

Social Policy: Towards Inclusive Institutions

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Abstract: Donors have paid little attention to capacity of partner institutions, how they exclude, *and* influence patterns of exclusion and inclusion. This paper tries to develop a framework for interrogating practices of public institutions, how do include and exclude, and how donors relate to these. This is done partly through an analysis of policies for affirmative action.

In many contexts, deep-rooted differences and inequalities continue to pervade progressive public policy practices. The paper shows how in India, social differentiation has been reinforced by policy and political practices, including by donor engagement: through categories and classifications used, official inaction or delays, attitudes of officials, and modes of representation including through civil society organisations.

Policy recommendation revolve around strengthening our understanding about social policy institutions, how they include and exclude, *and* how they impact upon often informal practices of inclusion and exclusion. Engagement with welfarist policy arenas is important, as these provide important battle grounds for marginalised groups, and lessons from these areas provide insight about broader public policy instruments and their ability to promote inclusion. Realism is key, as changing deep rooted attitudes is extremely difficult, and donors need to become more strategic and self-aware in addressing this.

Keywords: *social policy, exclusion and inclusion, affirmative action, social categories, attitudes*

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1. Why a social *policy* agenda?

The answer to this question will be a central theme of the Arusha conference in December 2005, and at the start of this article it may be helpful to highlight my thoughts. Having been associated in the commissioning of social policy research in a development context since the late 1990s, it has struck me how controversial the question remains, and it will be crucially important to position ourselves in this debate.

The debate has been split three ways (at least). On the side of international agencies like the World Bank and DFID, a social policy language has been proposed as adding the arsenal of social development groups, sometimes conflating social 'development' and social 'policy', but mainly as a way to help move social development up-stream, to bring it at par with, for example, macro-economic and public expenditure technical work and policy advice, and to move it out of the corner of residual safety net approaches.

A second corner of the triangle has been explicitly critical of the notion and language of social policy in a development context. IDS Sussex research for example almost entirely rejected a social policy notion, proposing that a livelihoods framework would be more suitable reflecting the diverse conditions, and comparative unimportance of state provisions for well-being in the South.¹ The research at the University of Bath has had a much more intensive engagement with the social policy language, through the inputs by Ian Gough particularly, but this too remained ambivalent about its usefulness, including because of the critiques of Southern partners.²

The large research programme on social policy by UNRISD illustrates the third corner of the triangle, which highlights the importance of social *policy*, but is very critical of the role of international agencies.³ Work by Mkandawire has emphasised the importance of social policy for the late industrialisers and in the process of nation building,⁴ which has been explored in detail for East Asia,⁵ and includes a range of thematic debates, including critical reviews of practices of targeting and universalism,⁶ the residual nature of safety nets,⁷ and how economic and social policies interact.⁸

The question of conditionality exerts great influence on the composition of this triangle. The critique as highlighted in the UNRISD publications highlights the practices of international policy dialogue as much as the concepts, and attempts to reform modes of development engagement (the first corner of the triangle) have often been met with great scepticism. In

particular, attempts to introduce a set of social policy principles – parallel to macro-economic principles – quickly ran into the sand, because of fears of a new set of conditionalities.⁹

My own work puts me squarely in the first camp, and my forthcoming publication focuses on the way a notion of social policy – as an integrated set of deliberate public policy instruments and related institutions¹⁰ – can contribute to social development practitioners' attempts to move 'up-stream', i.e. to engage in the policy dialogue at the macro policy level about social development objectives.¹¹ However, for this to be successful as a contribution, this discussion needs to be at the level of a framework (rather than being prescriptive, which would lead to conditionality), of methods of policy dialogue and ways of engagement in donor policy dialogue. The discussion presented in this paper on inclusive institutions need to be seen in this context, and will include an interrogation whether donor instruments and practices have facilitated moves towards more equitable practices.

2. Implications of a social policy agenda

Thus, a social policy agenda as envisaged here is not about bringing social issues into the debate – this is thought to have received sufficient attention. It is primarily to bring a policy angle to the centre of attention, to strengthen our understanding about how mainstream policy at a macro level is made and is implemented, and how state institutions interact with communities and civil society.

From the perspective of social development advisers, often, this requires strengthening our understanding of how policy is made, and how it is implemented. Of course, since the 1990s much has happened in this area, through the critical analysis of adjustment and other macro programmes (as will be presented during this conference),¹² including through PRSP modalities and PSIA instruments, and through increased emphasis on participation at macro as well as project level (emphasis in this debate is often being on participation rather than content of economic policies). Along similar lines, and also discussed at this conference, enormous progress has been made in considering the social development aspects of development and reforms in 'hard' sectors (eg utilities, power, roads), thus elevating social development out of marginalised welfare sectors.

Despite these new developments, during my time at DFID, particularly in India, it has struck me how urgently we need a strengthened understanding of the macro-level institutions

responsible for the delivery of policy, and of budgeting processes.¹³ In the case of India, this refers to, for example, the complexities of Centre and State responsibilities for social policies, down to allocations for targeted groups or regions. Almost absent, to my knowledge, are studies of the ways 'street level bureaucrats'¹⁴ interact with citizens and representative (and not-so-representative) organisations, and policy makers' perceptions and motivations. Often, we know too little about the *institutions* that are directly responsible for the making of the policies and programmes that directly impinge on well-being of poor (and non-poor) people, and to my knowledge there has been limited attempts to support the capacities of such institutions.¹⁵

Such an understanding would involve an analysis of the political forces and coalitions that have shaped and potentially can shape such policy making. These coalitions and forces are 'path-dependent', and policy making often moves in certain parameters dictated by national histories and cultures of policy making,¹⁶ driving for example preferences for targeting or universalism, ways in which beneficiaries are perceived (as beneficiaries, clients, or citizens), the role ascribed to voluntaristic efforts and state-market-private welfare mix, and even the way in which equity and efficiency are seen as distinct or complementary objectives.

Development actors need a good understanding of the perceptions as well as incentives of key policy makers and their constituencies. Perceptions of justice and inequality are part of such political histories, as discussions on lagging regions in South Korea, Nigeria or Ghana for example have shown. Moreover, addressing disparities is often a core part of agendas of nation building, as is illustrated for example in the political history of affirmative action in India against the prospect of Partition, in Malaysia after ethnic riots, and of course in South Africa's rainbow nation.

This then is the focus of this paper on 'inclusive institutions'. It departs from a belief that donors need to be more attuned to needs for capacity strengthening of social policy institutions (though the paper will not elaborate on this). Within that context, the argument is that we need to have a more critical understanding of whether such institutions are inclusive. The next section tries to locate this issue within recent poverty and development debates, focusing on where an understanding of inclusion fits.

3. Inclusion: a short genealogy of the poverty and development debate

The evolution of the poverty and development debates since the 1980s has been well described in many publications, and hence this section focuses on the most relevant aspects of the genealogy, in particular how notions of poverty have been broadened, and how an understanding of institutions have entered the debate. First, with the critique of structural adjustment, efforts to measure poverty were intensified, and the understanding of poverty has moved beyond the ‘money-metric’ to include aspects of human development (health, education), of vulnerability (particularly after the 1997 crisis), and subjective or participatory definitions of poverty. World Development Report 2000/2001 of course is the main manifestation of these trends, partly following in the footsteps of earlier Human Development Reports.

The most recent World Development Report, dubbed by some as a more significant step forward in the poverty debate than WDR2000 (and of course a major inspiration for this conference), highlights at least two novel issues. First, the importance of inequality, not only from a moral perspective, but also from an instrumental one, ie that the existence of disparities particularly in access to opportunities can limit growth and development (ie pursuit of equity and growth can be complementary). Second, it stresses (as WDR2000 did with respect to poverty) that equity is relevant not only in the sphere of outcomes or opportunities, but also in process, for example in the area of justice systems.¹⁷

Finally, but much less widely accepted, the language of rights has entered the development debate (including, in moderate amounts, in WDR06). As highlighted in a IDS Sussex Working Paper, definitions and usages of the terms have varied considerably.¹⁸ Research from a human rights perspective often finds it difficult to use a paradigm that is different from a more traditional poverty paradigm.¹⁹ In my own experience within DFID, despite existence of policy documents on rights-based approaches, none of the possible frameworks around rights have found wide-spread acceptance, neither in the toolkit of (most) economists nor governance advisers or public sector specialists.

At the same time as the poverty debate broadened, though to a large extent it seems with separate origins, the recognition about the importance of institutions has been growing (highlighted in WDR 2004 as well as WDR2006). In the word of Nick Stern (2002) for example, while there was nothing wrong with the principles of the Washington Consensus, it “said nothing about governance and institutions, the role of empowerment and democratic representation, the importance of country ownership, or the social costs and the pace of transformation. The

development community has learned the hard way, through the setbacks of the structural adjustment programs in developing countries of the 1980s, and the transition of the 1990s in eastern Europe and the former Soviet Union, that these elements are at the heart of the development challenge." The governance and institutions agenda has of course grown tremendously, leading also to critique regarding unrealistic expectation, and call for a 'good-enough-governance' agenda.²⁰

Thus, the development debate has undergone enormous transformation.²¹ Based in practices like PRSPs (far from perfect, but much beyond practices during the 1980s), the understanding of well-being and development have become much richer. However, as I have argued in a reflection on the qualitative-quantitative debate, the mainstream poverty debate generally has not included, say, Weberian notions of *Verstehen*, ie the intimate understanding of people's actions and motivations, or the causes and institutions *responsible* for deprivation (as in the French interpretation of 'social exclusion').²² It has, by and large – and according to Eyben WDR06 would fall into the same category, and some of the work on social exclusion too – continued to focus on descriptions of outcomes, with less emphasis on processes and relations (including of power).

Against this context, this paper focuses on what we know and do not know about institutions responsible for social policy making (as a key factor in understanding 'poverty' in terms of outcomes). As mentioned above, arguably, donor practices have paid insufficient attention to what partner institutions do and do not do, and issues of capacity in particular. This paper will focus on an aspect of the way social policy institutions work, an aspect that I believe has found too little attention: the extent to which these institutions are inclusive, and what role – if any – the international community can play to enhance inclusion in the way these partner institutions operate.

4. Approaches to rights, and limits of donor engagement ?

The main question which underlies the interrogation in this paper – based on my experience in and knowledge of India – revolves around the following. The Indian constitution has been exceptionally progressive in terms of eliminating discrimination (particularly with reference to untouchability), and extensive legislative and policy instruments exist. Yet, the forms of social differentiation these purported to address have by no means disappeared. This

paper will argue that this is not just a case of a lack of capacity – at least in the case of India this does exist. Nor is it just a case of lack of commitment, as this was widely present at least at time of Independence (as described later). Instead there are elements in the working of the institutions responsible for these policies that actively if unintentionally reinforce disparities. It is important to emphasise at the outset that the findings presented here are no generalisation, but are used as an instrument to develop a framework for analysing the way institution impact upon exclusion and inclusion.

To a considerable extent, this discrepancy is highlighted in the language and terms used publicly, in the private sphere. The language of caste or *jati* is of course commonly used, very notably for example in marriage advertisements, where 'caste no bar' is the exception rather than the rule (the Constitution abolished untouchability, but not caste).²³ Similarly, the language of 'tribe' continues to be widespread, including in NGOs and human rights advocates reporting of 'tribals shot by police'.²⁴ As will be discussed extensively later, the Indian administrative practices – as well as the political system – appear to have reinforced the existence of social differentiation, and donors are arguably contributing to this.²⁵

The point here is not that the use of this language *in itself* is wrong or inequitable (the quote about 'tribals', of course, highlights a concern about human rights violations against deprived groups, in this case in Orissa), but that there appears to have been very little reflection on the usage of terms, and that overall the language – including the way 'SC' and 'ST' are commonly clubbed together – remains an illustration of power exerted. There thus appears to be a main difference between the political correctness with which we have become accustomed to in an increasing number of places in Europe and North America (reflecting at least a conscious public policy effort to address discriminatory behaviour, although this by no means guarantees absence of racism), and in the case of India the continuous and largely unreflective use of categories and terms which indicate similar forms of differences and power.

It may be important to highlight – at the risk of over-generalisation – how recent such concerns around language and categories appear to be.²⁶ Notions of rights, for perhaps most of the 20th century, have remained captured in a civil liberties paradigm, as opposed to what may be called egalitarian human rights. The Universal Declaration of Human Rights, arguably, focuses on individual liberties rather than substantive rights. While modes of integration across Europe are under intense pressure, anti-discrimination legislation is a very recent phenomenon (eg Race

Relations Act in the UK 1976), and of course very much disputed (affirmative action in the US is widely challenged, and never accepted as constitutional in the UK). The London Metropolitan Police possibly has made significant progress in addressing racism, but only after intense pressure following the murder of the teenager Stephen Lawrence in 1993.²⁷ In Canada too, now usually known as progressive in terms of integration and immigration, it should be stressed that these improvements have been incremental and fairly recent, building on legislation focusing on Aliens in the early 20th century, popularity of eugenics around World War 2, and continuing debate around well-being of 'natives' including practices of residential schools that have continued for decades after the War.

In International Development, generally race has not deemed to be an issue, possibly because its close links to and deep roots in the colonial period.²⁸ As highlighted by Sarah White,²⁹ stressing "how vitally the meaning of race is contested" and following research by Omi and Winant in the US, "development as a whole may be regarded as a process of racial formation", and social categories are "actively constituted in and through development intervention." Her challenge to the colour-blind stance of development, however, does not appear to have been taken up, certainly not to the extent gender has been (not implying a comment on the success of gender mainstreaming). In my own organisation, recent initiatives under the 'diversity' banner have been restricted to the civil service itself, and largely it seems separated from the programming. The UK intervention in the debate on reparation payments during the Durban conference on racism also highlighted that race was not thought to be an issue.

The point here is not that much progress has not been made. Neither does the limited experience with addressing discrimination provide an excuse for the limited attention in development practices – on the contrary. The central message is that when addressing discrimination, and when we look at the institutions that purport to deal with deprivation of social groups, we ought to be aware of a *dominant tradition* that emphasises civil liberties and rights, rather than egalitarian human rights. On top of this, there is the familiar donor dilemma, of how one incorporates cultural differences into our modes of operation. This paper will not provide clear-cut answers of what to do about these questions, but it will: a) show – mainly with reference to India – that these social differentiation have been reinforced by policy and political practices (and hence are not 'traditional' or just 'cultural'); b) building on that highlight that

donors through their categories and instruments can reinforce these; and c) argue that that looking at the categories we adopt may provide a good starting point for considering processes of exclusion that institutions may perpetuate. Before addressing those issues, the next section argues that an understanding of inclusive institutions need to be situated in the context of processes of nation building.

5. Nation building and citizenship

The emphasis in this paper on the importance of categories derives from three sets of influences. In the first place, our analysis of disparities of social groups in India showed that while interest in this subject in context of NSS analysis has been limited, those disparities are substantial and have not shown any significant signs of convergence – this led us to hypothesise that the extensive programmes for marginalised groups have had limited impact. Second, work by Eyben and Moncrieffe, building on work in the 1980s by Wood and others, emphasises the power of labelling in development practice, which gave me the opportunity to reflect on the categories development practitioners employ.³⁰ In that context, and thirdly, I was heavily influenced by Mamdani's work on Ruanda,³¹ which brings me back to core aspect of a social policy agenda, in particular how this relates to nation building and citizenship.

If I understand Mamdani's analysis of the genocide in Ruanda correctly, the following aspects are of key importance for how we are to understand inclusive institutions in many of the countries we work in. First, processes of nation building are of relatively recent origin, and social contracts therefore relatively unstable (an issue that will be highlighted later with respect to Orissa in India). Second, processes of nation building inevitable involve processes or decisions about inclusion or exclusion of groups (though of course in many varied ways, eg Tanzania vs Ruanda). Third, these processes have historical origins, are path-dependent. As Mamdani highlights for Ruanda, the Hutu-Tutsi differences were actively created under colonial rule, following the colonial ruler's urge to identify an intermediate group for indirect rule, using for example the instrument of the Census (in the 1930s), and overcoming practical problems in separating the two identities to create mutually exclusive categories. The differences were racialised, beginning under colonial rule, and of course taken to the extremes of subsequent genocides.

Processes of nation building set the broad parameters within which we are to understand the inclusiveness of institutions. The processes that led to the violence in Ruanda illustrate one extreme on a continuum of the extent to which national institutions managed to promote inclusion and exclusion. The Tanzanian experience, presented during this conference, presents an example at the opposite end of the scale, where nation building, by and large implied inclusion of all citizens.

In many countries, but insufficiently studied, forms of affirmative action have been a central part of these processes of nation building. This included integration of ethnic diversity, rebalancing economic power of majorities, and integration of minorities. First, the Nigerian and Ghanaian states' macro-level institutions (fiscal instruments, civil service appointments) form a prime example of strong emphasis given on ensuring inclusion, even though lack of accountability and patronage politics have probably limited positive benefits from these policies.³²

Second, while East Asian states and particularly their 'inclusive' social policies, generally, have had nation building as a prime focus,³³ Malaysian affirmative action was a central element in reconfiguring the nation states: it followed severe ethnic riots in 1969, primarily focused on restoring the imbalance in economic power between ethnic Malays and Chinese and Indian settlers, but had a clearly 'productivist' orientation through the New Economic Policy.³⁴

The remainder of this paper will focus on Indian state institutions, particularly those responsible for addressing deprivation of specific social groups, which highlights the third form of affirmative action, focused on integration of minority groups (excluding, by and large, religious categories). After Independence, the Indian state – operating in a 'concentrated multi-polar ethnic setting'³⁵ – of course took an explicitly 'secular' turn, where with the exception of Partition and relatively sporadic (state-supported) violence against minorities. The main question of relevance for this paper though is around the ways in which minorities have been integrated within the process of nation building, through a set of explicit public policies. This will be described in some detail in the next section.

6. Social justice in the Indian Constitution

“The constitution of course promises to integrate and provide them space for participation and share in state institutions. However, the state administrative machinery, is manned mainly by personnel from the dominant communities, is indifferent, discriminatory and even hostile to the entry of the tribal people in these modern institutions. They are not only kept excluded but also discriminated through various kinds administrative recruitment procedures and practices.”³⁶

The Government of India approach to historically marginalised groups draws on provisions made in the Indian Constitution, which contains explicit state obligation towards protecting and promoting social, economic, political and cultural rights. “The State shall promote with special care the educational and economic interests of the weaker sections of the people and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation” (Directive Principle of State Policy, Article 46). The Constitution officially abolished untouchability, and any disability arising out of its enforcement. It mandates positive discrimination in government services, state run and sponsored educational institutions and legislative bodies, and amendments to the constitution enabled representation of SC men and women in local governance structures.³⁷

Who belongs to the target groups is less clear than may be assumed.³⁸ In defining who would be included in the Schedules, the government originally used the 1931 census report (also the last census that had information at the level of *jati*), and to a large extent duplicating a list created in 1936. For Scheduled Castes (SCs) this focused on backward communities in terms of untouchability or ‘polluting’ status, combined with economic, educational and local political criteria. For Scheduled Tribes (STs) key indicators referred to spatial and cultural isolation, closely correlated with socio-economic deprivation.³⁹ Currently, the National Commissions for SC and ST are vested with the responsibility of considering castes for inclusion or exclusion from the Schedule, which needs to be ratified in Parliament. The group classifications have gone through various stages of attempts reformulation, of scheduling and de-scheduling, has been

widely debated, and the process has become politically sensitive particularly with the introduction of the category Other Backward Castes.

Policies for marginalised groups exist in three areas, of – in general terms – human rights protection, economic empowerment and poverty alleviation, and affirmative action. First, legal safeguards against discrimination include enactment of the 'Ant-untouchability act' of 1955, renamed the protection of Civil Rights Act in 1979, and the Scheduled Caste/Tribe Prevention of Atrocities Act of 1989. Under the first Act practices of untouchability and discrimination in public places and services became treated as offence, while the second provides legal protection against violence and atrocities by high castes. Annual reports show the way these policy measures are monitored, with consistent high levels of violence categorised as directed against deprived groups.

The second policy area focuses on the economic interest and empowerment of deprived groups, through education and anti-poverty programmes. States make special provision for the advancement of deprived groups, through reserved seats for SCs and STs students, financial schemes, scholarships, special hostels, concessions in fees, grants for books, remedial coaching etc. Nodal departments run various income generation programmes under the rubric of poverty reduction, and apex financial organisations exist to develop entrepreneurial skills and provide credits for deprived groups. A fairly recent innovation in the policy framework has been the Special Component Plan (SCP), which provides financial allocation from the general sectors in state and central plans, equivalent to the percentage of deprived groups to the population. It is an umbrella programme, intending to dovetail all public schemes to the different needs. In addition, the Special Central Assistance fills critical gaps in the state Special Component Plan.⁴⁰

The third, and most controversial area consists of reservation, operating in three spheres: government services, admission in public educational institutions (mentioned above), and seats in central, state and local legislature and bodies (over time the scope of reservations has expanded to include government housing, government spaces for shops and commercial activities, etc). Reservation quotas are formulated on the basis of shares of total population. Some services are excluded from reservation, particularly the judiciary and defence. The reservation is accompanied by special provisions to enhance the ability of these groups to compete for government jobs, including relaxation of minimum age and of standards of suitability, relaxation in fees, provisions for pre-examination training, separate interviews, and

provision of expert from SC/ST background on selection committees. Further, the Constitution provide for reservation of seats for Scheduled Castes and Scheduled Tribes, in the central and state legislatures, and in local bodies at district, taluk and village level. Reservation is proportional to population shares, and the constitutional provision of reservation is complemented by statutory provisions to enhanced political participation, like smaller election deposits are required from members of these groups. Unlike the reservation in government service, a time limit for political reservation exists, and is extended every ten years.

Affirmative action is confined to government and government-aided sectors of services and educational institutions. Private enterprises and educational institutions have been excluded from the purview of the policy. Under the coalition government that came into power in 2004 a debate about reservation in the public sector has been initiated. This has been informed, partly, by activists' concern over the decline in employment in public services since the 1990s, under economic policies of liberalisation. Opinions about the desirability of such an extension are predictably diverse, and the government have put much emphasis on a process of consultation before proceeding with legislation.

Successive Five Year Plans indicate gradual public policy changes.⁴¹ Initially, the focus was on the enforcement of legislation to prevent atrocities (which seems to have remained unchanged), and on focussed and additive programmes to the general development schemes. The assumption was that overall development programmes would be tailored at the field level to suit the needs of these groups. The 5th Plan Period concluded that development expenditure was not focussed on these groups, the new mechanism for fund allocation from the general budget, SCP, was introduced. During the 1990s, when a 'rights and empowerment' discourse found currency, and the Plan committed itself to a three pronged strategy of social empowerment, economic empowerment and social justice. Finally, analysis for the most recent Five Year plan highlighted how far Adivasis processes of forced integration into mainstream society – rather than backwardness, isolation – was key to problems of exclusion.⁴² However, these changes have not been accompanied by radical changes in programme content, or monitoring frameworks.

The monitoring of these programmes is carried out by a number of official bodies.⁴³ At the Government of India level the Ministry of Social Justice and Empowerment for Scheduled Castes, Other Backward Castes and Minorities, is responsible for addressing and monitoring of programmes – and there are corresponding departments at state level. In the 1990s National

Commissions were set up to facilitate SC, STs, OBCs, Minorities and the Safai Karamcharis (Scavengers) in claiming their rights – again with corresponding state commissions. The monitoring tends to have a strong quantitative focus (eg numbers of students from deprived groups), and is input oriented, with little attention to changes in attitudes for example, and in this was potentially contribution to a reaffirmation of the currency of existing categories.

Compared to the rich body of literature in the US or UK, or to the extensive Indian debates on poverty trends, remarkably little academic or independent analysis exist regarding the impact of reservation policies. In the case of Orissa, which is discussed later in this paper and which is marked by large disparities between social groups, very little knowledge existed about the impact that existing policies have had on reducing these disparities. What evidence exists points to general very poor performance even at the level of utilisation of funds. Arguably, the absence of this information and lack of public debate in itself is related to a lack of accountability, of organised demands to know about how public policy is performing.

Existing analyses show contrasting pictures, maybe particularly around reservation where the vulgar vote bank politics in which these policies are embedded (discussed below) is contrasted with positive assessment of perhaps slow and intangible but very important symbolic changes brought by these public policies. Regular official monitoring reports and reviews, exist of course, but monitoring has a strong focus on inputs, without for example assessing impact on poverty or human development indicators. Statutory bodies are thought to have remained fairly ineffectual, partly because its functionaries often are political appointees.

7. Identities reaffirmed

In the newly independent countries during the middle of the 20th century, there was great optimism about the potentials for economic and social progress. Indian politicians early after Independence expected caste would soon disappear. For example, in the words of H.V. Kamath, a member of the constituent assembly:

“before ten years ... there will be no socially and educationally backward classes left, but that all the classes will come up to a decent, normal human level, and also that we shall do away with

this *stigma* of any caste being Scheduled. This was the creation of the British regime⁴⁴

Caste was not only seen as a barrier to progress, and as incompatible with democracy, but there was general optimism that the system would soon dissolve.

Inevitably, particularly the area of affirmative action has been marked by contradictions (inevitable, as principles of liberal and egalitarian justice lead to opposing principles of social policy). First, while the Constitution is explicitly 'secular' (without reference to religious symbols, and emphasising equality of all citizens) it prescribes for state agencies to recognise caste and tribe, through the provisions for advancement of Scheduled Castes and Tribes – later extended to 'other backward castes' – based on the group taxonomies rather than, say, forms of individual means testing, or universalism. Second, the terminology of caste and tribe is far from self-evident. In particular, what constitutes caste and jati has been subject widespread scholarly, activist and political debate.⁴⁵ These categories appear to have become much more important, and certainly have changes substantially, under subsequent phases of state formation.

The policies have evolved through political compromise. The form of political representation that the reservation entailed was, first, the result of the compromise between Gandhi and Ambedkar, by many Dalit activists interpreted as a defeat compared to the option of separate electorates.⁴⁶ Subsequently, Ambedkar was responsible for drafting the relevant sections of the Constitution. Much later after Independence, the policies of reservation became integral part of the 'extension of democracy',⁴⁷ and of the rise caste politics in many parts of the country, that has given much more agency to deprived groups (deprived castes much more than Adivasi or religious groups).⁴⁸

In the context of this paper, it is of course impossible to adequately describe the changes in social differentiation in India, and the impacts of affirmative action.⁴⁹ Three issues can be highlighted, however. First, national data suggest that disparities between social groups continue to exist. Despite the existence of extensive policy frameworks described above, significant gaps in poverty rates in particular continue to exist. Even with standard statistical analysis, continued 'discrimination' can be shown, in the sense that differences in poverty rates cannot be explained by differences in recorded indicators of capabilities (education in particular). This is not to argue that social differentiation has remained unchanged – indeed it has changed remarkably though

with enormous variation across India – but to point out that despite all changes significant disparities remain.

Second, this is also not to argue that these policies have not worked (merely, that their impact has been limited). Though popular debates have stressed the negative impacts of affirmative action – eg in terms of decline in efficiency, and ‘creamy layer’ of the few who have benefited from reservation – there is much evidence regarding positive benefits. Weisskopf’s comparison of affirmative action in the UK and India for example highlights the positive effects in access to and performance in education.⁵⁰ Micro evidence also highlights the enormous impact access to education and jobs can have on the status and confidence of individuals of deprived groups, and how these help other family member to raise their socio-economic status.⁵¹

Thirdly, and arguably most important, the way in which policies for social justice have been implemented, have led to a *reaffirmation of identities*. It has done so through the various policies and programmes – including through civil society organisation – that have included SC and ST categories and targets as part of their official vocabulary, and of course through the reservation particularly in senior positions.⁵² This has contributed to the articulation of groups *as* caste, to struggles around inclusion in schedules, and in some cases complicated processes of claims for and subdivision by groups, to be included or excluded from lists and reservations.⁵³

Caste or ‘casteism’ has become an inseparable part of the Indian political arena,⁵⁴ in ways that many of the progressive leaders after Independence almost certainly could not have imagined. The rise of ‘caste politics’ in the 1970s – or in the more positive assessment of Shah (p.28) the ‘democratic incarnation of caste’ - has usually been associated with the decline of the unchallenged post-Independence power of the Congress party, thus ushering in a new way of contestation around Indian citizenship and justice. Attempt by V.P. Singh’s government in 1990 to implement the Mandal Commission report – primarily, the extension of reservations to OBCs – at least in North India added a much stronger and disputed dimension to the role of caste in politics. Finally, quotas at the panchayat level of the electoral system introduced through the 73rd Constitutional Amendment have had enormous impacts. These processes of course have given much more voice to the previously deprived groups, making the democratic process a ‘messy’ one, but also leading to a much stronger articulation and reaffirmation of identities particularly around castes, including as Alam (1999) highlights among higher castes.

The reaffirmation of caste identities highlights what may be a major dilemma in instruments of social policy, and in terms of modes of national integration. The point is not that the way the policies have evolved in India has made the process messy (though in places it certainly is), or that the complexities make this unworkable (given capacities, this does not appear to be the case). The key point is that while the policies were set up to reduce the importance of the disparities, by and large they appear to have strengthened the awareness of differences, and have strengthened these as social identities. As I will argue later this is not necessarily a bad thing, but means that an assessment of the inclusive character of institutions need to take account of the dynamic contexts in which they operate, and that the impact of formal policies are determined at least as much by the context in which they operate as by their publicly stated intentions. This will be illustrated later with reference to Orissa, but the next section first reflects on the way donors have contributed to the dominant policy responses of India's public policy institutions.

8. International agencies

How the international community have contributed to the development of this policy debate and the institutions described above, too, could be the subject of a separate study. My own experience – primarily, of three years of working with DFID in its Orissa programme, with some exposure to centrally sponsored schemes – I conclude that we have by and large failed to question or problematise existing categories, and that some of our practices may actively reinforce them.

Possibly inevitably, a large part of the policy dialogue is marked by silence. Affirmative action has generally remained outside the radar screen of donors, and welfare ministries have generally not received much attention. Budget support discussions, a fairly new instrument within India, do little in terms of interrogating sector-level policy instruments – despite the potential importance of the cross-cutting Central Component Plan. In the case of Orissa, the lack of organised voice among deprived groups (and the averse government-civil society relations) have led to an near-absence of dialogue between civil society and donors.

As hypothesis, and again by means of developing to assess inclusion, I put forward that many of the mainstream social development instruments too do not build in a critical assessment of impacts on social differentiation. A first example relates to the role of safeguards, in relation

to involuntary displacement and indigenous people, which of course has made lending much more sensitive to impacts on marginalised groups. However, and particularly in my experience in the appraisal of multi-donor support to primary education, the application of safeguard requirements can contribute to an objectification of marginalised groups, and in fact limit discussions about inclusion.⁵⁵

A second example is around budget analysis, and participation in budgeting, which too has rapidly developed during the last decade or so, and often supported by international organisations like UNIFEM, IDRC and DFID. In the Indian case, examples of both gender and 'tribal' budgeting exist.⁵⁶ Though gender falls outside the social differentiation discussed in this paper, it may be helpful to highlight that most of the analysis has focused on allocations and shortfalls in actual expenditure for women in state and central budgets. A few organisations have, along similar lines, focused on tribal budgets, in the case of Gujarat for example highlighting injustices in financial allocations to tribal areas.⁵⁷ These advocacy efforts critically assess governments' commitments, including in terms of differences between stated objectives and implementation, but by and large do not problematise the categories used, or on the potential impacts of their use.

Further, partly reflecting a long tradition in India, other parts of donor-supported programmes have a very strong emphasis on targeting of social-ethnic as well as socio-economic groups. Some of the discussions of the pro-poorness of electricity provision revolved around numbers and proportions of SC/ST users. Targeted livelihood projects like watershed development similarly include social categories besides indicators of land ownership and water access (of course, in many case economic and social indicators of deprivation overlap). Forestry work is almost automatically targeted to tribal groups. An advanced form of targeting is found in primary education programmes. Building on NGO-led experiences like Lok Jumbish that have successfully reached remote tribal groups in Rajasthan, the centrally sponsored scheme SSA has a primary focus on bringing primary education to the last remaining deciles of the population, often implying adivasi communities. Clear output targets are set, and elaborate delivery and monitoring mechanisms ensure strong control over the delivery of services (led by centre, but implementation a state responsibility). Local participation is central to the programmes, seen both as an essential element for delivery particularly in remote areas, and as a way of adapting

the programme to locally specific needs, for example with respect to translations in local languages.⁵⁸

I do not share the full-fledged critique of approaches to targeting,⁵⁹ as targeted programmes in the context of inclusive policies can play a key role. On the one hand, in the circumstances of for example education in India, and seen as a temporary strategy, the targeted approach for remote rural communities may well be the only or best way to deliver on the constitutional commitments to education. Designed as it is with strong progressive inputs, providing in principle space for diversity, it has enormous emancipatory potentials, and certainly in education form a *sine qua non* for broader empowerment. On the other hand, the question remains whether the instruments risk reinforcing the stigma and discrimination of the targeted groups. At least the donor debate has a strong focus on quantitative outputs, with much less attention – at least in my experience – to for example quality and in particular content of education and attitudes of teachers (which has been a key element of strategies to address discrimination and stereotypes elsewhere). The following section, focusing on India's poorest and also very unequal state, will try to show how impacts of policies are conditioned by the same social structures as they aim to address.

9. Public policy responses to disparities: focus on Orissa

In a paper prepared as background paper for WDR 2006 on Orissa⁶⁰ I asked the question why across India, institutions which have the same central origin and modalities work so differently in different places. This started from the observation that Orissa is not only one of India's poorest states (by poverty and human development indicators), but it is also extremely unequal. It is marked by large differences between regions, highlighted by perennial reports on starvation deaths in southern Orissa. The regional disparities overlap significantly with differences between social groups, particularly through the concentration of adivasis in non-coastal Orissa.

As elsewhere in India, a broad set of policy instruments exist for rural development and to alleviate poverty, but – by and large – the institutions appear to work least where they are most necessary. The uptake of central funding is often less in India's poorest states, because of a lack of matching funds in states with fiscal challenges, but also limited administrative capacity as well as political commitment (the difference between Orissa and Andhra Pradesh is often

highlighted). Second, a poor state like India usually does badly in terms of utilisation of funds, an issue often highlighted in the press but without notable effect. Third, there is very little evidence about the performance of such programmes, and arguably this can be addressed to a lack of accountability, or sustained advocacy.

The special programme for the 'KBK region' illustrates many of the problems with policy implementation. Orissa's southern region has received a great deal of political interest for decades, resulting in an area-specific programme started in the late 1980s (one of only three across India), multi-sectoral and long-term, with very substantial central funding. Existing reviews show a multitude of implementation problems: it adds to the complexity of 'mushroomed' programmes with many overlapping objectives, overstressing the bureaucracy; start of implementation and spending have been extremely slow, leading to 'redesign'; even in 2003⁶¹ the programme headquarters was understaffed (empty vacancies across the region is a main cause of lack of performance across programmes); utilisation of funds was in the range of 75-80%, varying greatly across sectors (agriculture-related schemes appeared unsuccessful, more targeted schemes performed better).

These targeted policies are likely to be ineffectual against the deep-rooted constraints caused by at least three sectoral issues (all probably influencing programmes like KBK in particular). First, forest policies historically have prioritised state revenue generation, and recent progressive reforms have been unable to break through vested interests. Second, land policies have undergone dramatic transformation on paper, but lacked the teeth to provide secure access for poor people. Finally, development-induced displacement with a very patchy record of resettlement and rehabilitation has undermined the livelihoods of many. These issues generally do not feature highly on policy and reform agendas.

My earlier paper argues that the 'overdetermination' of disparities – a term I think coined by Tony Bebbington – has long historical and deep institutional roots. Significantly, Orissa is generally regarded as a quiet and law-abiding state, not marked by the messy processes of Bihar and UP for example. Chief Ministers may be regarded as ineffective, but generally do not have the image of corruption and maladministration in other poor states. This image may not be entirely inaccurate, but I argued that this is the result of unchallenged social structures that are extremely discriminatory against social groups, perhaps particularly of tribals, and of the absence of political or advocacy structures representative of their interest.

The nature of this discrimination needs further investigation (again, the absence of such analysis may be indicative of the issue), and particularly how this is reflected in policy practices. From available evidence I conclude that the inclusiveness of public policies is limited, in the following respects:

- State politicians have shown remarkable indifference to some of the worst excesses of poverty in the state. I was struck by the relative *inaction* – compared for example to actions by Bihar's CM – of politicians to reports about starvation deaths (during 2001-02).
- Further, the *mode of response* to these crises, with long discussions whether deaths occurred to starvation or otherwise (i.e., eating of mango kernels), has tended to focus on relief efforts, thereby continuously ignoring the structural nature of deprivation,⁶² and for example not led – to my knowledge – fundamental enquiry about existing and well-funded programmes like KBK.
- While decentralisation is by no means a guarantee for more adequate policy responses,⁶³ it is remarkable how *centralised administrative control* in Orissa is. Decentralisation to Panchayat levels is less developed than in most Indian states, and districts largely ineffective as units of planning (as highlighted for example in review of education programmes).
- Orissa's political and administrative elites has had a remarkably small *social base* (high-caste Brahman-Karan, coastal based), exceptionally unchallenged, to a great extent resulting from being a young state, with on-going patterns of internal colonisation.⁶⁴ Centralised politics by no means necessarily hampers inclusive action, but this leads to an interrogation of the extent to which state leaders *can and do represent* (and articulate) the interests of deprived groups. In the case of Orissa, senior officials do little to hide discriminatory attitudes towards sub-altern groups.
- Elected *representatives from deprived groups* in Orissa have done remarkably little to change the dominant elite nature of politics,⁶⁵ bringing into question the impact of affirmative action (political reservation) in this particular context. While as argued above, the 'creamy layer' created by affirmative action is not necessarily a negative outcome, in the case of Orissa it remains questionable whether the form of political representation has been in the broader interest of the poorest. The predominant nature of civil society

organisations in Orissa (including because of its commercialisation after the 1999 super-cyclone), and the way government officials relate to them, underlines the lack of representation within the state.

- The *categories employed* in the government development and poverty alleviation programmes do clearly highlight Orissa’s poverty profile, but do so in a way that arguably contributes to marginalisation within the policy debate. It is generally seen as a given that tribal areas are poor, and often in a way that seems to assume that adivasis are poor because they are tribal (whereas tribal identities and socio-economic position are the result of the mode of integration into mainstream society, and this of course ignores the enormous diversity between ‘tribal’ groups).⁶⁶
- The *style of governance*, particularly in ‘tribal’ areas, appear to remain a reflection of the pattern of internal colonisation. Rew observes how ‘governance’ in Keonjhar shares many of the characteristics described by Bailey in the 1950s, in which the government is an adversary, “there as an entity, solid, substantial and personlike’, insensitive to local context.⁶⁷ As elsewhere in India,⁶⁸ stereotypes about tribal remain widespread.

This list of issues around public policy institutions and responses in Orissa, described in greater details elsewhere, suggests the following. The existence of progressive policies, of course, is by no means a guarantee that those institutions function in inclusive manners, and in the case of Orissa there is very little of tangible impact of the Constitutional provisions addressing injustices against marginalised groups. But beyond that, progressive instruments can become tools for further or continued disempowerment. The debates over starvation deaths, apart from frequently blaming tribals for ignorance in eating mango kernels, while functioning in relief mode (with colonial public policy origins) and locking advocacy efforts into claims for distribution of food, have continued to deny the structural nature of deprivation (and reinforce the categories of difference employed). The way policies towards the KBK have been formulated and implemented have continued to reinforce the political disparities between the coastal-based elite and inland tribals. These inequalities pervade all institutions, economic and political relations; demands on public policy institutions to promote inclusion are thus of an extremely tall order.

10. Conclusion

The main objective of this draft paper has been to work towards a framework for assessing whether public policy institutions are inclusive, whether they promote inclusive practices and attitudes, to think about ways in which donors can promote institutional change. In doing so, the focus has been on policies for affirmative action. These are deemed important, because of the role they have played in processes of nation building and the way these have included its citizens, and because these policies are usually key to advocacy efforts by marginalised groups. Moreover, by interrogating perhaps not very widespread (though more common than often assumed) but very illustrative practices that focus on inclusion, the finding may help to build a framework for understanding the way other public institutions function – including in the 'hard sectors'.

There are at least two key lessons that emerge from this discussion about affirmative action. In the first place, in the case of India, there is a remarkable discrepancy between on the one hand the constitutional commitments and the hopes and expectations of progressive leaders to abolish social differentiation and stigma, and on the other hand the continued use of terminology and practices that decades later show that 'caste' has been transformed but certainly has not disappeared, and 'tribe' has remained a largely unquestioned category.

Second, significant questions emerge about the impact of categories and instruments for achieving justice for specific groups. These actions by themselves have not been sufficient to change attitudes towards deprived groups, as highlighted in public language, as well as in behaviour and attitudes of officials. The usage of 'tribe' and 'caste' in India, far from being 'traditional', has evolved through the operation of nationally-specific politics and policies, including practices of targeting, and has unintentionally recreated and reinforced identities. Review of public policies in Orissa suggests that under conditions of severe social inequalities that permeate all institutions, such policies are likely to lack effectiveness. Moreover, and perhaps most serious, the adoption of categories designed to achieve justice in such conditions may contribute to reinforcing these inequalities, through objectification of groups, and through the way in which elected representatives are integrated into the political system and lines of accountability.

This is however not simply a dilemma, and does not lead me to the conclusion that such targeted and affirmative actions are undesirable. As mentioned, they exist as important

instruments for advocacy, and targeted policies within an inclusive system can play very important roles. The question is how the usage of such categories can become emancipatory, under what conditions for example identities become to signify differences rather than inequalities. On the basis of the review of public policy responses in Orissa, I suggest that the inclusive nature of institutions can be scrutinised along the following lines, focusing on the processes rather than the outcomes. First, public policy reactions to development failures highlight strength of accountability, and slow responses as in the case of Orissa are likely to be the result of lack of sustained public pressure. Second, modes of response, and particularly ‘relief’, efforts highlight the extent to which institutions define such failures as natural or the result of public policy failures, particularly against deep-seated inequalities. Third, channels of response matter. Decentralisation is not a sufficient condition for inclusive action, but the extent of effective decentralisation is often a sign of strengthened accountability. Representation by deprived groups in public institutions, similarly, is a sign of increased responsiveness, but also not a sufficient condition, as many such leaders have shown little sign of representing their groups interests. Fourth, the nature of the political elite, its social base, can be an important predictor for the likelihood of inclusive action, notwithstanding the key role enlightened elites have played historically. Fifth, of the way categories are employed – as way of control or allowing strengthened identity assertion – too can define the inclusive nature of public policy institutions. And finally, the attitudes of officials and power holders are of course key, and we probably need much more empirical research to understand these. The issues highlighted here are by no means new; they are meant as part of framework to assess institutions on their inclusive nature, and to enhance the awareness among the donors that directly or indirectly support these institutions.

Notes

1 Devereux, S., and S. Cook, 2000, 'Does Social Policy Meet Social Needs', IDS Bulletin, Vol.31, No.4, October, pp.63-73; in this ('social policy') research programme, the differences with Northern welfare state experience was crucial in the virtual rejection of the social policy notion.

2 Gough, I., and G. Wood, 2004, *Insecurity and Welfare Regimes in Asia, Africa and Latin America*, Cambridge University Press.

3 See also the earlier work sponsored by IDRC, Morales-Gómez, D., ed., 1999, *Transnational Social Policies. The New Challenges of Globalization*, Earthscan, London.

4 Mkandawire, T., 2000, 'Social Policy in a Development Context', Geneva: UNRISD; Mkandawire, T., ed., 2004, *Social Policy in a Development Context*, UNRISD, Palgrave Macmillan.

5 Kwon, Huck-ju, 2004, *Transforming the Developmental Welfare State in East Asia*, UNRISD, Palgrave Macmillan.

6 Townsend, P., 2004, 'From Universalism to Safety Nets: The Rise and Fall of Keynesian Influence on Social Development', in: Mkandawire, ed., pp.37-62; Mkandawire, T., 2005, *Targeting and Universalism in Poverty Reduction*, UNRISD.

7 Tandler, J., 2004, 'Why Social Policy is Condemned to a Residual Category of Safety Nets and What to Do about It', in: Mkandawire, ed., pp.119-42.

8 Elson, D., 2004, 'Social Policy and Macroeconomic Performance: Integrating 'the Economic' and 'the Social'', in: Mkandawire, ed., 63-79

9 See Deacon for a description.

10 This follows the broad and deliberative definition of social policy relevant to LCDs as proposed by Aina, which emphasises both 'socially desirable goals' (ie a notion of justice) and the 'legislation, institutions, and administrative programs and practices' through which these goals can be achieved; Aina, T.A., 1999, 'West and Central Africa: Social Policy for Reconstruction and Development', in: Morales-Gómez, ed., pp.69-87.

11 As usual, language turns out to be important. At a recent conference in Beijing on Pro Poor Growth, country director David Dollar - while stressing that he believes the contribution of economists is rapidly diminishing, and more political science is required - spoke about health and education policies as 'micro', reserving the language of macro policies for macro-economic policy.

12 Of course, one of the main critiques of PRSPs has been that the macro-economic approach has not changed substantially since Structural Adjustment; see for example Frances Stewart (one of the first to critique SAP) and Michael Wang, *Do PRSPs empower poor countries and disempower the World Bank, or is it the other way round?*, Queen Elizabeth House Working Paper Number 108, October 2003. See also the recent *Development Policy Review* (2005, 23, 4), for example Ricardo Gottschalk (pp.419-42), 'The Macro Content of PRSPs: Assessing the Need for a More Flexible Macroeconomic Policy Framework, which highlights the need for more flexibility in macro-economic frameworks, to deal with external shocks and volatility.

¹³ For example, I have been struck by the absence of social development discussion or guidance around public spending, both levels and composition, an area that in OECD countries are a core element of social policy debates. Historical research has shown the relationship between extension of public spending, economic growth, extension of democracy or political voice, and ethnic homogeneity; P.H. Lindert, *Growing Public. Social Spending and Economic Growth Since the Eighteenth Century, Volume 1*, Cambridge University Press, Cambridge, 2004.

14 The reference is of course to Lipsky's 1980 classic study of 'street-level bureaucracy', which focused on the front line practice in public organisations.

15 Two points in this context, of relevance to donor organizations. First, structural adjustment has perhaps not led to a decline in funding for social relative to other sectors (Killick 1999), but donors have focused on working with finance ministries, with at least a perception among some social sector ministries that this has led to decline of their capacity (.....). Second, modalities like Social Funds have not had capacity of mainstream ministries as core

objectives, and – as all modalities with spending pressure behind them – hence has had the potential of undermining or diverting that capacity (...).

16 This is where work on OECD welfare states paradigms is helpful, in that it stresses this path dependence, which – in my view – has found insufficient reflection in the development studies literature, even though as many have stressed an application to the South would need to take account of diversity in service providers and smaller role (and legitimacy) of the state. Interestingly, as Gough (2004) highlights, and despite the fact there is strong evidence of international influence on social policies (...), there is no synthesising study of the impact of colonial histories on the social policies in the South.

17 Rosalind Eyben argues that the report remains captured within a 'categorical' understanding of inequality, which focuses on 'measurable differences or disparity between ... categories of individuals as measured by the observer...', and does not explore a 'relational perspective of society' which focuses on people's experiences of inequalities, and the power relations at work in society. It appears to me that the concept of institutions adopted in the report is part of this question, as WDR emphasizes (partly driven by the Acemoglu-type of historical analysis) how inequalities 'shapes the institutions and rules in all societies' (p.20), rather than seeing institutions as central to societal processes. My own experience in debates around the term social exclusion highlight the same point that Eyben emphasizes, ie that it appears very difficult to focus on processes rather than outcomes. Much participatory poverty analysis, I believe, also does not escape the trap of 'categorical' analysis.

18 Nyamu-Musembi, C., and A. Cornwall, 2004, What is the "Rights-based Approach All About? Perspectives from International Development Agencies, IDS Working Paper 234, Sussex, UK; see further the publications by Laure-Hélène Piron at ODI, <http://www.odi.org.uk/rights/publications.html>

¹⁹ For example, a recent study on Bolangir in Orissa highlight international rights frameworks, but in its assessment of programmes for well-being in the state limits itself to the observation that untouchability was not observed, and further focuses on the extent to which poverty programmes reached its quantitative targets. K.R. Bandyopadhyay and A.N. Mukherjee, Impact Assessment of Poverty Alleviation Programmes from Human Rights Perspective. A Case Study of Bolangir District, Orissa, India, presented at the Second International Law Conference, IHC, New Delhi, November 2004.

²⁰ M Grindle, good enough governance

²¹ To some extent, this agenda has remained 'technocratic', including because donor agencies have increasingly been pressed to 'show results'. Support to empowerment and addressing equity issues often have of necessity been couched in instrumental terms, in efficiency and growth terms.

22 Conceptualizing social exclusion in the context of India's poorest regions: a contribution to the quantitative-qualitative debate, with Amaresh Dubey, 2004.

²³ Following a perhaps slightly unfortunate common practice, in this paper I will use terms of Scheduled Caste (the official category) and Dalit (preferred by deprived groups) interchangeably, and similarly the terms Scheduled Castes and Adivasis.

²⁴ The usage of the term tribe as well as adivasi is problematic for a range of reasons. In the official parlance, SC and ST are often clubbed together, even though there is evidence that impacts on groups have been different (as indeed the nature of deprivation). The categories ST and Adivasi moreover tend to neglect the enormous heterogeneity of hundreds of groups across India, varying from the predominant groups in the North-east to very small communities in often environmentally marginal areas. In a recent article, Xaxa emphasises how gender analysis of tribes also have tended to homogenise the category, and neglected the fundamental changes imposed on these groups and implications on gender relations; Virginius Xaxa, Women and Gender in the Study of Tribes in India', *Indian Journal of Gender Studies*, 11, 3, 2004.

25 With respect to donor engagement, a less clear but perhaps more disturbing example was the lack of reflection on the 2002 Gujarat events during appraisal of support to primary education.

26 The following is based on a presentation by Patrick Case, Director Human Rights Office, University of Guelph, October 2005.

27 Very recently, the Commission for Racial Equality (set up under the 1976 Race Relations Act), provided a large number of recommendations to abolish racist practices within the policy (http://www.cre.gov.uk/about/legalpowers/police_fi.html); the point for this article is not whether racist practices exist (they undoubtedly do), but what mechanisms for addressing have been instituted, and how recent these are.

28 See recent publications by Uma Kothari

²⁹ Sarah White, 'Thinking Race, Thinking Development', *Third World Quarterly*, Vol.23, No.3, 2002, pp.407-19.

30 R Eyben and J Moncrieffe, The Power of Labelling in Development Practice, Draft Briefing Note, October 2005, IDS Sussex. Geof Wood, 'The Politics of Development Policy Labelling', *Development and Change*, Vol.16, 1985, pp.347-73.. The following I draw heavily on my contribution to the proposed volume by Eyben and Moncrieffe (Labelling Works: The Language and Politics of Caste and Tribe in India').

31 Mahmood Mamdani, *When Victims Become Killers. Colonialism, Nativism, and the Genocide in Rwanda*, Princeton University Press, 2001. M Mamdani, *Citizen and Subject. Contemporary Africa and the Legacy of Late Colonialism* (1996 Princeton) emphasises colonialism's legacy of a bifurcated power that mediated racial domination through tribally organised local authorities, reproducing racial identity in citizens and ethnic identity in subjects .

32 Nigerian affirmative action, which is enshrined in the federal character of the Constitution, is described in Ranjana Mukherjee et al, 2005, Implementing Affirmative Action in Public Service: Comparative Administrative Practice, World Bank, Mimeo, and Jibrin Ibrahim, Affirmative Action in Nigeria, paper presented at meeting Inter Regional Inequality Facility, Ethiopia, July 2005, http://www.odi.org.uk/inter-regional_inequality/papers. Bangura highlights the dissolution of the inherited three federal regions, the use of electoral rules to achieve representation, and the federal character or affirmative action; Yusuf Bangura, Ethnicity, Inequality,, and the Public Sector: A Comparative Study, Manuscript, UNRISD, 2005, <http://hdr.undp.org/events/forum2005/papers.cfm>. Ghana to my knowledge has not implemented affirmative action, but its regional policies for example reflects – similar to Nigeria – the need to include different ethnic group within macro-level institutions; see Shepherd, Andrew and E. Gyimah-Boadi, with Sulley Gariba, Sophie Plagerson and Abdul Wahab Musa, 2004, Bridging the North South Divide in Ghana., Background paper WDR 2006, www.worldbank.org.

33 See for example the contributions of Chang and Huck-ju Kwon in Mkandawire, ed, 2004.

³⁴ Zainal Aznam Yusof, Affirmative Action in Malaysia, paper presented at meeting Inter Regional Inequality Facility, Ethiopia, July 2005, http://www.odi.org.uk/inter-regional_inequality/papers. The South African affirmative action policies probably have much in common with the Malaysian experience.

³⁵ Bangura 2005

³⁶ Virginius Xaxa, Adivasis in India, paper prepared for DFID, June 2003.

³⁷ Successive government plans have envisaged a key role for civil society organisations in the implementation of government programmes (and some consultation leading up to those plans). An important section of civil society have indeed become part of the apparatus that implements targeted programmes in rural and education sectors, and some of these efforts are likely to have reinforced the dominant paradigm, particularly of targeted approaches.

³⁸ Whereas it is commonly stated (eg Deshpande 2004) that the caste system is thousands of years old, an historical perspective (Bayly 1999) highlight the constant evolution of categories, divisions, and importance of these in daily life.

39 Interestingly, the instructions for the census operators emphasised to develop their own criteria in determining which castes should be included as what was then called 'exterior castes'; John C.B. Webster, 'Who is a Dalit', in S.M. Michael, ed., *Dalits in Modern India. Vision and Values*, Vistaar Publications, New Delhi, 1999, p.70

40 Frequent concerns raised include non-utilisation, fund diversion, and difficulties in monitoring as resources are spread across ministries. It has also been noted that in states with high percentages of deprived groups, incentives for diversion of funds are larger.

41 Highlighted by Shalini Bahuguna, in the DFID paper prepared in 2002 for the Secretary of State, DFIF.

⁴² 10th Five Year Plan

43 S.K. Thorat, Affirmative Action Policy in India. Dimensions, Progress, and Issues, paper presented at workshop at ECA, Addis Ababa, 11-2 July 2005.

44 Ghanshyam Shah, ed., Dalit Identity and Politics, New Delhi, 2001, p. 3; italics added. However, both the existence of caste, and desirability of affirmative action was heavily debated in the 1950s too.

45 De Haan 2005 op cit. traces this debate in some detail.

46 It is argued, for example, that minority leaders still have to rely on the general population for their support, and hence are still subject to pressure of powerful (higher caste) leaders.

47 Alam, J., 'What is Happening Inside Indian Democracy?', Economic and Political Weekly, September 11, 1999.

48 During the 1950s too differences in opinion about the desirability of affirmative policies existed. Ram Manohar Lohia believe the left had to address class, gender and caste domination, but thought the "policy of uplift of downgraded castes and groups is capable of yielding much poison", as more influential groups may monopolise benefits and protect their position, and elections might become acrimonious (in: Shah 2002).

49 See for example Ashwini Deshpande, Background paper for WDR 2006.

50 Thomas E. Weisskopf, Affirmative Action in the United States and India. A Comparative Perspective, Routledge, London and New York, 2004, p.10; see also Galanter 198., and Deshpande 2004.

51 Hoff and Pandey 2004

52 Even though this is not necessarily positive, as experience with a DM during a donor review mission in western Orissa suggested.

53 K. Balagopal, 'A Tangled Web. Subdivision of SC Reservation in AP', Economic and Political Weekly, March 25, 2000, pp.1075-81; Muzaffar Assadi and S Rajendran, 'Karnataka: Changing Shape of Caste Conflict', Economic and Political Weekly, May 6-12, 2000.

54 In a recent issue of Economic and Political Weekly, for example, Bambhiri emphasises how casteism has come to dominant lives of labouring people, though he stresses that it was the 1990s politics that caused this, not necessarily the reservation policies per se; C. P. Bambhiri, 'Reservation and Casteism', Economic and Political Weekly, February 26, 2005.

55 The World Bank safeguard requirement to produce a 'tribal plan' for the primary education programme SSA (discussed below) was resisted as unnecessary by the Secretary, as the focus of the entire programme was a tribal plan. It seemed the safeguard requirement tended to crowd out a in-depth engagement with the programme, though further research would be required to show whether this experience was exceptional.

56 For Orissa see School of Women Studies, Utkal University, Proceedings of International Workshop on Gender Budget Initiatives in Orissa, Printed at Shovan, Bhubaneswar, 2003. See further for example <http://hdrc.undp.org.in/GndrInitv/gender%20report.pdf>; and http://www.gender-budgets.org/en/ev-72777-201-1-DO_TOPIC.html for local level initiatives, and <http://www.wcd.nic.in/chap11.htm> for an overview of the national initiative on gender budgets.

57 http://www.disha-india.org/achieve_ment.html

58 This approach has found much support from the international community, starting with NORDIC donors for the NGO initiatives in Rajasthan, and now by World Bank, EC, and DFID for the national programme.

59 As in Mkandawire 2005

60 A de Haan, Disparities Within India's Poorest Regions, 2004.

61 Institute of Applied Manpower Research, April 2003, Evaluation Study of RLTA in the KBK Region in Orissa, Study sponsored by the Planning Commission, Delhi.

62 My own observations are substantiated by the analysis of N.G. Jayal. Democracy and the State. Welfare, Secularism and Development in Contemporary India, OUP, Delhi, 1999, pp.54 ff. James Manor's paper on governance in Orissa highlights the nature of public policy responses; J Manor, 'Orissa', Unpublished Manuscript, 1998, part of a series of paper written for the World Bank, in the context of electricity reform.

⁶³ Research elsewhere in India shows how repressive local governance institutions can be, and NGO research and advocacy in Orissa suggest high levels of corruption at the Panchayat level.

⁶⁴ M Mohanty, in F Frankel and MSA Rao, *Dominance and State Power in Modern India: decline of a Social Order*, OUP Delhi, 1989/1990.

⁶⁵ James Manor describes the ineffective role of Orissa's only tribal CM.

⁶⁶ In a recent article, Xaxa emphasises how gender analysis has neglected differences and dynamics within and across adivasi groups

⁶⁷ Alan Rew, 'Why has it Ended Up Here? Development (and Other) Messages and Social Connectivity in Northern Orissa', *Journal of International Development*, Vol.15, 2003, pp.925-38.

⁶⁸ See for example Mandakini Pant, 'The Quest for Inclusion: Nomadic Communities and Citizenship Questions in Rajasthan', in: Naila Kabeer, ed., *Inclusive Citizenship. Meanings and Expressions*, Zed Books, London, 2005, pp.85-98, which highlights complexities of classification of nomadic communities, and myths around criminality and liquor habits.