

Research Article

Conceptualisation and Contextualisation of Social Inclusion and Exclusion under Equal Opportunity Commission Report: Reflections and Appraisal

Md. Zafar Mahfooz Nomani

Associate Professor, Department of Law, Aligarh Muslim University, Aligarh
Email: zafarnomani@rediffmail.com

ABSTRACT

The conceptualisation and contextualisation of social exclusion under the constitutional goal of equality of opportunities founded on the principles of liberty, dignity, fraternity and social justice form the core of this paper. Social and economic empowerments of disadvantaged sections of society and attainment of civil liberties in education and employment foster social solidarity and inclusion. Access to opportunities in all spheres of public and private life requires conceptualisation and contextualisation of social exclusion constitutional conspectus. The stark inequalities compounded with boundaries of social groups make inter-group inequalities more vulnerable. The need to affirmative action through the *Equal Opportunity Commission Report* rightly conceptualised and contextualised social inclusion in praxis of an evidence-based advocacy. National data availability suggests existence of disadvantaged groups by various circumstances, which are neither of their creation nor within their control to overcome. This institutional deficit and unfair discrimination requires availability of equality in reality. This paper hypothesises that conceptualisation and contextualisation of equal opportunities will raise the status of deprived groups and will enable accessing of equal justice through judicial processes, which ultimately pave way for social inclusion of socially excluded groups.

Keywords: Equalisation of Opportunities, Affirmative Action, Evidence-Based Advocacy, Social Solidarity, Institutional Deficit, Cumulative Burden of Exclusion, Inclusive Growth

UNDERSTANDING EQUALITY AND EQUALISATION

The conceptualisation and contextualisation of social exclusion in rudimentary form rooted under the constitutional goal of right to equality before the law, equality of opportunities and protection against discrimination and founded on the principles of liberty, dignity, fraternity and social justice form the core of this paper. The *Constitution of India*, 1950, recognises those social and economic empowerments as both means and ends for disadvantaged sections of society. Discrimination based on sex, caste, ability, religion or place of birth may undermine the attainment of high levels of education and

employment, and consequently undermines social harmony, solidarity and inclusion (Jain, 2007: 856-59). The respect rights of equality and promotion of their social exclusion are necessary to provide access to opportunities in all spheres of public and private life to all socially excluded sections, in recognition of the fact that fundamental rights set out in the Constitution are not exhaustive and after taking note of rampant inequalities. This demands positive action for subtle conceptualisation and contextualisation of social exclusion under fundamental rights of the Constitution. The need to address inequalities and to supplement the existing policies of reservations by fine-tuning the

definition of beneficiaries, expanding the range of modalities and evolving a forward-looking and integral approach to affirmative action is meticulously underlined in the *Equal Opportunity Commission (EOC) Report*, 2008. This paper explores the conceptualisation (the writer is using 'z' in conceptualization above) and contextualisation of social inclusion and exclusion in praxis of an evidence-based advocacy. This paper also explores the mechanism of equalisation of opportunities under legislative policy, execution of laws and judicial processes to foster social exclusion (Hills 2002).

SOCIAL EXCLUSION AND JUSTICE

National data availability by the Census of India, National Sample Survey (NSS), and expert committee reports suggest that while considerable progress has been achieved in some sectors, a large number of groups are still disadvantaged in terms of even accessing the basic necessities of life for survival with dignity. They are either discriminated or disproportionately denied of opportunities because of various circumstances, which are neither of their creation nor within their control to overcome (Ahmad 1972: 172-78). It is this institutional deficit that the EOC advocated for removal of unfair discrimination and proactive creation of conditions for realisation of constitutionally guaranteed rights to equality (Ministry of Minority Affairs, EOC 2008). It is quite interesting to compare and contrast processes of equalisation in India with those in the United States in this regard. President Lyndon B. Johnson, while addressing an audience of Black college graduates in 1965 at the Howard University, expressed a conviction that America must do more than just pay lip service to equal opportunity and economic and political empowerments for Black Americans. Johnson's belief in affirmative action as an effective anti-discrimination policy (Weisskopf 2004) was considered to be a practical necessity and morally justifiable. This ensures the Black Americans not only 'equality as a fact and as a result,' but also "equality as a right and a theory". It is apt to quote Lyndon B. Johnson hereunder:

'[F]reedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please. You do not

take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, 'You are free to compete with the others', and still justly believe that you have been completely fair. Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result. . . . To this end equal opportunity is essential, but not enough, not enough.'

Nearly five decades have passed since Johnson's exhortation coupled with the enactment of the landmark *Civil Rights Act* of 1964 in the United States; yet, significant inequality between Blacks and Whites in education, employment, housing and income are commonly discernable. Some attribute this inequality to forces that are beyond the control of Blacks, such as past and present societal discrimination (Starks 1992: 993). The *Lawyer's Committee for Civil Rights under Law* aptly remarked: 'The racial and ethnic discrimination continues to impose significant barriers to the opportunities of minorities throughout our society.'

The empowerment of the marginalised inhibited their ability to take control of the institutions and to participate in the complex matrix of social and political institutions. The barrier to participation in institutional processes is disturbing and people still crave for sustainable livelihoods (Baxi 2001: 194-96). Their caste, location, community and economic situation in hierarchies, as well as forms of social exclusion and inclusion, challenge the very foundations of equality and equal opportunity, thus leaving an indelible mark on the practice of democracy (Heckman 1998: 101-16). As noted in the words of Dr B.R. Ambedkar:

'On the 26th of January 1950 we are going to enter a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote

and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril.'

This reality goes along with the Indian *Protection of Civil Rights Act*, 1955, much prior to the analogous American *Civil Rights Act*, 1964 (Glanter 1972: 254-81). The democratisation of access seems to be accompanied by a reaffirmation of historical discriminations, despite the fact that the penultimate objective of law is promotion of justice, legal liberalism and bringing structural changes in social hierarchy. A student of exclusion studies and jurist equally baffles as to why the EOC was not constituted along with the enactment of the *Constitution of India*, 1950, and promulgation of the *Protection of Civil Rights Act*, 1955 (Nomani 2008: 101-02). The cumulative burden of exclusion under India's economic development reinforces the existing stratification giving rise to new 'hierarchies of access.' In any system of the world according to John Rawls (1972: 3-4):

'Justice is the first virtue of social institution, as truth is of system of thought. A theory, however, elegant and economical must be rejected or revised if it is untrue. Likewise laws and institutions no matter how efficient or well arranged, must be rejected or revised, reformed or abolished, if they are unjust. Therefore, in a just society the liberties of equal citizenship are taken as settled, the rights secured by justice are not subject to political bargaining or to calculus of social interest.'

CONSTITUTIONAL AND EXCLUSIONARY PROCESS

The right to equality before the law, equality of opportunities and protection against discrimination are fundamental rights under the *Constitution of India*, 1950, and are founded on the principles of liberty, dignity, fraternity and social justice (Granville 1999). The

constitutional vision to secure equality of status and opportunity for all citizens is emphatically spread over various provisions of the constitution under social and economic empowerments as both means and ends. The fundamental right to equality depends on the availability of a fair working environment for disadvantaged sections of society. Discrimination based on sex, caste, ability, religion or place of birth may undermine the attainment of high levels of education and employment and may consequently undermine equality in standard of living, quality of life, social harmony and solidarity (Glanter 1984). The universal and equal enjoyment of opportunities in all spheres of public and private life can be augured by implementation of special measures and beneficial legislations based on the constitutional mandate (Baxi 1972). Due to the fact that fundamental rights set out in the Constitution are not exhaustive and inequalities are widely prevalent, there emerges a greater need for effective implementation of equality in areas of persistent inequality. The fundamental rights and directive principles of state policy for the present generation coincide with boundaries of social groups and communities, making inter-group inequalities more visible than before (Madan 1992). The inequalities and supplementary policies of reservations obliquely define beneficiaries. The expansion of modalities and integral approach to affirmative action (Wright 1986: 1-8) is ventilated through the *EOC Report*, 2008. As a path-finding institution, the mechanism of the EOC revolves around evidence-based advocacy in fostering a greater degree of social inclusion.

SOCIAL INCLUSION AND OPPORTUNITY SYNDROME

Protection of individual and groups rights is discriminated strangely with the sanction of customs and state coercion. The anti-discrimination provisions in the constitution are enough to achieve equality of status and opportunity to all citizens for a series of 'affirmative-action' measures, leading to reservation in public employment and in education to marginalised groups (Seervai 2004: 435-38). The limited scope of reservations in securing equal opportunities for all deprived groups has adopted a long-term strategy of enabling the state to bring in special provisions in terms of directive principles for

advancement of deprived sections (Constitution of India 1950: Articles 14-17). This is followed up by a special mention of a number of areas, such as education, employment, nutrition and health (*ibid.*; Articles 41, 46 and 47). The strategy of progressive realisation by state legislation enabled individuals to avail equality of status and opportunity. However, the series of social justice-oriented legislation during the last six decades manifest serious anomalies in supplementing the constitutional ideals made by the Supreme Court of India in favour of socially excluded groups (Granville 2004). Planning and development revealed that some sections lagged behind others as portrayed by national data evidences because of poor supplement of resources and executive action (Human Rights Watch 1999).

This posed threats to the legitimacy of anti-discrimination laws in the creation of a level-playing field for securing equal opportunities to the disadvantaged sections of people. Data available through national surveys by official agencies and expert committee reports suggest that while considerable progress has been achieved in some sectors, a large number of groups are still disadvantaged in terms of even accessing the basic necessities of life for survival with dignity (Ministry of Minority Affairs, Rajender Sachar Committee 2006). They are either discriminated or disproportionately denied of opportunities because of various circumstances, which are neither of their creation nor within their control to overcome. This lapse may be because of the institutional arrangements in place or because of the weakness of policies involved. The differential impact of some developmental policies is either not observed or not documented (Black 1995: 309-34). Evidence-based marginalisation and institutional deficit was proposed to be filled up by the *EOC Report*, 2008. Its objective is removal of unfair discrimination and proactive creation of conditions in order to enable such neglected groups to avail constitutionally guaranteed right to equality. Therefore, the new mechanism should be such that, based on well-researched qualitative and quantitative data around the status of deprived groups, it should be able to influence policy (legislature), intervene in the implementation of laws and schemes (executive) and enable accessing of equal justice under the law (judicial processes). The development of such a mechanism and determining its structure, scope and

functions are the tasks assigned to the Expert Group (Jain 2001: 37-43).

EQUALISATION AND SOCIAL EXCLUSION

The inclusive growth and egalitarian model of the Indian Constitution obfuscated vast numbers of disadvantaged category, complex nature of disabilities and perpetual sufferings of marginalisation (Nomani 1998: 91-104). In such circumstances, it is not easy to bring about equality of status and opportunity for all through rule of law and democratic processes (Deshpande 2007: 735-60). Entrenched attitudes, sectarian policies and conventional mindsets constitute a major limitation in bringing about social change. History is replete with instances of how well-intentioned initiatives have brought more misery than good when authoritarian methods were employed and balance of interests not maintained. In other words, social engineering through legal and democratic institutions and processes has to necessarily acknowledge group identities and opt for incremental and consensual change. The consensus model depends a great deal on evidence-based advocacy and a balance between liberty and freedom. In the wake of liberalisation, privatisation and globalisation (LPG), market forces not being favourably disposed to ideals of equity and equality. The unorganised sector and the vast mass of self-employed individuals do need the support of the State to be able to share the opportunities provided by economic development (Loury 1998: 117-26). This imposes additional duty on the State to be proactive in the matter of equalisation of opportunities for disadvantaged people. The human rights jurisprudence, as it developed globally during the last few decades, has decidedly supported State intervention against discriminatory practices even against private enterprise. The Indian Constitutional law as interpreted and developed by the Supreme Court has also shown a remarkable trend to invoke the human rights discipline in constructing an egalitarian social order through qualitative and quantitative criteria. The courts sought measurable indices evaluated statistically to determine beneficiaries of affirmative action. The EOC can profitably build on this trend with its evidence-based advocacy to promote equality of opportunity to deprived sections. The EOC is based on caste- and religion-free values and is guided by a disability-driven approach:

The identity of the deprived sections is not so much based on caste and religion but on their common plight of deprivation and consequent inability to access equality of opportunity. They are people with per capita consumption of less than Rs.15 per day whose numbers, we understand, exceed 500 million people. They do not belong to any one caste or religion. They largely come from among the Scheduled Castes, Scheduled Tribes, disabled persons, and minorities and even from some sections of the majority communities.

Although these principles are endowed with rights and entitlements in respect of education, employment, health and dignity, they are unable to assert their rights and fight against discrimination. In this respect, the vision of EOC is germane:

The EOC is expected to assume the role of a public advocate for the deprived groups. The evidence it collects and the arguments it constructs on the basis of equality jurisprudence can deliver reliefs and remedies administratively and wherever required, through the courts and tribunals.

This is attributed to pitfalls of the legal system, which can help only those who can reach the court and prove the discrimination based on facts and figures (Baxi 1982: 58-53). The marginalised sections are devoid of requisite stamina to vocalise their concerns in legal battles. The marginalised communities are socially excluded strategically and perpetually (Baxi 1986).

INSTITUTIONALISATION OF SOCIAL EXCLUSION

The idea of India as captured in the Constitution is an egalitarian and multi-cultural society firmly entrenched in the rule of law, human dignity and harmonious coexistence of diversity in all its forms, hues and shades (Kalam 2007). The State is directed by the Constitution ‘to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life’ (Constitution of India: Article 38(1)). By an amendment in 1976, the mandate is

further clarified by adding a positive duty on the State which reads:

The State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations (ibid.; Article 38(2)).

Several mechanisms including preferential treatment (reservation of seats for certain identified groups in legislative bodies, in public employment and in educational institutions) have been adopted by the provisions of the Constitution itself. Equality of opportunity in matters of public employment is a guaranteed fundamental right of every citizen (*ibid.*; Article 16(1)). This is ensured by prohibiting under Article 16(2) all forms of discrimination on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them in respect of any employment or office under the State. The Constitution of India is itself the anti-discrimination law in the country both for individuals and for groups of people who find themselves discriminated on grounds of only religion, race, caste, sex, place of birth or any of them (*ibid.*; Article 15(1)). The right of individuals so discriminated to seek constitutional remedies by approaching the Supreme Court is also a guaranteed fundamental right (*ibid.*; Article 32).

MECHANISM OF SOCIAL EXCLUSION

The EOC report opined towards fulfilling the constitutional promise of equality by drafting an *EO Bill*, for an early enactment before the Parliament. This is a quantum leap in translating social inclusion in the Indian context. However, the analysis of this Bill remains beyond the scope of this paper. Equality as the foundational value of the Constitution juxtaposed with stark inequalities in the present social reality is conspicuously visible than before on the national map. These inequalities fine-tuned with policies of reservations became myopic in expanding the range of social inclusionary policies. This calls for evolving a forward-looking and integral approach to affirmative action, which should be above caste, religion

and historically discriminated communities (Aggarwal 1971). The EOC as a path-finding institution and as an evidence-based advocate of affirmative action endeavours to Marshalls, beyond a formal requirement of direct discrimination in the equality paradigm. The Constitution, as interpreted by the judiciary, provides a positive mandate for creation of a level-playing field by appropriate State action (Chopra 2006). The *EOC Report* puts a positive obligation on the State to control direct and indirect discrimination and to eliminate extreme forms of deprivation by taking into account the burden of history (Ministry of Welfare 1989: 121). A review of EOCs or similar bodies across the world demonstrates the utility of such an institution, if it is tailored to the specific socioeconomic, judicial and institutional context of the country. The experience of such institutions shows that there is no alternative to recognising social identities and to developing, gathering and publishing of evidence about persisting inequalities in opportunity that the EOC needs to be proactive and autonomous of the government, and that a wide range of context-specific policy options are needed in each country.

FUNCTIONAL AMBIT AND SCOPE

The jurisdiction of the proposed EOC should be wide ranging in terms of social groups and sectors, but delimited in terms of domains and the nature of issues that it can take up. It would serve its purpose best if it is open to any citizen of India and the beneficiaries are identified by evidence, rather than by a predetermined formula. The scope of the EOC should extend both to the public and to the private sector. It will be a misnomer if we allow equalisation of opportunities and social exclusionary process to contest against the state and instrumentality of state (Constitution of India 1950: Article 12). In a market-driven and neo-capitalist economy, the fruits of equality should be extended to the private sector and non-state entities (Madheswaran and Attewell 2007). The EOC should give priority to education and employment and should entertain only group equality-related cases. Thus defined, the scope of the EOC may apparently overlap with that of other Commissions; yet, the EOC will have its own niche and unique role, for it would provide a service that is not currently on offer. The Parliament has the requisite power

to legislate on this subject (EOC 2008: 32-38). The EOC should focus on advisory, advocacy and auditing functions rather than on grievance redressal. Such an evidence-based advocacy role would involve many functions: research and data gathering, monitoring and auditing, advisory and consultative role, policy intervention, grievance redressal in a limited and supportive capacity, coordination, promotion and advocacy as well as dissemination, including preparation and publication of performance reports and Status Reports on Equal Opportunity situation (EOC 2008: 40-44).

The EOC needs the powers of a Civil Court, but not its penal powers, for its inquiries and investigations. The impact and efficacy of the EOC would depend mainly on its ability to influence public opinion and to provide credible evidence. Accordingly, the proposed EOC would have the power to announce Codes of Good Practice, the standard powers of a Civil Court relating to inquiries, power to provide legal assistance to complainants and engage legal counsel, power to demand information and to inspect records and power to require compliance of equal opportunity practice codes (EOC 2008: 46-48). The EOC would be expected to adopt a fresh approach and come up with innovative procedures. Generating, collecting, processing and disseminating various kinds of data on equal opportunity issues – generic data, reporting data, indices and data from case studies – is going to be the key to the success of the EOC. Besides, the EOC would conduct general and special investigations by following a standard, transparent, fair and time-bound procedure (EOC 2008: 50-52).

The composition of the EOC needs to reflect its diverse constituencies and multiple functional requirements. These can be met if the proposed EOC has a chair person and six (at least two full-time) members, enjoying a tenure of 5 years. The members should be selected from among experts (at least one each from law and social science), professionals and activists, with due representation to women and other disadvantaged groups, by a bipartisan committee, following the model of the selection of the members of the *National Human Right Commission (NHRC)* (Nomani 2009: 107-27). The EOC would need to work in a transparent manner and involve various stakeholders with an all-India presence by five regional

commissions. These regional commissions are proposed, within 2 years of setting up of the EOC, to make the institution accessible and relevant in different regions of the country (EOC 2008: 54-56).

FUTURISTIC COURSE AND DIRECTION

The equality jurisprudence contained in the Constitution, interpreted and developed by the Parliament and the Judiciary of India, is rich and dynamic to serve the social justice vision of the nation. The challenge is to translate it into appropriate policies and programmes without disturbing the democratic commitment to the rule of law and harmonious relations among different communities and groups (Hoff and Pande 2004). Multi-cultural societies all over the world have been experimenting with diverse institutional mechanisms to achieve the desired results with varying degrees of success. India too set up almost a dozen commissions at the national level to look after the special interests of disadvantaged sections of society. They are doing their best to focus the attention of the authorities on the problems of communities entrusted to their care. However, the issue of equal opportunity in different walks of life to disadvantaged groups has not received the attention it deserves for want of detailed quantitative and qualitative data, adequate legislative support and vigorous public advocacy and judicial activism (Kirpal *et al.* 2004).

No community or group should feel discriminated against nor should any group suffer denial of equal opportunity for want of capacity to marshal facts and advance arguments based on them (Kundu *et al.* 2007). If there are gaps and inadequacies in policies or programmes, the proposed watchdog body should be able to intervene effectively and restore equality of opportunity in each and every sector of public life. A culture of equality and fraternity should be cultivated so as to permeate every section of the society if the preambular promise of justice, social, economic and political, has to be redeemed.

This is a task in which the EOC will take a lead role with a missionary zeal. The various other commissions now functioning can be partners in this mission. Perhaps the equal opportunity situation would have been different had the government set up the EOC immediately after enactment of the Constitution. Now it is up to the

government to not delay the establishment of the Commission. There are expectations generated among deprived groups including minorities that the proposed Commission would not just be a recommendatory body, but one which can remedy the discrimination and denial of equal opportunity of deprived groups through appropriate, expeditious action. The country cannot afford to disappoint them and still hope to be a nation committed to equality, fairness and dignity. With the economy looking up and all political parties subscribing to the ideal of inclusive development, the time is opportune for a breakthrough in the conventional style of administration of the social justice agenda. It is hoped that the government would find the *Equal Opportunity Commission Bill* attached to this report suitable to be enacted immediately, so that the Commission may be in place well before the end of the year. Institutions are as good as the people who come to manage them particularly in its infancy. Special care should be taken in the constitution of the first Commission which will determine its character, capacity and esteem among the stakeholders. The attached Bill has attempted to structure the procedure constituting the Commission with a view to attract the best available persons for the onerous and challenging responsibilities entrusted to the Commission. It is expected that the EOC herald a new era of hope and empowerment to the many 'deprived groups' to enjoy the fruits of freedom and inclusive development by bringing socially excluded groups in the national mainstream.

CONCLUSIONS AND SUMMATIONS

One of the forceful articulations of social inclusion in contemporary India is manifested under the *Rajinder Sachar Committee Report*, 2006, which triggered the constitution of an equalisation of opportunity and providing incentives for diversity. As a natural sequel, two expert committees under Dr. Madhav Menon and Dr. Amitabh Kundu were constituted to consider these recommendations. The *Madhav Menon Committee Report*, 2008, proposed an Equal Opportunity Commission Bill to prohibit discrimination against 'deprived groups' defined on certain grounds, such as sex, disability, religion, caste, language, etc. The *Amitabh Kundu Committee Report*, 2008, recommended the

constitution of a *Diversity Commission* to oversee the incentivisation of diversity in education institutions, employment establishments and housing societies. The *Diversity Commission* corroborates equalisation of opportunities through the proposal of 'diversity index' and is sensitive to religion, caste and sex.

Mainstreaming of marginalised communities should be done with the objective of attaining 'unity in diversity'. This requires subtle understanding of the nature of diversity and their processes, which reflects disparity and inequity. The factors and institutions responsible for understanding diversity in the Indian social milieu is a complex task. The conceptual and methodological issues require an operational formula and incentive system. This new approach manifested concurrent to the EOC in the Report of the Expert Group on Diversity Index (Ministry of Minority Affairs, Amitabh Kundu Report 2008: 7-20). This is a paradigm shift in dealing with the problem of unequal access to socio-political space in the country. It represents a paradigmatic shift in India's approach to equality moving beyond the classical notion of affirmative action and reservations. It also explores a combination of anti-discrimination and diversity promotion measures to pursue social justice. They also recognise discrimination on multiple grounds, compartmentalising suffering through group-specific measures and politics of resentment and competition. Finally, they transcend the divide between public and private actors and apply equally to all in the LPG regime of India. This model of social inclusion is thus a novel addition to the present exclusion studies and discourse by mandating public and private sectors alive to social responsibility of equalisation liberal democratic traditions of India.

REFERENCES

- Aggarwal, P. (1971).** 'Caste, Religion & Power'. Shri Ram Centre for Industrial Relations: New Delhi.
- Ahmad, Imtiaz. (1972).** 'For A Sociology of India', *Contributions to Indian Sociology*, 172-78.
- Austin, Granville. (1999).** 'The Indian Constitution: Cornerstone of a Nation'. Oxford University Press: New Delhi.
- Austin, Granville. (2004).** 'Working a Democratic Constitution: The Indian Experience'. Oxford University Press: New Delhi.
- Baxi, Upendra. (1982).** 'The Crisis of Indian Legal System', Tripathi; Bombay, 53-58.
- Baxi, Upendra. (1986).** 'Law and Poverty'. Tripathi: Bombay.
- Baxi, Upendra. (2001).** 'The Avatar Of Indian Judicial Activism: Exploration in Geographies of (In)Justice', 194-96 in S. K. Verma and Kusum, *Fifty Years of Supreme Court of India: Its Grasp And Reach*. Oxford University Press: New Delhi.
- Baxi, Upendra. (1972).** 'Supreme Court & Politics'. Vikas: New Delhi.
- Black, D.A. (1995).** 'Discrimination in an Equilibrium Search Model', *Journal of Labor Economics*, (13)2, 309-34.
- Chopra, Pran. (2006).** 'Supreme Court Versus Constitution'. Sage Publication: New Delhi.
- Deshpande, Ashwini (2007).** 'Overlapping Identities Under Liberalization: Gender and Caste In India', *Economic Development and Cultural Change*, (55) 4, July, Pp. 735-60.
- Glanter, Marc. (1972).** 'The Abolition of Disabilities Untouchability & Law'. Pp. 254-81 in M. J. Mahar (Ed.), *Untouchables in Contemporary India*. Oxford University Press: New Delhi.
- Glanter, Marc. (1984).** 'Competing Equalities: Law & Backward Class in India'. Oxford University Press: New Delhi.
- Heckman, J. (1998).** 'Detecting Discrimination', *Journal of Economic Perspectives*, 12:2, 101-16.
- Hills, John. et al., (Ed.) (2002).** 'Understanding Social Exclusion'. Oxford University Press: New York.
- Hoff, Karla and Priyanka Pande (2004).** 'Belief Systems and Durable Inequalities: An Experimental Investigation of Indian Caste', *World Bank Working Paper*; [Http://Econ.Worldbank.Org/Working_Papers/36689/](http://Econ.Worldbank.Org/Working_Papers/36689/).
- Human Rights Watch (1999).** 'Broken People: Caste Violence against India's "Untouchables"', *Human Rights Watch*, New York.
- Jain, M.P. (2001).** 'The Supreme Court & Fundamental Rights', In S.K. Verma and Kusum (Ed.), *Fifty Years of Supreme Court of India: Its Grasp & Reach*, Oxford University Press: New Delhi.
- Jain, M.P. (2007).** 'Indian Constitutional Law', Wadhawa and Company: Nagpur.
- Kalam, M.A. (2007).** 'Conditioned Lives?' In *Economic and Political Weekly* Special Issue on Symposium on the Sachar Committee Report, Vol. XLII No. 10, March 10-16.
- Kirpal, B.N. et al., (Ed), (2004).** 'Supreme but not Infallible: Essays in the Honour of the Supreme Court of India', Oxford University Press: New Delhi.
- Kundu, A., Shariff, Abu Saleh and Ghosh, P.K. (2007).** 'Indexing Human Development in India', Indicators, Scaling And Composition', In *State, Market And Inequalities*, Abu Saleh Shariff And Krishnaraj, M (Eds.) Orient Longman: New Delhi.
- Loury, G.C. (1998).** 'Discrimination in the Post-Civil Rights Era: Beyond Market Interactions', *Journal of Economic Perspectives*, (12)2, 117-26.
- Madan, T.N. (Ed). (1992).** 'Religion in India', Oxford University Press: New Delhi.
- Madheswaran, S. and Paul Attewell. (2007).** 'Caste Discrimination in the Indian Urban Labour Market: Evidence from the National Sample Survey', *Economic and Political Weekly*, 42:41, October 13, 2007.

- Ministry of Minority Affairs. (2008).** 'Report on Social, Economic and Educational Status of The Muslim Community of India' [popularly known as Rajinder Sachar Committee's 'Report'], Government of India: New Delhi.
- Ministry of Minority Affairs. (2008).** 'Report of the Expert Group to Propose a Diversity Index and Workout the Modalities of Implementation', 7-20 [Amitabh Kundu Report] Government of India: New Delhi.
- Ministry of Minority Affairs, Government of India. (2008).** 'Equal Opportunity Commission of India Report by the Expert Group to Examine and Determine the Structure and Functions of an Equal Opportunity Commission' [popularly known as *Madhva Menon Committee Report*], Government of India: New Delhi.
- Ministry of Welfare. (1989).** 'Eighth Annual Report of the Minorities Commission for the Period from 1-4-1985 to 31-3-1986', p. 121, Government of India: New Delhi.
- Nomani, Zafar Mahfooz. (1998).** 'Human Right to Development & Persons with Disabilities: Breaking New Grounds for Equality in India', pp. 91-104 in XIII *Aligarh Law Journal: Special Issue on Human Rights*.
- Nomani, Zafar Mahfooz. (2008).** 'Public Interest Litigation Movement and Consumer Protection in India', pp. 101-13, in A. R. Kidwai (Ed.), *Higher Education in India*, Viva Books: New Delhi.
- Nomani, Zafar Mahfooz. (2009).** 'Good Governance and Sustainable Development in India: an Assessment of Environmental Legal Strategy and Human Right Institutional Mechanism', pp. 107-27, in II *Indian Journal of Federalism*.
- Rawls, John. (1972).** 'Theory of Justice'. Clarendon Press: Oxford.
- Seervai, H.M. (2004).** 'Constitutional Law of India'. Universal Law Publication: New Delhi.
- Starks, Samuel L. (1992).** 'Understanding Government Affirmative Action and Metro Broadcasting, Inc. V. Fcc.' February, 41 *Duke Law Journal*, 933.
- Weisskopf, T.E. (2004).** 'Affirmative Action in the United States and India: A Comparative Perspective'. Routledge: London.
- Wright, Theodore P. Jr. (1986).** 'The Failure of the Indian Minorities Commission, 1977-1981', pp. 1-8, *Indian Journal of Politics*, 20(1 and 2).