given the timeframe for *New Directions in Social Policy* and desire to compare national experiences, we propose to investigate the trajectory of reform in three national policy arenas: primary education, public healthcare and income security. Gayathri Balagopal and M. Vijayabaskar will jointly investigate income security, John Harriss will analyze primary education, and Sanjay Ruparelia will examine public healthcare and, with inputs from the other team members, compose the overall country study. The three policy-sector papers as well as the country study will be approximately 8,000-10,000 words each.

That said, states in India vary tremendously in terms of economy (patterns of growth, industrialization, employment, social development), politics (patterns of electoral incumbency, volatility and competition, the relative power of left-oriented parties, the autonomy and diversity of labor organizations, professional NGOs and grassroots

movements in civil society) and society (cleavages of caste, religion, class, gender, tribe and age). Given these pronounced state-level differences, to fully grasp the relative effectiveness of these landmark welfare acts requires subnational comparative research.<sup>31</sup>

Two general methodological strategies exist. On the one hand, many researchers pursue controlled subnational comparisons of states that share important characteristics, yet diverge in crucial outcomes. Comparing similar regions would involve choosing among the following state pairs for deeper study: Bihar and Uttar Pradesh, Gujarat and Maharashtra, Madhya Pradesh and Rajasthan, Uttarakhand and Himachal Pradesh, Chhattisgarh and Jharkhand, Odisha and West Bengal, Kerala and Tamil Nadu. According to evidence thus far, Bihar and Uttar Pradesh, the two most populous states of the country that have chronically poor social development records, are not implementing the new social policies well. Conversely, historically progressive states are, especially Kerala and Tamil Nadu. Something may be learned in both sets of cases. On the other, an 'off the line' research strategy, analyzing states that are performing better than expected, might yield valuable insights too. Indeed, a number of historically underperforming states in terms of social development appear to be positive outliers: Chhattisgarh, Odisha, Himachal Pradesh, Sikkim and Rajasthan.

To maximize leverage within the constraints of the overall project, we propose to pursue (a) national-level study of each policy sector as well as (b) subnational analysis of Tamil Nadu, given our relatively familiarity with the state and its historically important role in social policy development, vis-à-vis two to three 'outlier' regions. We will select the latter after completing brief sectoral overviews (please see below).

Our methodology involves three major components:

- Documentary research, data collection and textual analysis: We are compiling a catalogue of important primary documents, secondary material and statistical data from various sources: (a) Supreme Court rulings, national legislation, parliamentary debates, electoral manifestoes, social charters and visual images to determine how particular rights-claims have been presented, expanded or marginalized; (b) national budgets, sectoral analyses, ministerial reports, programmatic audits and government bills to assess whether and how these claims have shaped policy changes, financial outlays and social impacts; (c) analogous reports, surveys and policy documents of major external institutions, such as the World Bank, involved in major reform processes in India; and (d) national survey data from independent organizations, such as the Centre for the Study of Developing Societies (CSDS), Delhi, to gauge public awareness of and support for these new pieces of legislation. Fortunately, many of these resources are publicly available and accessible electronically.
- Concept formation, theory development and critical literature review: In order to conceptualize the emergence and character of India's new welfare regime, we are researching and teaching the existing scholarly literature regarding the comparative historical development of different welfare systems across the industrialized west and global south in the twentieth century. This entails conceptual analyses of rights, needs and entitlements as well as theoretical and empirical studies of economic policy, social welfare, institutional change, judicial activism, party politics and social movements in multiple disciplinary fields. Engaging with the other country teams would help us better understand the Indian case.

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<sup>31</sup> Besides the studies noted in note 31, see Richard Synder, "Scaling down: the subnational comparative method," *Studies in Comparative International Development*, 36, 1 (Spring 2001): 93-110.

- In-depth first-person interviews. Lastly, to fully uncover the trajectory of India's new welfare regime, we propose to conduct semi-structured interviews with a wide range of key actors in New Delhi, Chennai and up to three other state capitals through fieldwork. In general, our list of interviewees comprises Supreme Court justices, public advocates, civil servants in various line ministries, elected politicians, government ministers, activist scholars, leading journalists and social activists, as well as country representatives of important multilateral institutions that may have played a key role in social welfare reform. Each team member has considerable experience conducting interviews with representatives from these fields in New Delhi and Tamil Nadu. However, we also possess strong relationships with colleagues at several academic institutions and research institutes in other states that can help to facilitate necessary introductions.

## Time frame and deliverables

June 2015: Submission of brief national overview (approximately 2000-2500 words) by each team member over their respective policy sectors. (First deliverable)

Summer/Fall 2015: Individual team members conduct primary field research according to their respective schedules.

November 2015: Submission of first draft of each policy-sector paper. (Second deliverable)

April 2016: Submission of first draft of country study.

July 2016: Submission of final policy-sector papers and overall country study in light of consultations with UNRISD. (Third deliverable)

## Budget

The majority of our budget comprises funds to conduct original fieldwork. Hence we request funds to be disbursed according to a 40:20:20:20 ratio: 60 percent upon receiving our respective contracts (April 2015); 20 percent after submitting our first deliverable (June 2015); 20 percent after submitting our second deliverable (November 2015); and the final 20 percent after submitting our third deliverable (July 2016).

The key below explains each category. All figures are in US dollars:

<b>Item</b>	<b>SR</b>	<b>JH</b>	<b>MV</b>	<b>GB</b>
Dom Airfare		1500	1500	1500
Int Airfare		1900		
Accommodation	3600	3600	3600	3600
Food	900	900	900	900
Transportation	900	900	900	900
Consultancy Fee	3000	3000	1750	3000
Institutional Support			1250	
<b>TOTAL</b>	<b>8400</b>	<b>11800</b>	<b>9900</b>	<b>9900</b>

**Key:**

International Airfare: Vancouver-New Delhi

Domestic Airfare: New Delhi-state capitals: \$300 (per flight) x 5

Accommodation: \$120 (per day) x 30 (days)

Food: \$30 (per day) x 30 (days)

Transportation: \$30 (per day) x 30 (days)

Consultancy Fee: to conduct research and report findings

Institutional Support: to cover administrative costs at Madras Institute of Development Studies

SR: Sanjay Ruparelia

JH: John Harriss

MV: M. Vijayabaskar

GB: Gayathri Balagopal