India: Growing Inequalities, An Overview;

Loss of Labour Rights, Privatisation of Education, Gender Injustices

Section I : Poverty in India – a labour perspective

By: Mohan Mani

Introduction

India is rated as one of the fastest growing economies in the world. The GDP growth rate increased steadily from 6.9% in 2013 to 7.5% in 2015, at a time when the world economy grew at 2.5% annually. The forecast for GDP growth continues to be in the range of 7.5% to 8% annually.[i] However, the benefits of this rapid economic growth have clearly not been shared equally. As per the Rangarajan Commission set up by the Indian Planning Commission, the estimate of those below the poverty line was 363 million Indians, or around 30% of the Indian population, who lived on less than a fifth of the average per capita GDP of the country.[ii] This is a case of persistent abject poverty in the midst of a booming economy - a Dickensian "best of times" for the super rich and an aspirational middle class; and "worst of times" for more than a third of the country.

Why is the average Indian worker so poor even after more than a decade of continuous economic boom? The answers could be found in the nature of the post liberalisation Indian economy. First, the economic growth post liberalisation was a period of relative jobless growth. The decade 1993-2005 had an annual growth of employment of 1.88 percent, as compared to 2.72 percent growth in employment during the previous decade 1983-94. Much of the employment increase was of informal workers, implying a growing section of insecure and vulnerable workers. There was also a generalisedslow down in the growth rate of wages.[iii] Second, there was a rapid decline in the share of agriculture in the GDP, while the sector continued to be the main provider of employment in the country.

The foregoing is a broad overview of the problematic of poverty in India from a labour perspective. The following sections will attempt to analyse further the specific issues that underpin this problematic, and enumerate the learning from this analysis.

Structure of India's labour force – the informalisation of employment relations

The unorganised sector in the year 2005 supported 87% of the total workforce (393 million of a total 455.7 workers). It also contributed around 50% of the national GDP.[iv] A rough calculation would therefore show the per capita GDP for a worker in the organised sector was nearly 7 times that for a worker in the unorganised sector. Understandably, with much higher per capita worker contribution, the organised sector worker had a much better bargaining power.

However, it is precisely this bargaining power of the small section of workers in the organised sector that employers are targeting, in the name of the need for greater flexibility. Based on NSSO statistics, informal employment in the organised sector increased from 48% in the year 2004-05 to 54.6% in the year 2011-12. Further, while organised sector employment in the period increased by around 20 million, 75% of this increase was accounted for by increase in informal employment.[v] This alarmingly rapid growth of informalisation of the labour force also resulted in falling standards of wages and working conditions for all workers. The share of wages to NationalIncome for Indian workers as a whole declined from 40% at the start of the 1990s to only 29% by 2008-09.[vi]

Chapter 12 of the Economic Survey 2015-16on Structural Changes in India's labour markets, while highlighting job growth in manufacturing being primarily in the informal sector since 1989, admits that informal sector jobs on average have 20 times lower wages and much worse working conditions than formal sector jobs. However the Survey seeks to attribute low growth in formal sector employment to the "cumbersome nature of compliance

with labour regulations". In a seemingly paradoxical logical leap, the government answer to informalisation appears to be further deregulation of employment relations!

The growth of contractual employment is endemic in all sectors of industry. Because of the insecurity of employment, contract workers are forced to work longer hours at much higher levels of productivity than permanent workers. The introduction of contract employment often leads to much higher, often inhuman levels of work intensity and falling safety standards. The violence in the Maruthi Suzuki plant at Manesar in Haryana resulting in the tragic death of the HR General Manager on 18th July 2012 was primarily the aftermath of a long struggle of permanent and contract workers for freedom of association and against inhuman levels of work intensification. In September 2012, the company employed 6870 contract workers as against 3018 permanent workers in its two plants at Gurgaon and Manesar. That is, there were more than two contract workers for every permanent worker.[vii] Today the company claims to have substantially increased the proportion of permanent workers in its factories. However, a number of permanent and contract workers at the time of the strike lost their jobs, with many facing long prison sentences on charges of murder.[viii] This was a very high price to pay for the struggle for democratic rights at the workplace.

The agricultural sector – declining economic power and rural-urban migration

The agricultural sector continues to be the largest source of livelihood and employment, particularly for more than half the labouring poor within the country. However, the share of agriculture in the national GDP has been continuously declining. Table 1 details out the falling share of employment and GDP of the agricultural and allied sector.

Table1: Agriculture and allied sector: Share of total GDP and employment

Year	**Share of GDP**	**Share of employment**	**Ratio GDP share to employment share**
1999-00	23.3%	59.8%	0.39
2004-05	19.0%	56.5%	0.34
2009-10	14.6%	52.8%	0.28

Source: CSO, Advance Estimates, July 2014 and NSSO 61st & 66th Round Survey (2009-10), Working Group of Twelfth Plan, Employment, Planning and Policy

The fall in the share of rural GDP was much more precipitous than the decline in share of rural employment in the country over the last decade. The ratio of GDP share to employment share declined by nearly a third for the decade 1999-2010. The statistics explain the impoverishment and falling employment opportunity in rural India, and therefore the pressure to migrate from rural to urban regions.

Migration data from National Sample Survey (NSS) for 2007-08 showed a**round 29% of the population of the country could be classified as migrants.**[ix] Migration in the country was still largely of single persons. It was largely from rural to urban areas. 60% of urban male migrants and 59% of urban female migrants had migrated from rural areas. The dominant reason for men to migrate was in search of jobs.

For women the most important reason for migration was marriage. Would this migration reduce the shackles of rural tradition that typically serve to subjugate women? Or on the other hand, would migration only lead to increased vulnerability as the woman would have no recourse to even her existing social ties? Further, while most women migrated for marriage, this would not imply that they were not also job seekers. In particular, among the poor, women would have to contribute economically to the sustenance of the family. They would face the same vulnerability as other migrant workers.

Another important aspect of migration that the NSS report brought out was that migration rate was lowest among the poorest. We would argue that migration in search of employment is an expensive proposition, requiring the migrant to withdraw temporarily from the labour market while seeking new employment, and invest in relocation. Further, for those at the bottom of the income and social hierarchy, there could be other constraints of debt and social bondage restricting their mobility. The poorest remained doomed to survive in traditional occupations, with both economical and social constraints restricting their mobility.

Today there are specific sectors of Indian industry like garment export sector where most of the employees are women. In Tirupur in Tamil Nadu for instance, the knitwear manufacturers supplying garments globally to some of the biggest clothing brands recruited young women, many as young as 15 years, to work under appalling conditions that amounted to forced labour.[x] The garment sector is only one example of supply chains at national and global scales. The model of outsourcing and supply chains is ideally suited to the needs of modern capital, allowing wages to be pushed down with increased absolute surplus extraction at the bottom of the supply chain.

Inequality

Table 2 gives the Gini coefficient on consumption distribution in India over the last four decades. We see that while rural inequality index in consumption remained steady around 0.280 from decade to decade, the urban inequality index increased continuously over the four decades.

Table 2: Gini Coefficient of distribution of consumption (All-India)

Year	Rural	Urban
1973-74	0.281	0.302
1993-94	0.282	0.340
2009-10	0.291	0.382

Source: Unofficial estimates of Planning Commission, data book for Planning Commission, December 2014, planningcommission.nic.in/data/datatable

Rising income inequality affects even the basic consumption of nutrition and food of the poor. The whole debate on poverty line in the Planning Commission was also a debate on what was the average calorific intake necessary for the poor to survive. The 15th Indian Labour Conference in 1957 recommended a calorific intake of 2700 calories for an average Indian adult of moderate activity.[xi] The Lakdawala Commission in 1989 used a calorific norm of 2400 for rural areas and 2100 for urban areas. The Rangarajan Committee in 2014 further reduced the calorific norm to 2155 for rural areas and 2090 for urban areas[xii]. Even with this reduced norm for calorific intake in food, the Rangarajan Committee estimated 29.5% of the Indian population were below the poverty line.

A survey on income and expenditure among garment workers was done by the Centre for Workers Management in collaboration with the Garment and Textile Workers Union in Bangalore in 2015. The survey indicated the **average family of garment workers in Bangalore had expenditure on food consumption equal to those on the poverty line in Indian cities.**A sensitivity analysis revealed that within the sample, with a 6% increase in the family wage, the average expenditure on food went up by only 2%, while expenditure on education increased by 38% and on health care by 15%.[xiii] This would lead us to infer that at low wages there is substantial under-spending by families on basic necessities like health care and children's education.

The export garment sector is a part of the global supply chain exporting to the global North. The Indian garment manufacturers claim competition and low prices do not allow wages to be increased. However, an empirical estimate of labour time in garment factories in Bangalore indicated direct labour cost to be only 1 to 3 percent

of the marked price on the label of garments sold in USA, Japan and China.[xiv] Surely across the supply chain the industry had the capacity to substantially increase wages.

Discrimination

The Rajinder Sachar Committee was set up by the Government of India in 2005 to prepare a report on the social, economical and educational condition of the Muslim community in India. The report found incidence of poverty across the country in both rural and urban areas as highest among the Scheduled Castes (dalits), with a Head Count Ratio (HCR) of 35%, followed by Muslims with an HCR of 31% below the poverty line; while urban poverty was highest among Muslims with an HCR of 38.4%, closely followed by the Scheduled Castes, with HCR of 36.4%.[xv]

The Report highlights the close link between social discrimination and economic inequality in India. To take one instance, almost all the employment among municipal cleaning (safai) work in the country is from the dalit community. While the principal employer is the state government, through the respective municipal-corporation/ authority, the employment is through a system of contracts. This is in clear contravention of the Contract Labour Act, which mandates that all jobs of a perennial nature be done by permanent workers. The wages paid out are abysmal, with no regulation of work, even though the Contract Labour Act has strict provisions for regulation of wages and working conditions.

In Bhopal Municipal Corporation, Madhya Pradesh, in June 2015, the Statutory Minimum Wage for unskilled workers in local authority work was Rs. 239.95 per day. But the safai workers were paid as per the "collectorate rate" (a rate fixed by the collector of the city) which was then fixed at Rs. 197. The workers were called *atiriktkarmachari* which translates to surplus. By addressing them as surplus the State disseminated the message that their work was unimportant and surplus to requirement.[xvi]

The most reprehensible conjunction between caste and occupation is probably in the case of manual scavenging. This activity is banned by law in India, and various subsequent court judgments uphold the ban. However official data places the number of people still involved in manual scavenging as over 6 lakhs, while independent civil society organisations like Safai Karmachari Andolan place the figure as twice the official estimate. All the workers are dalits, and around 98% of them are women. Between March 2014 and March 2016 there were 1268 recorded incidents of death of workers due to asphyxiation from inhaling toxic gases while entering sewers, tanks and open drains for their cleaning.[xvii]

The Sachar Committee also found that the percentage of home-based Muslim women workers was significantly larger at 70% than the average of 51% for all women workers.[xviii] The beedi industry is a source of employment for large numbers of Muslim women. Their ghettoisation and social restriction to going out for work makes home-based beedi rolling one of the few occupations available to them. They continue in this job, despite very low wages and complete absence of regulation. West Bengal is one of the largest employers of beedi workers in the country. The state had a statutory Minimum Wage of Rs.189.50/1000 beedis rolled for the year 2015. However, as per customary practice, the prevailing 'bargained' wage in the beedi sector across the state was Rs.126/1000 beedis.[xix]The contract beedi rollerin reality did not even get this wage. To quote a contractor from Malda in West Bengal: *"For making 1 lakh beedis we incur a cost of about Rs 1000, but the commission we earn is Rs. 540. .... we have to make up this loss to survive....For every 1000 beedis that we collect we take 2 packets (25 beedis to a packet) for free. That is how we make our profit. True we feel like thieves – stealing on our own efforts.* ***The big companies extract their profit at our expense and we are made to look like the thieves."***[xx]

Informal work and child labour

Child labour persists in India, particularly in covert forms in informal employment. This is particularly so in home-based work, where the domestic sphere does not allow formal regulation of work. In the beedi industry in Malda for instance, the home based beedi rollers said that children were not formally engaged in beedi rolling. However, with women in the village sitting together rolling beedis while children played around, it was not

unusual for children to take a break from play, and settle down to cutting the tendu leaf or closing the tip of the rolled beedi.[xxi] Similar anecdotal experiences were available from garment workers in Bangalore, who took home work of rolling flower garlands or stitching petticoats to augment their factory wage. Children in these households, in particular older girl children often "helped out" by taking care of some of the house work, or even lending a hand with the flower rolling.

Poverty wages forces women workers in particular to work well beyond the 8-hour norm. In these circumstances the older girl children are often forced into participating in domestic chores, or home-based economic activity. Often the children are forced to withdraw early from the education process. They are pushed into replicating the pattern of life and employment of their mothers.

Inflation and poverty

Inflation directly impacts the lives of the working poor. Lack of bargaining power means that the poor cannot get wages or piece rate payment terms fully compensated for inflation. This results in falling real wages over long periods of time.

Table3: All India Consumer Price Index (1982=100) – Industrial workers

Year	Food	Increase	Non-food	Increase	General	Increase
1995-96	337		280		313	
2005-06	527	156%	563	201%	542	173%
2014-15	1264	240%	1053	187%	1150	212%

Source: Annual Survey 2015-16

Table3 gives the All India Consumer Price Index (CPI) for industrial workers. We see the rise in inflation rate was significantly higher in the last decade, (2005-06 to 2014-15) than in the previous decade (1995-96 to 2005-06). More important, the driver of inflation for 2005-06 to 2014-15 was food prices, which had an inflation rate 50% higher than in the previous decade. In a situation where access to good public facilities in transport, health care and education is being gradually eroded, high food inflation has an extremely negative impact on the lives of poor industrial workers and their families.

Table4: All India CPI (1987-88=100) – Agricultural workers

Year	General	Increase
1995-96	238	
2005-06	355	149%
2014-15	802	226%

Source: Annual Survey 2015-16

Table4 gives figures for the All India CPI for agricultural workers. The CPI increase was 50% more in the decade 2005-06 to 2014-15, than in the previous decade 1995-96 to 2005-06. The impact on real wages would be devastating,considering insufficient protection of rural wages against price rise.

The dynamics of rural wages and inflation is however more complicated. Based on data published by the Labour Bureau of India, real wages in rural India actually increased during 2004-12. The various public works programmes under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) which was started in the year 2006 played a significant part in this increase in real rural wages.[xxii]The present NDA Government has on various occasions sought to curtail investment in the MGNREGA programme, including restricting coverage under the programme. This would adversely impact real wages in the rural sector, in turn leading to further increase rural-urban migration.

Another issue of concern is theproposal of the Government to replace the existing Public Distribution System (PDS) by a cash transfer system. The argument is that PDS is corrupt and inefficient. However, cash transfers cannot guarantee that purchasing power of the money transferred can be adequate to buy food products, particularly in the context of high seasonal fluctuations in food prices and fears of hoarding of food stock.Further, while food through PDS represents a secure access to food, control over cash is dependent on patriarchal family structures.

Challenges before trade unions and other worker-organisations

The trade union movement in India has been on a defensive struggle since economic liberalisation in the nineties. The movement had to face four significant challenges. The first was the growing informalisation of employment in the organised sector. The government itself, both at the Centre and in states, was probably the biggest transgressor, employing contract work in perennial jobs. The second was the growth of migrant labour. The third was the feminisation of work in manufacturing sectors like garment work for exports; and service sectors like child care and health care, where the government was the main employer. The fourth was the growth of outsourcing and supply chains, where the responsibility of the principal employer was hidden by layers of subcontracting arrangements.

There was a fifth critical element in the trade union struggle to retain collective bargaining strength. This was the relentless attack by employers against trade union activists, and increasingly violent trade union busting attempts, often with the support of the state machinery. The state also sought to liberalise labour laws, in favour of flexibility in employment relations and dismantling regulation of capital.[xxiii]

The attack on workers' rights has however led to large scale protests by workers, both as union led protests and mass spontaneous action. The most recent example in the Bangalore export garment sector, saw women workers come out in strength on April 18-19th 2016. Over a lakh workers brought the city and its suburbs to a standstill for two days. Significantly, the struggle was able to disrupt the other globally outsourced industry that Bangalore famous for – the IT sector. The militant struggle forced the Union Government to withdraw proposed changes in the Employees Provident Fund Act,which would have severely restricted the access of workers to premature withdrawal of their Provident Fund savings.

In the informal sector, spread of trade union membership is restricted mainly to some pockets and sectors, because of vulnerability of the workforce and lack of a stable employer-employee relationship. The focus of unions in the informal sector also is more on the state, and not on bargaining directly with employers. This often leads to weak regulatory structures.

An inherent weakness in the Indian trade union movement is the multiplicity of trade unions, with unions having their political affiliations, making them in the words of a prominent labour sociologist, "appendages of political parties".[xxiv] Unions are often militant while the political parties they are affiliated to are in the opposition, and lose their militancy when their parties become part of the ruling dispensation. This leads to the growth of a system of political bargaining, where the leadership of the trade union gain legitimacy through their closeness to political power. The dependence on political bargaining often results in compromises in bargaining with employers or the state and weakens grass-roots trade union strength.

Liberalisation since the eighties and nineties was also a period of increasing struggle for control over natural resources, with capital seeking to expand its base of activities in the country. There was pressure on the government to deregulate the seas and rivers, forests and land resources. This brought into existence new forms of organisations of people dependent on these resources for their livelihood. The organisations had their own limitations. They often brought together workers and owners of assets that capital sought to take over – fishing boat owners and workers on the coasts off Arabian Sea and Indian Ocean; land owners, share croppers and agricultural workers in struggles in Nandigram and Singur in West Bengal; or on the banks of the Narmada river. The objectives of the different groups involved in the struggles were not always the same. However, these were important struggles against deregulation of capital, and played a critical role in ensuring limits to the

process of economic liberalisation and political control of the capitalist class in the country. In recent years these struggles were able to successfully unite political opposition to the BJP Government efforts to legislate deregulation of land acquisition through its Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015.

The impact of the sustained attack on labour has been increasing levels of poverty and inequality in society. The ill-effects brought about by growth of an unequal society are to be seen in increasing rural and urban violence, including violence against women and other vulnerable sections; increasing intolerance and xenophobia; and the growth of majoritarian views that seek to silence all dissent. The struggle of the organised working poor can therefore not be only for their employment and livelihood rights and wage shares, even though these are important components of the struggle. The struggle has also to be to retain and strengthen democratic rights within the country. There has to be an understanding that growth of violence and fascistic tendencies first affect the poorest in society.

The struggle for democratic rights within India is important not only for the people of this country; it would also be a beacon for other democratic struggles within the sub-continent. India is by far the largest in terms of land mass, population and size of economy in the sub-continent. It has a jurisprudence that promises substantial liberties to all sections of society – whether the laws that protect labour rights of workers or secular rights of its citizens, or even the regulation of the environment. These are the laws that are under threat from a capitalist class and a neo-liberal state. They are also under attack from various interest groups that seek to further their political interests. The Indian situation mirrors the internal conflicts and struggles for democracy in the other countries in the region. The victories of the Indian working people will go a long way in shaping similar subaltern struggles in the neighbouring countries.

In the final analysis, the working class movement has to create for itself a broader political understanding of the situation of capitalist hegemony in today's world; a hegemony that encompasses most countries of the global North and South. It has to recognise the attempts of the political ruling classes to divide the working people on lines of religion, nationality and ethnicity. This new understanding has to inform organisational analysis at local, national, regional and international arenas before a real regeneration of the working class movement is possible. To quote from the Preface to the Communist Manifesto, "In every historical epoch, the prevailing mode of economic production and exchange, and the social organization necessarily following from it, form the basis upon which it is built up, and from that which alone can be explained the political and intellectual history of that epoch.."[xxv] We are today at an important epoch of a crisis in capitalist relations. The threat to the working poor is from various forces – of direct capitalist oppression, of a neo-liberal economic and political ideology, of growing fundamentalism and politics of hatred, of war and insecurity, of an overexploited nature and its global effects. Their social organization and political response to this crisis will critically determine the future of the world. This is a historical opportunity and responsibility.

Section II: ***Privatisation in school education and its consequence***

Niranjan Arakere

The destiny of India is now being shaped in her classrooms. This, we believe, is no mere rhetoric. In a world based on science and technology it is education that determines the level of prosperity, welfare and security of the people. On the quality and number of persons coming out of our schools and colleges will depend our success in the great enterprise of national reconstruction - the principal objective of which is to raise the standard of living of our people.[xxvi]

The celebrated Indian Education Commission popularly known as Kothari Commission began its four volume report with the paragraph above after an exhaustive and in-depth analysis of the education system in 1964-66 would remind us again of the importance of education in nation building. It is true in letter and spirit that the quality of learning in schools determines the level of prosperity of any nation state. Education is the corner stone of development. It is more so in the case of sustainable development.

Education for Sustainable Development allows every human being to acquire the knowledge, skills, attitudes and values necessary to shape a sustainable future. Education for Sustainable Development means including key sustainable development issues into teaching and learning; for example, climate change, disaster risk reduction, biodiversity, poverty reduction, and sustainable consumption. It also requires participatory teaching and learning methods that motivate and empower learners to change their behaviour and take action for sustainable development. Education for Sustainable Development consequently promotes competencies like critical thinking, imagining future scenarios and making decisions in a collaborative way. Education for Sustainable Development requires far-reaching changes in the way education is often practised today.[xxvii]

Globalization is an important phenomenon in the contemporary world. It has affected all spheres of life and education is no exception to that. Liberalization, Globalization and Privatization is an important phenomenon that has affected the entire world in the contemporary era. In the context of India, globalization has impacted upon the school education system in complex and conflicting ways. There is an increasing privatization in school education. The public education is under the onslaught of privatization. The status of school education in India is alarming.

According to recent statistics, the total percentage of government schools imparting elementary education (EE) in India has come down from 80.8% in 2006-07 to 74.7% in 2014-15. On the other hand, the total percentage of private schools imparting EE has increased from 18.9% in 2006-07 to 22.07% in 2014-15.[1] *The term 'government school' includes the schools run by the Department of Education, the Tribal/Social Welfare Department, Local Bodies and other government managed schools. The system of public*[xxviii] *elementary education in India which was gigantic as compared to the system of private elementary education is gradually declining. The role of the private sector in Elementary Education (EE) is confined to urban and semi-urban conglomerations even though the influence is gradually shifting to semirural and rural areas. Therefore, by default, the only elementary schools available to children in rural areas are government or government aided schools.*[xxix]

The Neoliberal Indian state is aiding this process to make this happen at the earliest. The sad state of implementing the Right of Children to Free and Compulsory Education Act, 2009 is a classic example for that. On the completion of its five years implementation, more emphasis was for the implementation of section 12(1) (c) which provides for 25 percent reservation to children from economically weaker sections and disadvantaged groups in unaided private schools. The Act has been diluted by focusing only on this provision and the remaining core provisions have been fully neglected. No states have come up with any road map to implement the core provisions of the Act[xxx]. It is indicative that the central government has also failed to provide adequate resources to the states for the implementation of the Act.

If we look at the budget allocation of 2015, it is awfully disappointing and disturbing. The budget has thoroughly failed to recognize the importance of elementary education as a fundamental right. The much hyped social legislation which makes education a fundamental right for all children in the age group of 6 to 14 years has not received the expected share in the central budget.

The total budgeted expenditure by the Central Government on Department of School Education and Literacy has seen gross decline in the current budget. The budget for Elementary Education is declining from year to year. For instance, the budget allocated for elementary education in 2013-14, 2014-15 and 2015-16 is respectively Rs.39,622; Rs.36,699 and Rs.32,917 crores. The plan outlay for the Department of School Education & Literacy has been reduced from Rs. 51,828 crore in 2014-15 to Rs. 39,038.50 crore in 2015-16. The plan outlay for the Sarva Siksha Abhiyan has further declined from Rs.28,258 crore to Rs.22,000 crore. The funds for the National Flagship Scheme, Mid-Day Meal Scheme, have been reduced from Rs.13,215 crores to Rs.9236.40 crores. The Plan outlay for Secondary Education has declined from Rs.8,579 crores to Rs.6,022 crores.

Another disturbing factor in relation to allocation of Budget for Elementary Education is that the Indian state is depending more and more on the education Cess[xxxi] instead of the main budget. In the year 2015-16, out of Rs.22,000 crores allocated for SSA, Rs.13,589.13 Crores has come from education Cess, i.e., from PrarambhikShikshaKosh.

The above statistical input defines the agenda of privatization of education in India by the neo-liberal forces – i.e. to abdicate the Constitutional mandate in favour of Privatization[xxxii] *and Commercialisation. In the last three decades, it has created gross discrimination, hierarchy and inequality in the area of school education.* There is enough evidence to demonstrate unacceptable discrimination practiced by the Indian states in the field of education and to expose the hypocrisy of being projected as the champion of social justice in various international forums. For instance, in 1986, as part of the National Policy on Education (NPE) the non-formal education stream was introduced to poor children and centres of excellence called Navodaya Schools were created for the middle and upper middle classes of the society.

This alarming situation demands the re-examination of the Constitutional vision of the right to education vis-à-vis the existing school education system in India in order to set an agenda for restructuring the entire system and thus creating a necessary institutional condition for the achievement of long cherished constitutional mandates.

Further, despite these several official policy commitments, the ruling class and the bureaucracy continued to ignore the recommendation for the CSS in order to create a national system of education and in its place sought to promote a blatant unequal, multilayered and unfair school education system that not only breaches constitutional mandate but also promotes privatization and commercialization of education itself. The present education system, all said and done, is widening the gap between the rich and the poor through glaring discrimination and in this manner practices a new form of apartheid - an apartheid based on caste, class and economic status. Those that are affected the worst through this practice are the poor in general and the SC/STs, minorities and other subaltern communities in particular.

There is an urgent need to restructure and rebuild the Indian education system on the lines of the CSS to ensure equitable and quality education to children irrespective of their sex, caste, place of birth, social and economic status, and the type/s of management in which they are being educated, in order to adhere to the values and principles embodied in the Constitution.

In an unequal and unjust society such as ours it is not surprising if children are born unequal but it is a crime to deny these children their right to education of equitable quality. The problem doesn't lie in the Constitution but with the people who seek to implement it and the masses are not demonstrating their unity in order to demand the CSS as a matter of constitutional right.

In the preceding sections the paper outlined the process of privatisation and Commercialisation of school education in great detail. The process of privatisation and commercialisation has serious negative implications on the education of marginalised children and especially girl children. The most comprehensive review of related literature on this issue has found that 'Girls are less likely than boys to be enrolled in private Schools".[xxxiii]

Another important consequence of increasing privatization is that closure of government schools in different parts of India. As per the available report about 1 lakh schools have been closed down across the country since the enactment of the Right to Education (RTE) Act in April 2010. In about last five years, merger and closure of various government primary schools have taken place in different states, says the national RTE forum, a civil society coalition of 10,000 grassroots organizations, educationists, national networks and teacher's organizations.[xxxiv]

As a result of these, more and more children are out of school in the country and the number is increasing over the years. India is sadly the home to the largest number of child labourers in the world. The census found an increase in the number of child labourers from 11.28 million in 1991 to 12.59 million in 2001. M.V. Foundation in Andhra Pradesh found nearly 400,000 children, mostly girls between seven and 14 years of age, toiling for 14-16 hours a day in cottonseed production across the country of which 90 per cent employed in Andhra Pradesh. 40 per cent of the labour in a precious stone cutting sector is children. NGOs have discovered the use of child labourers in mining industry in Bellary District in Karnataka in spite of a harsh ban on the same. In urban areas there is a high employment of children in the zari and embroidery industry. [xxxv]

Further, as reported in the live mint[xxxvi] on 18th May 2016, 10 hard-hitting statistics on the issue of child labour in India includes that one in every 11 children in India is working; Child labour has been decreasing at an abysmal rate of 2.2% per year from 2001 to 2011, as per an analysis of census data by non-governmental organization CRY (Child Rights and You); 80% of working children are based in rural areas and three out of four of these children work in the agriculture sector, as cultivators or in household industries, most of which are home-based employments; More than half of the 5.5 million working children in India are concentrated in five states—Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh and Maharashtra; Adolescents doing hazardous work form 20.7% of those employed in this age group, while almost 25% of adults work in hazardous conditions; Adolescents between 15 and 17 years of age doing hazardous work form 62.8% of the overall child labour population; Nearly 10% of adolescents working in hazardous conditions are working in family enterprises; 56% of the working adolescents are no longer studying. And 70% of those in hazardous conditions are not studying; more boys (38.7 million) than girls (8.8 million) are involved in hazardous work; while the incidence of hazardous work among adolescents is highest in Nicaragua, the number of adolescents in hazardous work is greatest in India (2.4 million).

"To conclude, instead of building a state funded Common School System based on the principle of neighbourhood schools as recommended by The Education Commission in 1966, we, as a country, are opening up a core service sector to private players. This is a move that goes against the values and principles embodied in the Constitution of India. Further, India being a signatory to The United Nations Convention on

the Rights of Children, privatisation and commercialisation of school education goes against the short and long- term interests of children. We, the people of India having solemnly resolved to Constitute India into a Sovereign Socialist Secular Democratic Republic, are now franchising the school education system in favourof private players for profit and private good. This could only push the largest democracy in the world to a very colossal disaster, which could subvert the core Constitutional values of equality , non-discrimination and social justice. It is Appalling!"

Section III: Poverty in India – a gender perspective

V. Elisabeth

Poverty impacts on people irrespective of their gender, but the reality of gender discrimination in patriarchal societies is that women suffer a double or sometimes even triple discrimination. In India the fact of being women, being women from Dalit, tribal or Muslim communities and then being poor adds a completely different dimension to women's access to education, to employment, participation in decision-making bodies, to basic resources and above all it affects their life and personal security.

Violence is a very real part of the life of women in general, be it within the house or in the public spaces. Violence by itself leads to the violation of women's basic human right to life and liberty, however in the context of poverty violence works to prevent girls and women from even getting access to schools and influences their decision making when it comes to a question of choices regarding their participation in activities outside their homes including employment. In the context of caste and communal conflicts, which are a reality in India, women from the Dalit and Muslim communities are impacted in the most disastrous way possible. Not only are they subject to sexual violence and brutally injured they also end up suffering further deprivation as a result of these conflicts and the conditions that they are then forced to live in. If they had any access to a roof over their heads, education and employment, all of that is destroyed during these conflicts and they may never recover from this, pushing the next generation further into poverty.

The data from the census of 2011 brings out the inter-connection between literacy levels, caste, gender and poverty very clearly. The districts and states of low level of literacy are also the states where social evils like child marriage and devadasi systems are high. The growing connection between economic deprivation and social evils cannot be ignored. The census data also brings conspicuously to our notice the growing population of those with disabilities. This data once again when desegregated on the basis of caste and community shows how various physical and mental disabilities are also linked to poverty and the disadvantages girls and women. and the transgender community in India also needs to be given attention to particularly because of the fact that caste, and disability further increase the vulnerability of girls and women. Enough attention has not been paid to this dimension of gender and poverty.

Census 2011 also highlighted the condition of another gender, viz., the transgender community. For the first time the census has enumerated the number, the caste and religion of transgendered persons in India. Their literacy levels, education, and economic background as a consequence have for the first time been made visible. It is important to consider the transgender community as some if not all of the deprivation they suffer is on account of their gender.

Besides poverty makes women and children particularly vulnerable in the context of natural disasters and man-made calamities, as traffickers move into such areas and families due to the desperate situations sell their children, particularly girl children, and women, who are then sold into poverty. Trafficked for sex work, domestic labour or even as wives for men from districts and states that have a low sex ratio, the violence they are subjected to are all facts that cannot be ignored

Though today in India there is the Right to Education and Right to Food Act the reality for the poor is that they do not even have access to elementary education. In the context of globalisation and liberalisation privatisation in the education and health sectors effectively keeps the poor from getting out of their situation. With the government shutting down government schools instead of developing them into model schools or implementing the right to education such as to enable those below the poverty line access to some of these private schools the access to education to cut off.

There are civil society efforts to check this increasing tendency of the government to leave all to private actors. Mobilisation of those in sex work, campaigns against child labour and child sexual abuse, besides the growing awareness amongst the marginalised communities and their organisation into coalitions are the only rays of hope in this scenario.

Gender discrimination is a fact of patriarchy, but it is aggravated when the political institutions and the economy are in the hands of the politically right of centre groups. Fundamentalism reinforces gender stereotypes and any gains made against patriarchy previously are undone. In India the Hindu right is dominantly of those who are upper caste and vested in liberalisation and privatisation. As a consequence the policies and practices of the state are not only creating an environment of fear and intolerance but actively launching attacks on the Dalits, Muslims and women. The Hindu Right today speaks sometimes the language of tolerance of sexual minorities but the practice is to curb even the spaces of liberal education and punish and persecute those who oppose their efforts to strengthen the domination of the Hindu Right.

Indian newspapers are full of the report of the violence that has been unleashed on the most marginalised groups since the Hindu right came to power in 2013. Those who are the dominant groups in the economy, society and polity, their hands have been strengthened through the legislations, state policies and actions or inactions against the marginalised groups. So, on the one hand, there has been law reform in the form of the Criminal Law Amendment Act and the Sexual Harassment (Prevention, Protection and Redressal Act) but on the other as the figures from the National Crime Records Bureau demonstrates is the increasing violence against women.

Without social and economic development and improving access to basic resources and effectively fighting the social practices that propagate various forms of violence against women the condition of women in general and of the Dalit and Muslim women in particular cannot be remedied. Education is the key to social and economic development and therefore there has to be more investment in the public education system and control of media if we want to see even a glimmer of change in India and this region.

References &endnotes

[i]*www.worldbank.org/en/publication/global-**economic**.../summary-table*

[ii]Report of the Expert Group to Review the Measurement of Poverty, Government of India, Planning Commission, June, 2014

[iii]NCEUS (2009), The Challenges of Employment in India, An Informal Economy Perspective, Volume 1 – Main Report, National Commission for Enterprises in the Unorganised Sector, New Delhi

[iv] NCEUS (2008), Contributions of the Unorganised Sector to GDP, Report of the Sub-Committee of the NCEUS Task Force, National Commission for Enterprises in the Unorganised Sector, New Delhi

[v] A. Srija et al (2014), An Analysis of the Informal Labour Market in India, *www.ies.gov.in/pdfs/CII-EM-october-2014.pdf*

[vi] ILO, Global Wage Report (2012-13) as quoted in CBGA (2014), Major Dimensions of Inequality in India: Wage, Centre for Budget and Governance Accountability, New Delhi. The ratio of wages to value added for India at 29% was also the lowest among the BRICS countries, with the corresponding ratio in 2008-09 being 48% for China and 49.1% for Brazil.

[vii]Sharmishta Mukherjee (2012), "Maruti employee costs remain lowest among car makers", Business Standard, Delhi, September 27, 2012

[viii]ICLR (2013), Merchants of Menace, Repressing workers in India's new industrial belt, Violations of workers' and trade union rights at Maruti Suzuki India Ltd., International Commission for Labour Rights, New York

[ix] NSS Report No. 533: Migration in India: July, 2007-June, 2008, *www.mospi.nic.in/Mospi_New/upload/533_final.pdf*

[x] SOMO and ICN (2014), Flawed Fabrics, The abuse of girls and women workers in the South Indian textile industry, October 18, 2014. The report also describes how women were forced to stay in overcrowded company provided hostels, with very little freedom of movement. Working hours were long with women often working up to 60 hours in a week.There are today migrant women from Orissa and Bihar in garment factories Bangalore, and their stories are similar to those of their sisters in Tirupur.

[xi]Report on the Working of the Minimum Wage Act, 1948, ***labour**bureau.nic.in/MinWage?Intro.htm, 2005*

[xii]Report of the Expert Group to Review the Measurement of Poverty, Government of India, Planning Commission, June, 2014

[xiii]CWM (2015), Wage and Work Intensity, Study of the Garment Industry in Greater Bangalore, Centre for Workers Management, New Delhi

[xiv]ibid

[xv] Sachar Committee (2006), Social, Economic and Educational Status of the Muslim Community in India, Prime Minister's High Level Committee, Government of India, November, 2006

[xvi] CWM (2016), State of Safai Workers under Swachh Bharat Mission, Delhi

[xvii]PUDR(2016), Manual Scavenging must End, Peoples Union for Democratic Rights, Delhi, 13 April, 2016, Leaflet

[xviii] Sachar Committee (2006),op cit

[xix]Office of the Labour Commissioner, West Bengal, Memo No. 1787A/RW/24/94/LCS/JLC, dated 19-11-2015, on the basis of Notification No. 106-MW/MW-96/78 dated 3-7-1982

[xx] CWM(2016), A study of employment practices and the supply chain in the Bidi industry, Unpublished notes

[xxi] CWM(2016), A study of employment practices and the supply chain in the Bidi industry (op sit)

[xxii]Ashutosh K. Tripathi, AtulanGuha (2014), Link between Food Price Inflation and Rural Wage Dynamics, Economic and Political Weekly, Vol.49, Issue 26-27, June 2014. The study refers data published by the Labour Bureau of India, according to which daily real agricultural wages increased from Rs.63.05 in April 2004 to Rs.80.05 in November 2012; rural daily non-agricultural real wages went up from Rs.83.64 to Rs.92.24.

[xxiii]Babu Mathew, Chirayu Jain (2016), Uprooting LabourJurispudence, National Law School of India University, Bangalore, (unpublished)

[xxiv]SharitBhowmik (2013), Whither Labour Movement, Frontier, Vol 45, No. 41, April 21-27

[xxv]Marx, Karl and Engels, Frederick (1888), Preface to the 1888 English Edition of the Communist Manifesto

[xxvi]Education and National Development, Report of the

Education Commission, 1964-66, National Council of Educational Research and Training,1970 para1.01

[xxvii]http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/educatio

[xxviii] Here the term 'public' is used in a more real sense to indicate the meaning that 'the system of education provided and supported by the State' as against the term used by the private actors to misrepresent the tem in public domain in order to attract people for their profit by appropriating the word 'public' but using it in a very personal sense

[xxix] For instance, in a Panchayat where the Centre for Child and the Law, NLSIU is implementing its field extension program since 2004, it is witnessed that the schools available to all 26 habitations in the Panchayat is the government schools. As on date, there are 9 Lower Primary Schools, 5 Higher Primary Schools and a high school within the Gram Panchayat limit.

[xxx] Sections 3, 4, 8, 9, 11, 13, 15, 16, 17, 18, 19, 21, 22, 23, 24, 27, 29, 31, 32, 33 and 34 of the Right of Children to Free and Compulsory Education Act, 2009

[xxxi]The Education Cess comprises 2% Primary Education Cess and 1% Secondary & Higher Education Cess. The Primary Education Cess is credited to PrarambhikShikshaKosh (PSK) and is used to meet part of expenditure on SarvaShikshaAbhiyan (SSA) & Mid-Day Meal (MDM) Schemes

[xxxii] The neo-liberal forces in the changed scenario include hundreds of East India Companies as compared to one in the past. Apart from this we have our own Indian Companies who could play the role of EIC much more effectively to push the Indian masses to new slavery.

[xxxiii] As quoted in : United Nations Committee on the Elimination of Discrimination against Women (CEDAW) Half-Day General Discussion on girls'/women's right to education , 7 July 2014 "Privatization and its Impact on the Right to Education of Women and Girls" available at https://www.google.co.in/#q=Consequence+of+Increasing+privatisation+on+children\

[xxxiv]http://www.governancenow.com/news/regular-story/rte-5-years-1-lakh-schools-shut-down-in and also see http://www.governancenow.com/news/regular-story/rte-5-years-1-lakh-schools-shut-down-india-national-forum-#sthash.FEBRpdrB.dpuf

[xxxv]http://www.childlineindia.org.in/Child-Labour-Prohibition-and-Regulation-Act-1986.htm

[xxxvi]http://www.livemint.com/Politics/ZPALzwgvOLhyMfxWsobcHM/10-alarming-statistics-on-child-labour-in-India.html