Demand for greater role of the markets in the economic field, more space for the civil society in delivering the services earlier provided by the state alone, greater participation of citizens in the decision making processes of the government has eventually resulted in changed role of state-society-citizen relations. The choice and decision of individuals are supposed to occupy a prominent place in the present situation.

However, certain sections of the society tend to remain marginalized mainly due to poor participation in development and governance processes. These are the category of citizens who are constitutionally equal participants in the democratic polity yet are disadvantaged in enjoyment and exercise of equal citizenship. Inherited social inequalities, cultural differences, economic disparities, inaccessibility to the welfare provisions such as education, health etc., are some social conditions that undermine the exercise of equal citizenship. (Eventually, the concept of equal citizenship itself has come to be criticized.) There has been a parallel shift in the discourses of development in terms of multi cultural theories in which the minority sections of the society have been viewed in light of rights, justice, freedom and equality.

In recent years, there has been much discussion on the state as a subject of theoretical and empirical enquiry. The early 1970s witnessed a series of democratic transitions in Europe, Africa and Asia. This transition was supported by liberals as well as social democrats on the grounds that democracy and development were not only compatible but also mutually reinforcing. It was reasserted that democracy created the conditions for enhanced levels of popular involvement in decision making, which was more inclusive and in the process created better developmental outcomes. It was assumed on the liberal principles that citizens in a democratic society possess equal opportunities for political participation.

However, in plural societies the right to participation is denied to certain sections of citizens due to several factors. This creates conditions of marginalization where
people have limited or no access to power, resources and over all socio-economic development.

Equality was adhered as a cardinal value by the framers of the Constitution of India, considering the deep roots of group inequalities entrenched in the society. To deal with these basic inequalities in the Indian social structure, the introduction of constitutionally protected preferential treatment of these groups was considered necessary. A mere right to vote and equality of opportunity it was widely recognized is insufficient to secure meaningful, effective social and political equality. Thus apart from several general provisions to the right of equality special constitutional measures were taken to protect and advance the interests of the Scheduled Castes and Scheduled Tribes. These compensatory discrimination policies required systematic departure from norms of equality such as merit, evenhandedness, and indifference to ascriptive characteristics etc. These departures were justified manifold: first, preferential treatment was assurance of personal fairness, a guarantee against the persistence of discrimination in subtle and indirect forms. Second, such policies could be justified in terms of beneficial results that they would presumably promote: integration, use of neglected talent, more equitable distribution, etc. These two- the anti-discrimination theme and the general welfare theme – was combined with the notion of historical restitution or reparation to offset the systematic and cumulative deprivations suffered by lower castes in the past.

The makers of the constitution wished to extend the idea of equality of opportunity to all human beings in the social and political sphere. This required the government to treat all those in its purview as equals, as entitled to equal concern and respect. The goal of equality of opportunity was the removal of obstacles in the way of an individual realizing individual’s potential. The liberal conception of equality includes the legal and social dimensions. It necessitates the elimination of arbitrary advantages in a social and economic system, irrespective of the cause whether the inequality has resulted from one's choice or that of another. Thus, attempts were made to integrate the Scheduled Castes and Scheduled Tribes into society and politics through 'modern' political institutions. They visualized its realization through the constitution and the

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1 Rajeev Bhagava and Helmut Reifeld ed., Civil Society, Public Sphere and Citizenship Dialogues and Perceptions, New Delhi, 2005, p. 36.
legislative process, as well as the representative bodies that would set right the social
and economic injustice. They were very much aware of the inequality of treatment
based on caste and tradition. It was considered necessary to take into account the
special claims of certain communities which had for centuries been excluded from
position of equality and respect. Departing fundamentally from the individualist
premise of the equality principle it was proposed to have rights as legal entitlements
that would also be obligations on the members of civil society. As a result within the
constitution, the Scheduled Castes and Scheduled Tribes had a set of rights and the
state a set of duties, to eradicate discriminatory practices.

Keeping this vision in the backdrop, attempt has been made to situate tenets of liberty,
equality and justice in participation and realization of the rights of the marginalized
groups selected for the present study.

The chapter is broadly divided into two sections. The first section discusses the liberal
concepts of democracy, equality, equity, inclusion, recognition and justice. The
second section tries to explain the concepts of Participation and Marginalization
within the liberal framework.

Theoretical framework:

The theoretical framework of the study relies heavily on the concepts of democracy,
participation, equality, equity and inclusion and justice and the debate between the
priority of the individual or the collective within liberalism. This debate is followed
by a discussion on recognition and redistribution and an effort is made to place the
evidence from the field on whether the efforts of the state have led to any change in
the identity of the marginalized groups.

Attempt has also been made to analyze the schemes (selected for the study) on Scott’s
thesis that a state's attempt to make a society legible, has resulted in simplifications
that are rather like abridged maps. Such maps do not successfully represent the actual
activity of the society they depict, rather they represent only that aspect of it that
interested the official observer and when related with state power, would enable much
of the reality they depicted to be remade.

3 J. Scott, Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed,
So while analyzing the empirical data, there are two versions of development (social and economic), participation, and the outcomes: version of state and version of citizens.

Liberal Debate on Democracy, Equality, Equity and Inclusion and Justice

We come across a number of definitions of Democracy. Schumpeter⁴ defines democracy as a national political system in which people, political parties, and groups are free to pursue their interests according to peaceful, rule-based competition, negotiation and cooperation within an institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote. Dhal⁵ extends the range of requirements to eight, including freedom of association and expression, eligibility for public office, alternative sources of information, and institutions for making governments accountable to voters’ wishes. Huntington⁶ uses the procedural notion when he argues that a polity is democratic ‘to the extent that its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote’. Gordon White⁷ defines democracy as a set of institutional procedures to guarantee basic civil and political rights and allow political competition between political forces usually organized through parties. For David Held⁸ democracy means a form of government in which in contradistinction to monarchies and aristocracies, the people rule. Democracy entails a political community in which there is some form of political equality among the people. Held brings forth 12 variants (models) of democracy that have evolved from the ancient to modern times.

Thus, democracy understood in procedural sense calls for political participation of the citizens who are free to choose between the alternative policy agenda of various political parties. The argument behind the proposition is that this kind of political

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⁸ David Held, 'Democracy the Nation State and the Global System’ in *Economy and Society, 1999*, p.138-72.
participation enables groups and individuals to organize themselves, express their opinion freely and to get involved in a more open and inclusive policy making process. Schumpeter views that the democratic method is that institutional arrangement for arriving at political decisions which realizes the common good by making the people itself decide issues through the election of individuals who are to assemble in order to carry out its will.\(^9\) Democracy, founded on respect for civil liberties and political rights, was perceived to be conducive to economic freedom and competition which formed the core of a functioning market economy.\(^{10}\) But as Habermas says, 'the institutions of constitutional freedom are only worth as much as the population makes of them'.\(^{11}\)

The stability of this democracy depends much upon the participation of the citizens: their sense of identity, how do they perceive and work together with people of different identities, their desire for participation in political affairs, their initiatives of abiding by their duties as citizens etc.

Since the study is based on the participation of Scheduled Castes, Scheduled Tribes and women it is very important to understand their sense of identity and belongingness in the system. When one talks about asserting political rights and taking decisions, what is the perception of these groups about themselves, about representatives from their group and how is this decision influenced by the presence of other local actors. Are the groups able to organize themselves? Are the elections fair, honest, and periodic? Do they participate in the decision making?

Participatory notions of democracy relied on the ability of citizens to take a full and active role in decision making..... that is, 'rule by the people'. Rule by the people implied twin principles of popular control and political equality.\(^{12}\) Political equality is a part of the broader concept of equality that liberal philosophy advocates.

The philosophy of liberal equality entails each person to start their life with an equal share of society's resources. The resources available to a person include opportunities

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for skill development, personal accomplishment and the exercise of opportunities. The idea of equality of opportunity is based on the premise that people’s destiny should be shaped according to their choices and not by their circumstances. In the way of pursuing a personal ambition, success or failure should be determined by one’s performance and not by one’s race, class or sex. Right to political participation, freedom of expression, equality before law are some basic rights that should be equally extended to each individual in a society. Thus social inequalities are undeserved and should be removed to give each person an equal opportunity to acquire social benefits.

This premise leads to the concept of equity and justice. Individualism is regarded as the foremost concern of liberalism. Stressing individualism, the idea of social contract made the state serve man’s needs. Hobbes’ theory of social contract is a powerful statement of individualism because unlike Aristotle the state exists to serve man’s needs, implying that individual is the end of the state and not vice-a-versa.

According to Hobbes, the wretchedness of the state of nature made men desperate to get out of it. For this they entered into a contract through which they transferred their absolute ‘right to will’ whatever they liked, to some agreed upon third party. This third party was the sovereign or the Leviathan which had the consent of each individual and whose powers were absolute. He says, “Commonwealth is said to be instituted when a multitude of men do agree...”. Similarly Locke spoke of an original contract through which any number of men ...make one community or government wherein the majority has the right to act and conclude the rest. Later Rousseau spoke of a number of men establishing the state through a social contract, holding that the General Will is the will of all citizens when they are willing not their own private interests but the general good. Each citizen was to ‘voice his own opinion and nothing but his own opinion’.

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13 Will Kymlicka, Contemporary Political Philosophy, New York, 2002, p 58, “The central motivating idea is this: it is fair for individuals to have unequal shares of social goods if those inequalities are earned and deserved by the individual, that is, if they are the product of individual’s actions or choices. But it is unfair for individual’s to be disadvantaged or privileged by arbitrary and undeserved differences in their social circumstances”.

14 Hobbes, Leviathan, Oxford, ch xviii, 133


16 Ibid, 194.
This view has been criticized on the basis that it does not deal adequately with the question of status and rights for communities which are minorities within the state.

Hobbes and Locke make it clear that individuals, (men, in fact) are parties to the contract, men who act for themselves and presumably for associated women and children. They do not act as representatives of ethnic or other groups. Rousseau was explicit about eliminating associations intermediate between the individual and the state holding that “if the general will is to truly expressed, it essential that there be no subsidiary groups within the state...”.  

The principle of individualism received a setback with the emergence of utilitarianism founded by Jeremy Bentham within the liberal stream. Utilitarian view came up against prejudices and superstitions in order to provide a standard and a procedure challenging those who claimed authority in the name of morality. It was quite progressive in the sense that it demanded customs and authorities (which had oppressed people for centuries) to be tested against the standards of human improvement. This view defends maximization of the general welfare. To quote Bentham ‘pushpin is as good as poetry’. According to this view, the state should not impose a preferred way of life on its citizens even if it is for their own good, because such a decision of the state would reduce the sum of happiness of the people in the long run. Mill writes, “The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs or impede their efforts to obtain it”. Adding that, “I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on permanent interests of man as a progressive being.”

However liberals criticize utilitarianism on the ground that it fails to take seriously the distinction between persons. In order to maximize the general welfare, the utilitarian treats the society as whole as if it were a single person. It fails to respect plurality and distinctness. Utilitarianism is unable to provide a convincing basis respect for

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18 Will Kymlicka, Contemporary Political..., Op, Cit, p.12.


individual rights. This defense of individual rights comes on the grounds that respecting them (rights) now will serve utility in the long run. This argument is contrary to the liberal principle of not imposing the values of some on the others. Since the majority will is an inadequate instrument of liberal politics, the utilitarian philosophy is an inadequate foundation for liberal principles.

Kant argued that utility as an empirical principle is unfit to serve as basis for moral law. It not only leaves rights vulnerable but also fails to respect the dignity of persons. It treats people as a means to the happiness of others and not as ends in themselves worthy of respect.21 Where the utilitarian self is defined as the sum of its desires, the Kantian self is a choosing self, independent of the desires and ends it may have at any moment.22

For the Kantian liberals there’s a distinction between the ‘right’ and the ‘good’ between framework basic rights and liberties, and the conceptions of the good that people may choose to pursue within the framework. Rights based liberalism begins with the claim that individuals are separate, persons with different aims, interests and conceptions of good. So the need is of framework of rights that will enable people to realize their capacity as free moral agents, with respect for a similar liberty for others. While criticizing this individualistic view Communitarians emphasize that it ignores the communal sentiments and identities. They argue that due to its emphasis on the individualism, liberalism cannot be trusted to deal adequately with the question of status and rights for ethnic communities, most of which are minorities within the state. While liberals advocate a distinction between the ‘right’ and the ‘good’, between framework basic rights and liberties, and the conceptions of the good that people may choose to pursue within the framework, the communitarians counter it on the grounds that an individual is a situated self whose freedom and well-being is possible within community only. The political rights of citizens (especially the right to participate in different forms of democratic governments), recognition of group

21 Kant, *Groundwork of the Metaphysics of Morals* (1785); and ‘On the Common Saying: “This May Be True In Theory, But It Does Not Apply In Practice.”’ (1793)

differentiated rights, as well as citizens’ obligations towards the state and the society thus emerge from this debate.

The contemporary rights based liberals, whether Rawls\textsuperscript{23} or Nozick\textsuperscript{24}, consider every individual as an end and not just as a means, and thus try to find out principles of justice that embody it. Inspite of that there is no consensus over the concept of justice that should prevail. Rawls arrives at a theory of justice on which social and economic inequalities are permitted only if they benefit the least well off, where as in Nozick’s view justice embodies voluntary exchanges and transfers alone, with no option of redistributive policies.

This brings us to the concept of justice in liberalism. The traditional concept of justice, especially of the Greeks, referred to that of a ‘just man’. Plato’s theory of justice defined duties of different citizens and required them to develop virtues according to those duties. “Justice, in Plato’s sense, is the power of individual concentration on duty. If the soldier is just in this sense, he is, of course, a brave man; if a man in subordinate position is just, he of course accepts and maintains authority, or is ‘self-controlled’. Justice therefore … is really the condition of the existence of all the virtues; each of them is a particular manifestation of the spirit of justice, which takes different forms according to a man’s function in the community. In modern phase it is equivalent to sense of duty.”\textsuperscript{25} The modern concept of justice emphasizes on a just society. The concept of justice being discussed here relies mainly on the Kantian view. “…the primacy of justice amounts to this: the virtue of the moral law does not consist in the fact that it promotes some goal or end presumed to be good. It is instead an end in itself, given prior to all other ends, and regulative with respect to them.”\textsuperscript{26}

The contemporary debate on the nature of justice focuses on the distinction between procedural justice and substantive justice. The proponents of procedural justice (Spencer, Hayek, Friedman, Nozick) hold that the market mechanism creates necessary conditions for the most efficient use of resources, any artificial social policy

\textsuperscript{24} R. Nozick, \textit{Anarchy, State and Utopia}. Oxford, 1974.
\textsuperscript{25} R.L. Nettleship, \textit{Lectures on the Republic of Plato}, pp 151-52
designed to disturb this process will lead to a wastage of the rare material and human resources. So the quest for justice should aim at evolving reasonable rules, exemplified in competitions, such as races, which should be applied impartially to all categories. Spencer, following Darwin’s principle of ‘natural selection’ and ‘survival of the fittest’, asserts that any state help to the weak and handicapped would mean depriving the capable of their share. Hayek suggests that the state should positively promote competition\textsuperscript{27} and not function as an instrument of distributive justice\textsuperscript{28}. Nozick opines that “Individuals have rights, and there are things which no person or group may do to them (without violating their rights). So strong and far reaching are these rights that they raise the question of what, if anything, the state and its officials may do.”\textsuperscript{29} The state has no authority to redistribute the property of citizens...no right to interfere in the market, even to increase it efficiency.

The proponents of substantive justice opine that justice consists in ensuring a just distribution of ‘primary goods’ which include rights and liberties, powers and opportunities, income and wealth, means of self respect etc. Rawlsian idea of justice advocates an equal share of social goods to all. The central idea of Rawls’s ‘general conception of justice’ is that all social primary goods - liberty and opportunity, income and wealth, and the bases of self respect- are to be distributed equally unless an equal distribution of any or all of these goods is to the advantage of the least favoured.\textsuperscript{30} Treating individuals as equal does not mean removing all inequalities but only the ones that are to the disadvantage to some one else. Inequality is allowed only if it is to the advantage of the least well off. However there are some social goods that

\textsuperscript{27} David Held, \textit{Models of Democracy}, Oxford, 1999, p 258, “Hayek holds that it is only in specifying ‘the means capable of serving a great variety of purposes’ that agreement among citizens is probable. ...he took these means to be broadly synonymous with non-intrusive, non-directive organizations which provide a stable and predictable framework for the coordination of individuals’ activities. While individual alone can determine their wants and ends, organizations-above all, organizations like the state- can, in principle, facilitate the processes by which the individual successfully pursue their objectives”.

\textsuperscript{28} F.A. Hayek, \textit{The Constitution of Liberty}. Chicago,1960, p 87, “we cannot know enough about each person’s situation to distribute to each according to his moral merit. He adds, ‘our objection is against all attempts to impress upon society a deliberately chosen pattern of distribution, whether it be an order of equality or inequality’.”

\textsuperscript{29} R. Nozick, \textit{Anarchy, State and Utopia}. Oxford, 1974, ix. “a minimal state limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts and so on, is justified: any more extensive state will violate persons rights not to be forced to do certain things, and is unjustified.”

have more importance than others and cannot be sacrificed for others (for e.g. equal liberties are more important than equal opportunity which in turn is more important than equal resources). In justice as fairness, the concept of right is prior to good. Principle of justice follows a particular order which is ranked according to the principle of ‘lexical priority’. Dworkin is sympathetic to certain welfare rights and maintains that ‘governments must be neutral’ on the question of good life and the political decisions must be “independent of any particular conception of the good life or what gives value to life.”

Cultural Diversity and the debate on inclusion:

There has been a major development in the discourses of development in terms of multi-cultural theories in which the minority sections of the society have been viewed in light of rights, justice, freedom and equality.

Recent years have witnessed a number of theories that try to accommodate moral and cultural diversity under liberalism. Two strands of multiculturalist arguments have evolved in the due course. The first is methodological and parallel arguments that are used by the communitarians with regard to the nature of the ‘self’ or the ethical subject. The second role is less communitarian in the sense that it is employed by the

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31 John Rawls ‘The Right and the Good Contrasted’ in Sandel, Michael.J ed., Liberalism and its critics, Oxford, 1984, pp 41-42, “in utilitarianism...... Social welfare depends directly and solely upon the levels of satisfaction and dissatisfaction of individuals. Thus, if men take a certain pleasure in discriminating against one another, in subjecting others to a lesser liberty as a means of enhancing their self-respect, then the satisfaction of these desires must be weighed in our deliberations according to their intensity, or whatever, along with other desires. If society denies them fulfillment, or to suppress them, it is because they tend to be socially destructive and a greater welfare can be achieved in other ways. In justice as fairness, on the other hand, persons accept in advance a principle of equal liberty and they do this without knowledge of their more particular ends......”

32 The Principles as elaborated by Rawls are, “First Principle- Each person is to have and equal right to the most extensive total system of equal basic liberties compatible with similar system of liberty for all. Second Principle- Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity. First Priority Rule (The Priority of Liberty) - The principles of justice are to be ranked in lexical order and therefore liberty can be restricted only for the sake of liberty. Second Priority rule (The Priority of Justice over Efficiency and Welfare) - The second principle of justice is lexically prior to the principle of efficiency and to that of maximizing the sum of advantages; and fair opportunity is prior to the difference principle.” John Rawls, A Theory.... Op.Cit., p302-03.

political liberals\textsuperscript{34} in order to provide a foundation and context for liberal values such as autonomy.\textsuperscript{35} Isaiah Berlin was one of the first to stress cultural pluralism.\textsuperscript{36} Berlin, in his conception of plurality of ends, opines that freedom of choice is ‘a truer and more humane ideal’ than the alternatives. Rawls in his \textit{A Theory of Justice} tries to deal with the question of moral plurality.\textsuperscript{37}

Many critics of John Rawls’s resurrection of liberalism and the social contract tradition drew on the familiar arguments employed by social contract theorists concerning the ‘atomistic’ and ‘asocial’ nature of person or the moral subject. Rawls used the idea of choosing the subject behind the veil of ignorance, which denies that subject of knowledge of crucial aspects of her identity, as a way of justifying his two principles of justice. Communitarians such as Sandel, Taylor, MacIntyre etc criticized this conception of the person on the grounds that it employs a narrowly atomistic approach. By this they meant that it presupposes that the person or the self can be detached from all the contingent aspects of personality provided by society, history culture and family without undermining its capacity to choose its ends or rules that should govern its interactions with others.

The methodological point is a renewal of a perennial debate in social theory about the priority of the individual or the collective.\textsuperscript{38} The question which communitarians pose is “equality amongst whom?” \textit{Individual as an unencumbered self or as a situated self}? Citizens as individuals or as members of the group, that they belong to? The communitarian critics (following Hegel) of Kantian view question the claim for the


\textsuperscript{35} Paul Kelly ed., ‘\textit{Multiculturalism Reconsidered Culture and Equality and it’s Critics}’, Cambridge, 2002, p 5.

\textsuperscript{36} Isaiah Berlin, ‘Two Concepts of Liberty’, in Sandel.J, Michael \textit{Liberalism and its Critics}, Oxford,1984, p 30, “The world that we encounter in the ordinary experience is the one in which we are faced with choices between ends equally ultimate, and claims equally absolute, the realization of some of which must inevitably involve the sacrifice of others. Indeed, it is because this is their situation that men place such immense value upon the freedom to choose; for if they had assurance that in some perfect state, realizable by men on earth, no ends pursued by them would ever be in conflict, the necessity and agony of choice would disappear, and with it the central importance of the freedom to choose”.

\textsuperscript{37} According to Rawls, moral plurality is both inescapable as well as desirable. Inescapable because human beings arrive at different and equally plausible conceptions of good life in course of exercising their rational powers. Desirable because they possess different talents and opportunities and needed others to bring forth a part of themselves ‘which they have not been able to cultivate’. John Rawls, \textit{A Theory...} Op.Cit., p303.

\textsuperscript{38} The debate refers to the liberal ideas of individual rights and entitlements as well as to the communitarian ideas of membership in and attachment to a particular community. Will Kymlicka, \textit{Contemporary Political...} Op.Cit.,
priority of the right over the good and the picture of the freely choosing individual it embodies. According to Hegel, this kind of approach (Moralitat) is too abstract and individualistic as it overlooks the fact that individuals are inevitably embedded in historical practices and relationships\(^{39}\). Communitarians propose a more contextual and community sensitive approach where individual is a creation of a community and each of us owes our identity to a community in which one is brought up..... our choices are framed in the context of a community not as detached, individual identity\(^{40}\).

The argument of the communitarians is that citizenship is as much a matter of rights as it is of identity and belonging. Young\(^{41}\) opines that social groups provide the contexts within which our identities are shaped, and consequently that the way these social groups are treated has a bearing on the treatment of individual who carry those group characteristics. Her view is that identity is absolutely a social construction and that in modern pluralistic societies that construction takes place in complex overlapping contexts.

Bhikhu Parekh argues on the same lines that culture offers an identity, an association that is closer than that of the increasingly distant nation state. Culture has a structure and institutional manifestation which is lacking in other sorts of voluntary groups and associations.\(^{42}\) He demands for equal cultural rights.\(^{43}\) In Walzer’s view the citizen

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\(^{39}\) Taylor quotes “Hegel denies that the state exists for the individuals, in other words he rejects the Enlightenment utilitarian idea that the state has only an instrumental function, that the ends it must serve are those of individuals. But he cannot really accept the inverse proposition ‘The state is not there for the sake of the citizens; one could say, it is the goal and they are its instruments. But this relation of ends and means is quite inappropriate here. For the state is not something abstract, standing over and against the citizens; but rather they are moments as in organic life, where no member is end and none means... The essence of state is ethical life [die sittliche Lebendigkeit]’. The state or the community has a higher life; its parts are related as parts of an organism.” Charles Taylor, ‘Hegel: History and Politics’, in Sandel, Michael Liberalism and its Critics, Oxford, 1984, p 181.

\(^{40}\) “The communitarians view people as embedded in particular cultures. Cultural identity provides an ‘anchor for [people’s] self identification and safety of effortless self belonging’. People’s self respect is bound up with the esteem in which their group is held and if a culture is not respected then the dignity and self respect of its members will also be threatened. Self determination of an individual is an indirect process made possible by the participatory politics. The ties between individual citizens and the political community are direct as well as mediated” Will Kymlicka, ‘Introduction’ in Kymlicka, Will ed., The Rights of ..., Op. Cit., 7.


\(^{42}\) Paul Kelly ed., ‘Multiculturalism Reconsidered...’. Op. Cit., 7. “According to Parekh, culture provides our identities with thick contents which we may attempt to reject, but which we cannot simply ignore or deny. It is for this reason that attack on culture or its denial constitutes an attack on persons of the bearers of that culture based on this analysis he criticizes political liberalism’s failure to grasp the genuine hurt felt by the Islamic world with the publication of The Satanic Verses and the following fatwa”.

\(^{43}\) Bhikhu Parekh, ‘Rethinking Multiculturalism Cultural Diversity and Political Theory’ New York, 2006, p.211.”Since culture is an integral part of an individual’s sense of identity and well being, cultural rights are a part of human rights and a good society should guarantee them to all its citizens”.

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stands to the state not only as an individual but also as the member of a variety of other organizations with which the state must relate in relating to them. Raz, while discussing the politics of recognition and difference proposes that the kinds of goals available to individuals and the value they assign them are shaped by the social forms or practices of the society.

Kymlicka propounds that culture provides the moral context for autonomous lives. It is ‘an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history.’ For him, culture is a moral resource that provides the lived structures of values, beliefs and obligations required to make autonomy possible.

The arguments of the multiculturalists try to make space for various groups existing within the state but are denied equal citizenship rights. The discussion is based on the relationship of the group and the individual with the state respectively. They assert that due to its emphasis on the individualism, liberalism cannot be trusted to deal adequately with the question of status and rights for ethnic communities, most of which are minorities within the state. The ties between individual citizens and the political community are direct as well as mediated. The citizen stands to the state not only as an individual but also as the member of a variety of other organizations with which the state must relate in relating to them. Diversity encompasses the ethnic groups differentiated by language, regions, religion, caste etc. In order to protect diversity and curb homogenization, demands have been made for special rights for minorities in form of cultural community rights, separate representation and self government rights.

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45 Joseph Raz, *The Morality*....Op, Cit., 308
47 Bhagava, and Reifield, *Civil Society, Public Sphere*..... Op, Cit., 49. They question the link between common citizenship rights and national integration on the grounds of differentiated citizenship. Unequal citizenship can arise in several ways.
- Members of one community are given legal protection others are not. (Passive citizenship entitlements are unequally distributed.)
- Though passive citizenship entitlements are equally available, only a class of rich persons or members of one community can actively participate.
- Linguistic differences.
- Group differentiated citizenship rights or collective rights.
48 Vernon Van Dyke, *The Individual, the State*...Op, Cit., 32
49 Michael Walzer, *Obligations Essays*.....Op, Cit., 218
In an effort to resolve the conflict between collective rights and individual rights, Kymlicka distinguishes two kinds of collective rights. One, which he calls 'internal restrictions', refers to the rights of a group to limit the liberty of its own individual members in the name of group solidarity or cultural purity. Two, which he calls 'external protections' refers to the rights of a group to limit the economic or political power exercised by the larger society over the group to ensure that the resources and institutions on which the minority depends are not vulnerable to the majority decisions. He argues that the liberal theory of minority rights is very close to the second definition. Regarding the internal restrictions, it becomes quite difficult for the vulnerable members to use the power of the liberal institutions and the influence of the mainstream culture to change the oppressive and discriminatory traditions and practices of their communities. In order to overcome this discrimination, some suggest 'the right to exit'. However this view is not completely accepted on the ground that the right to exit makes any unjust treatment by the community on its vulnerable members permissible. Just as minority cultures need to be protected from assimilation into the majority culture, the internal subgroups should not be forced into compliance with the traditional norms and practices of the group.

The issues of minority within minority, gender relations, caste hierarchy bring back the focus on the liberal tenet of equality of opportunity for every individual and the need for state intervention.

Recognition and Redistribution: Need for State Intervention

Rawls differentiates between two positions within the liberal tradition. Kelly provides an explanation of both the positions. He says, 'First there is 'formal equality of opportunity', the name Rawls gives to Adam Smith's ideas of 'careers open to talents'. This position forbids legal and conventional impediments to educational and other occupational positions on the grounds of race, ethnicity, gender, religion and other characteristics unrelated to a person's qualifications to successfully execute the performance demands of (permissible) social positions. Second, there is 'fair equality of opportunity' which adds to these same prohibitions on discriminations positive

52 Paul Kelly ed., 'Multiculturalism Reconsidered... Op, Cit.,25.
requirements that society provides adequate and fair educational opportunity for all, as well as health care needed for citizens to take advantage of opportunity”.

Robert Nozick and Friedrich Hayek, resent any such intervention form the state advocating the right to freedom or liberty. They propound that the state steps beyond its bounds when it becomes an instrument to promote equality whether of opportunity or result. In Nozick’s opinion the state should only be a ‘protective agency’ against force, theft, fraud and the violation of contracts. The problems of arbitrary political power are compounded by all attempts to plan and regulate society as is clearly demonstrated by the new ‘welfare order’. In the name of the ‘common purpose’ or the ‘social good’, the people’s agents, whether representatives or bureaucrats, seek to reshape the social world through state economic management and the redistribution of resources. But Hayek maintained, echoing J.S Mill’s critique of despotic power, that whatever the intentions behind such efforts the result is coercive government. It is coercive because knowledge is inescapably limited; we know and can only know very little about the needs and wants of those immediately around us, let alone millions of people and how one might go about weighing their various aims and preferences. Any systematic attempt to regulate the lives and activities of individuals is perforce oppressive and an attack on their freedom: a denial of their right to be the ultimate judge of their own ends. This is not to say that there are no ‘social ends’ which he defined as ‘the coincidence of individual ends’. But it is to limit the conception of the latter to the areas of ‘common agreement’ and there are (and will always be) relatively few of these.53

Libertarianism rejects the principle of rectifying unequal circumstances. Libertarian theorists, especially Nozick, put forward a situation where one might assume that everybody is entitled to goods or holdings that they currently possess. In this case a just distribution is whatever distribution results from people’s free exchanges.54 If the government coercively taxes these exchanges against anyone’s will then it is unjust

53 David Held, Models of Democracy....Op, Cit., 256.
(because people are entitled to their holdings), violation of people's rights.\footnote{Will Kymlicka, Contemporary Political... Op, Cit, 103. “Libertarianism differs from other right-wing theories in its claim that redistributive taxation is inherently wrong, a violation of people's rights. People have a right to dispose freely of their goods and services, and they have this right whether or not it is the best way to ensure productivity. Put another way, government has no right to interfere in the market, even in order to increase efficiency.”} Libertarians (Nozick, Hayek), favour a scheme of civil rights along with private property rights and defend the market economy asserting that redistributive policies are an infringement on people's rights and a denial of people's dignity which is crucial to treating people as equals.\footnote{R. Nozick, Anarchy, State....Op, Cit., 334.} To this viewpoint, Kymlicka opines that redistribution will feel like an assault on dignity only if we believe it is morally wrong. If believe instead that redistribution is a required part of treating people as equals, then it will serve to promote, rather than attack, people's sense of equal dignity.

The egalitarian liberals (Rawls, Dworkin) favour the welfare state and a scheme of civil liberties together with some social and economic rights, such as rights to welfare, education, health care etc.

Here we come to the discussion on the issues of Recognition and Redistribution. Redistribution, as we have discussed above, comes from the liberal tradition. Rawls' and Dworkin's theories of distributive justice, seek to blend the traditional liberal emphasis on individual liberty with the egalitarianism of social Democracy. Their concepts of justice try to justify socio-economic redistribution. On the other hand, term recognition, is derived from Hegelian philosophy, specifically the philosophy of consciousness. To quote Nancy Fraser\footnote{Nancy Fraser, 'Social Justice in the Age of Identity Politics: Redistribution, Recognition and Participation'. In N. Fraser and A. Honneth, Redistribution or Recognition? A Political-Philosophical Exchange. London and New York:, 2003, p 11}, “In this tradition, recognition designates an ideal reciprocal relation between subjects in which each sees the other as its equal and also as separate from it. This relation is deemed constitutive for subjectivity; one becomes an individual subject only in virtue of recognizing, and being recognized by, another subject. Thus, "recognition" implies the Hegelian thesis, often deemed at odds with liberal individualism, that social relations are prior to individuals and inter subjectivity is prior to subjectivity. Unlike redistribution, moreover, recognition is usually seen as belonging to "ethics" as
opposed to "morality," that is, as promoting substantive ends of self-realization and
the good life, as opposed to the "rightness" of procedural justice. Richly elaborated by
existentialist thinkers at mid-century, recognition theory is currently undergoing a
renaissance, as neo-Hegelian philosophers such as Charles Taylor and Axel Honneth
are making it the centerpiece of normative social philosophies aimed at vindicating
'the politics of difference'."

The politics of redistribution is related to 'class politics', while the politics of
recognition is understood by 'identity politics'. Fraser contrasts the two paradigms of
redistribution and recognition in four areas: conception of injustice, cure for injustice,
conceptions of the collectivities that suffer injustice and understandings of group
differences. 5 8

While explaining different conceptions of injustice, the redistribution paradigm
focuses on injustices it sees as socio-economic and presumes to be ingrained in the
economic structure of society. For e.g. exploitation, economic marginalization and
deprivation. The recognition paradigm views injustice as rooted in cultural, social
patterns of representation, interpretation, and communication. For e.g. cultural
domination, non-recognition and disrespect.

The second aspect, that is, different cure for injustice the redistribution paradigm,
suggests the remedy for injustice as economic restructuring or redistribution. This
involves redistributing income and/or wealth, reorganizing the division of labor,
changing the structure of property ownership, democratizing the procedures by which
investment decisions are made, or transforming other basic economic structures. For
the recognition paradigm remedy for injustice can only be cultural or symbolic
change. This could involve 'upwardly revaluing disrespected identities and the
cultural products of maligned groups'; 'recognizing and positively valorizing cultural
diversity'; or 'transforming wholesale societal patterns of representation,
interpretation, and communication' in ways that would change everyone's social
identity.

While assuming different conceptions of the collectivities that suffer injustice the
redistribution paradigm identifies classes or class like collectivities defined
economically by a distinctive relation to the market or the means of production. For

58 Ibid., pp 12-16.
e.g. ‘the exploited working class’, ‘racialized groups of immigrants’ or ‘ethnic minorities’, ‘low-paid menial laborers’, ‘unwaged labor’, ‘women’ who are disadvantaged in employment. For the paradigm of recognition, the victims of injustice are more like Weberian status groups, defined not by the relations of production, but rather by the relations of recognition. They are identified by the lesser respect, esteem, and prestige they enjoy relative to other groups in society. For e.g. ‘the low-status ethnic group’, ‘gays and lesbians’, ‘racialized groups’, and ‘women’, who are trivialized, sexually objectified, and disrespected in myriad ways.

The fourth difference is understandings of group differences. To quote Fraser, “The redistribution paradigm treats such differences as unjust differentials. Far from being intrinsic properties of groups, they are the socially constructed results of an unjust political economy. From this perspective, accordingly, we should strive to abolish, not recognize, group differences. The recognition paradigm, in contrast, treats differences in either of two ways. In one version, they are benign, pre-existing cultural variations, which an unjust interpretative schema has maliciously transformed into a value hierarchy. In another version, group differences do not pre-exist their hierarchical transvaluation, but are constructed contemporaneously with it.”

Fraser, opines that distribution can not be subsumed under recognition. Her ‘perspectival dualist’ analysis poses the two categories as co-fundamental and mutually irreducible dimensions of justice.

*State intervention or state simplification:*

Contemporary political economists have tried to focus on social opportunities that can enhance the quality of life. Their argument being that such enhancement not only influences the quality of life but also the real opportunities for the citizens to participate in economic expansion.

While analyzing deaths due to starvation during famines Amartya Sen, points at entitlement failure as the cause of it. He suggests that the essential entitlements to be promoted for eliminating endemic deprivation and under nutrition include basic health
care and preliminary education in addition to food as such. They also include other necessities such as clean water living space and basic sanitation.\

This is commonly referred to as the capability deprivation approach. The ‘capability’ of a person is a concept inspired from Aristotelian philosophy. The life of a person can visualised as a sequence of things that a person does, or states of being that he or she achieves, and these constitute a collection of ‘functionings’ – doings and beings the person achieves. Capability is defined as “the alternative combination of functionings from which a person can choose”. It is the notion of freedom which provides a range of options to the person.

Expansion of basic human capabilities such as freedom as ability to live long, to read and write, to escape preventable illness, to work outside family irrespective of gender, participate in politics etc can lead to the expansion of the initial ownership or endowment. The relation of individual with the markets and her probable exclusion can be explained using Amartya Sen’s Entitlement analysis. It focuses on commodity markets. It directly examines the interplay between livelihood and the citizenship rights, and shows how individuals are excluded from commodity markets. A person’s entitlements depend both on what she owns initially and what she can acquire through exchange. For e.g. a wage labourer owns her labour power and by exchanging that for a wage (the exchange takes the form of employment) she acquires some money which she can exchange for some commodity bundle. Endemic hunger arises because of food entitlement failure but also from the inability of some people to convert their entitlement bundle into adequate nutritional functioning. Such an inability is due to certain personal characteristics, but also a lack of entitlement to other kinds of commodities which are essential to adequate nutritional functioning such as health and medical attention, elementary education, clean water, living space and basic


61 Jean Dreze and Amartya Sen, _Hunger and Public Action_, Oxford, 1989, p267.In each social structure, given the prevailing legal, political and economic arrangements, a person can establish command over some alternative commodity bundles (any one bundle of which he or she can choose to consume)......These bundles could be extensive or very limited and what a person can consume will be directly dependent on what these bundles are. The set of alternative bundle of commodities over which a person can establish such a commodities over which a person can establish such a command will be referred to as this person's 'entitlement' (entitlement is being defined here in terms of ownership rights).
sanitation. Here intervention by state is required to promote human capabilities and coordinate infrastructure.

However, there is another view that perceives state action as lacking in understanding the details of its inhabitants. According to Scott, the pre-modern state may have been partially blind, in many important areas had an idea of the actual situation of its populace. For e.g. it knew minor details about its subjects, their wealth, their landholdings and yields, their location, their very identity but definitely lacked tools like a detailed 'map' of its terrain and its people. It lacked in inventing a measure or a metric that would allow it to "translate" what it knew into a common standard necessary for a synoptic view. As a result, its interventions were often crude and self-defeating.

The modern state is very peculiar in its social engineering. This state-initiated social engineering denotes a 'pernicious' combination of four elements which are predicted for a full-fledged disaster. The first element is the administrative ordering of nature and society-the transformative state simplifications referred above. They undermine the concept of citizenship and the provision of social welfare just as they might undermine a policy of rounding up undesirable minorities. The second element is a high-modernist ideology views rational order in extremely visual aesthetic terms which resulted in 'miniaturization': or creation of a more easily controlled micro-order in model cities, model villages, and model farms. The third element is an authoritarian state that is willing and able to use the full weight of its coercive power to bring these high-modernist designs into being. The apt time for implementation of this element is times of war, revolution, depression, and struggle for national liberation. Such situations produce emergency conditions that promote the capture of emergency powers and frequently delegitimize the previous regime. A byproduct is rise to elites who repudiate the past and promote revolutionary designs for their people. A fourth element is a prostrate civil society that lacks the capacity to resist these plans.

The two important concepts explored through the study are participation and Marginalization.
Participation:

In the ancient political thought the essential characteristic of a citizen was believed to be the right of participation, in political functions of deliberations and adjudication.\(^{62}\) Political participation is defined by Nie and Verba as “legal activities by private citizens which are more or less directly aimed at influencing the selection of government personnel and/or actions they take”. They view participation as a technique for setting goals, choosing priorities and deciding what resources to commit to goal attainment. For Huntington and Nelson participation includes all citizen actions which are designed to influence all government decision making. Such actions can be individual or collective, organized or spontaneous, peaceful or violent, legal or illegal. Political participation is also defined as “those activities of citizens that attempt to influence the structure of government, the selection of government authorities or the policies of the government”.\(^{63}\)

According to Schumpeter, people are expected to participate only by expressing their mandate, and the scope of participation ends with the electoral process\(^{64}\). The electoral process provides the citizens an opportunity to elect and later oust the governments in a democracy. However, such a constricted interpretation of participation in a liberal democratic framework undermines public involvement and reduces peoples’ role in the decision-making process to the minimum. Scholars have disagreed with the Schumpeterian notion of public participation, by arguing that such limited participation may result in the establishment of institutions and processes that would eventually discourage citizen participation beyond the elections\(^{65}\).

Citizens’ participation in recent years has occupied a very prominent position. Classical liberals proposed that a liberal democracy could function well by creating proper checks and balances. Institutional and procedural devices such as the separation of powers, a bicameral legislature, federalism etc would guarantee the private interests of the individuals. Participation of citizens was not an important criterion. However, this view was criticized on the basis that the absence of any

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\(^{64}\) J A Schumpeter, *Capitalism, Socialism and Democracy*, New York, 1942.

obligation to participate in public life and only receive certain benefits from the state builds a class of passive citizens. And if the citizen is a passive figure, either there is no political community or if there is a political community then many citizens live like aliens.\footnote{Michael Walzer, \textit{Obligations Essays on Disobedience}... Op, Cit., 210} A democratic state strongly requires active citizens who take part in all common deliberations, have an interest in who governs them and why, which policies have been adopted and why, and is prepared in the last instance to exercise power themselves.

The post-war theorists have tried to define citizenship in terms of possession of rights. These rights assure the citizens a basic standard of living and position to participate in the political affairs. Robert Dhal builds on citizenship theory on two principles: one, the contingent principle of inclusion and two, the categorical principle. The contingent principle is based on the availability of citizenship only to those who are qualified to rule and by extension to possess other rights and entitlements. This qualification can be grounded in merit, property or prior membership in an ethnic, cultural or religious community. The categorical principle is different in the sense that being an adult member in the society is sufficient qualification for full citizenship of the state.\footnote{As quoted in Bhagava, Rajeev and Helmut Reifeld ed., \textit{Civil Society, Public Sphere}.... Op, Cit., 47.} T.H. Marshal defines citizenship as essentially a matter of ensuring that everyone is treated as a full and equal member of the society. This can be achieved only by according people a number of citizenship rights. He divides these rights into three categories: Civil, Political and Social Rights. He adds that with the expansion of these rights there has been an expansion in the class of citizens also.\footnote{T. H. Marshal, \textit{Class, Citizenship and Social Development}, New York, 1965, p. 78 ff.}

Some of the contemporary theorists define participation in decision-making as a citizenship right. For example, Thomas Janoski\footnote{T. Janoski, \textit{Citizenship and Civil Society}, Cambridge: Cambridge University Press,.1998, p. 50.} suggests that addition of ‘a right of participation’, to the panoply of rights ‘pushes citizenship rights into the center of more recent welfare state controversies and democratic struggles’. According to Ruth\footnote{Lister, Ruth, ‘A politics of recognition and respect: Involving people with experience of poverty in decision-making that affects their lives’. In Andersen, J. and Siim, B. ed., \textit{The Politics of Inclusion and Empowerment}. New York, 2004.}, “Citizenship is, in part, about equality of status and respect”. She explains the right to participation as a link between the two main traditions of citizenship: the
(social) liberal rights and civic republican traditions, which respectively cast citizenship as a status and a practice. In the latter, the essence of citizenship is active participation in governance and politics for the good of the wider community.

The right to participation is also seen as a human and not just a citizenship right. Carol Gould\textsuperscript{71}, for instance, has argued for an extension of the human right of democratic participation to include the right of participation in social and economic decision-making. Her argument is grounded in the agency of human beings and in the principle of freedom as self development. Similar assertion is made by Doyal and Gough\textsuperscript{72}, in their theory of human need, between simple autonomy as expressed through agency and “the higher degrees of critical autonomy which are entailed by democratic participation in the political process at whatever level”.

Political participation thus represents a situation of civic equality among citizens. Bentwich\textsuperscript{73} (2009:493) says, “Theoretically, through political participation, each citizen has an equal opportunity to secure his or her interests by influencing governmental policies. However, if in reality some citizens have fewer opportunities to politically participate, they are less able to secure their interests than those who have more chances to participate. Being less able to politically participate, the sense of civic equality for such citizens will deteriorate as well, since they no longer share an equal chance to secure their interests.”

So till now we have talked about three aspects (who, what and how) of participation. It can be concluded in the words of Gould\textsuperscript{74} who says, “…every person who engages in a common activity with others has an equal right to participate in making decisions concerning such activity. This right to participate applies not only to the domain of politics but to social and economic activities as well”.

What if the right to participation is withheld for certain sections of the society? We try to find answer by locating marginalization as a denial of participation.

\textsuperscript{72} L. Doyal and Gough, I, \textit{A Theory of Human Need}, Basingstoke,1991, p. 68
\textsuperscript{74} C. Gould, \textit{Rethinking.... Op. Cit.}, p 84
Marginalization:

Marginalization is defined primarily in terms of participation (or relative exclusion from participation) which includes institutional representation, fair inclusion in the schemes of social protection and support and in the system of rights applicable to social, economic, political context. The problematic of marginality and insecurity relates to the politics of belonging which entails the rights of participation. Dickie-Clark cites four important conditions that are necessary for Marginalization to develop. They are: unequal contact situation; hierarchical interaction situation where the higher group acts as reference point of the lowly placed community; social barrier which prevents the lowly placed community from participating fully in life of the reference group, and status inconsistency or ambiguity in defining the interaction situation properly, giving scope to dilemma in choosing proper mode of behaviour. When these conditions arise a certain section of the society is denied recognition by other members. Denial of recognition is interpreted as denial of self-realization of the subject or her capacity for achieving a "good life." For the proponents (Taylor and Honneth) of this view, misrecognition is explained as impaired subjectivity and damaged self-identity. Taylor states, "nonrecognition or misrecognition ... can be a form of oppression, imprisoning someone in a false, distorted, reduced mode of being. Beyond simple lack of respect, it can inflict a grievous wound, saddling people with crippling self-hatred. Due recognition is not just a courtesy but a vital human need." For Honneth, similarly, "we owe our integrity ... to the receipt of approval or recognition from other persons. [D]enial of recognition ... is injurious because it impairs ... persons in their positive understanding of self an understanding acquired by inter-subjective means." Nancy Fraser espouses another view where she conceives recognition as a matter of justice. She says, "To view recognition as a matter of justice is to treat it as an issue of social status. This means examining institutionalized patterns of cultural value for their effects on the relative standing of social actors. If and when such patterns constitute actors as peers, capable of participating on a par with one another in social life, then we can speak of reciprocal recognition and status equality. When, in contrast, institutionalized patterns of cultural value constitute some

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77 Ibid.
actors as inferior, excluded, wholly other, or simply invisible, hence as less than full partners in social interaction, then we should speak of misrecognition and status subordination.°78 We shall discuss the concept of justice later in the chapter, but now let us consider as to how the Scheduled Castes, Scheduled Tribes and women become marginalized in the context of the present study.

*Who are the marginalized in the context of present study?*

The marginalized groups in this context refer to the Scheduled Castes, Scheduled Tribes and Women residing in the villages.

There is a vast difference between western concept of marginal community and marginalized groups being considered here. Kymlicka states that critics often argue that the discourse of multiculturalism and the international norms reflect distinctively Western circumstances or preoccupations, disconnected from the needs and realities of Asia. He cites four important trends of multiculturalism and minority rights: Minority nationalism, Indigenous People, Immigrant Groups, Metics.°79 Multiculturalists have suggested various measures aimed at protecting or promoting ethnocultural identities. These measures include separate representation and self government rights, language rights, regional autonomy, land claims, guaranteed representation, veto rights, etc. Kymlicka also cites reasons for the minorities becoming more assertive as well as dominant groups coming to terms with the new models of accommodation. These reasons are Demographics, Rights–consciousness, Democracy, De-securitization and Liberal-Democratic Consensus. Given their minimal access to education, employment, healthcare, information about civil and political rights, none of the models of the marginal groups mentioned by Kymlicka refer to the marginalized groups of the present study.

*Scheduled Castes and Scheduled Tribes as socially and culturally marginalized:*

Social marginalization depends on the degree of acceptability or unacceptability of members of a particular group by another group for designated relationship or roles. Gunnar Myrdal in his study of race relations in the United States observes these

°78 Nancy Fraser, *Social Justice in the Age of Identity .... Op*, cit., p 29

differentials of social acceptability and non-acceptability as the "rank order of discrimination". Social marginalization generally refers to inter-group and interpersonal relations that exist between two or more groups. If an individual representing a particular group is not socially acceptable by members of another related group, or if he is acceptable only within specified limits, or in specified ways, he may be said to occupy a socially marginal position and be in a marginal relation to members of that group. Cultural marginalization refers to the belief and value systems, established behaviour patterns, forms of social organization, skills and bodies of knowledge, and symbols representing the cultural possessions or status of a group which exists more or less permanently in some kind of functional relationship to another group.

It is important to consider the socio-economic and cultural situation of both the groups. Traditionally, the Scheduled Castes have remained at the bottom of the hierarchically ranked castes, stratification being based on the rules of purity and pollution and occupational status. They have remained the oppressed and exploited sections of society for centuries. They were deprived of education, denied social dignity and confined to manual work of cultivation or the other low status artisan and service occupation and here, the ritual hierarchy coincided with the hierarchy of wealth and occupation especially at lower levels. Subordination of these groups did not confine itself to economic exploitation in terms of appropriation of surplus but also related to suppression of culture, way of life and value system, and also denial of dignity. For them identity and socio-economic issues have always been interwoven. The Scheduled Tribes, on the other hand, have been treated as the outsider, culturally inferior though not always oppressed.

Scheduled Castes and Scheduled Tribes as politically marginalized:

Political marginalization occurs when any of the citizenship rights and entitlements is inhibited, withheld or violated. As discussed previously, a liberal-democratic state guarantees formal freedom and equality for all the citizens. The concept of liberal

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80 Gunnar Myrdal, as quoted in Gist N.P and R.D Wright, Marginality and Identity, Netherlands, 1973, pp.27
81 N.P Gist and R.D Wright. Marginality and Identity E.J Brill; Leiden; Neitherlands. 1973,pp.25
82 G. Shah, Dalit Identity and Politics. New Delhi, 2001, p. 222
83 Aloka Parasher-Sen, ed., Subordinate and Marginalized Groups in Early India. New Delhi, 2004, pp. 1-6
equality requires the individual to start her life with an equal share of society’s resources. The resources available to a person include opportunities for skill development, personal accomplishment and the exercise of opportunities. The liberal ideals of liberty basically imply ‘an absence of restraint’, whether as negative liberty in not being prevented from attaining one’s goals by other human beings or as positive liberty of being treated as one’s own master. The rights based liberals consider every individual as an end and thus try to establish principles of justice that embody this spirit.

But the question is that: can formal freedom and equality provide substantial freedom and equality to every social group? Does the notion of democracy confine to just formal equal opportunity to vote? If the distribution of resources such as education, capital etc is unequal, the opportunities and bargaining capacities are ought to be unequal. Critics of liberalism contradict their claims that resources and rights can be equally shared by each individual of any social group. Their distribution depends on the differential socio- spatial existence of the groups. Plurality by itself cannot ensure a democratic state or polity. It might simply be a contested process for regional, religious, ethnic, linguistic and other basis of electoral support and yet hide social discrimination and inequality by forwarding the illusion of expanding civil society against the state (Jayaram 2005: 95).

How are the Scheduled Castes and Scheduled Tribes marginalized in terms of political rights? Since the study is focused on the rural local governance, let us look at the participation of the above groups in the Grama Panchayats. Initiatives aimed at deepening democracy at the grass roots in India include the process of democratic decentralization as well as positive discrimination in the form of quotas for Scheduled Castes and Scheduled Tribes, OBCs and women in local government. Let us consider two options:

- Right to participate in the elections as candidates and
- Right to vote.

Several attempts have been made to revitalize local government since independence. After the 73rd and 74th amendments to the Constitution in 1992, the panchayati raj institutions (PRIs) gained constitutional status and came to be regarded as the third level of governance. The 73rd amendment to the Constitution visualized setting up of local governance structures with the goal of percolating democracy at the grass roots.
The aim was also to bring the marginalized groups to the mainstream political process through affirmative action. Positive discrimination in the form of reservation of seats in panchayats intended to make space for better and increased participation of various marginalized groups such as women, Scheduled Castes, Scheduled Tribes, and OBCs.

The elected Panchayati Raj Institutions were expected to replace the customary institutions at the local level. The most important among these being the customary panchayats traditionally existing as dispute resolution bodies. Various studies have shown that traditional customary panchayats and leadership are important variables in influencing the process of local governance. The local institutions as well as higher level institutions are prone to capture by vested interests. The evidence of "elite capture" is too strong an influence in the local governments. Be it the case of panchayat ward members in Tamil Nadu or Kerala, traditional "village council" of Rajasthan, or "customary panchayat" of Karnataka where the head is almost always a person belonging to a dominant caste group. The local democratic institutions are greatly influenced by the village elite and generally too weak to influence the individualistic styles of functioning of elected officials.

One is the assumption referred to above that the Customary Panchayats are shrinking in the face of competition from formal structures and that GPs have filled the vacuum left by these shrinking customary institutions. However, field research indicates otherwise. Contrary to popular belief, there has not been a unilinear displacement of Customary Panchayats by the formal structures of governance such as GPs. Rather, there is some evidence to suggest that customary institutions themselves both influence and adapt to the existence of formal governance structures.

Marginalized in terms of Equality of opportunity:

Equality of opportunity is one of the basic rights offered by the liberal state. The makers of the constitution wished to extend the idea of equality of opportunity to all human beings in the social and political sphere. This required the government to treat

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87 Kripa Ananthpur, 'Dynamics of Local Governance in Karnataka', Economic and Political Weekly, February 24, 2007, pp 667-73
all those in its purview as equals, as entitled to equal concern and respect. The goal of equality of opportunity was the removal of obstacles in the way of an individual realizing individual's potential. The liberal conception of equality includes the legal and social dimensions. It necessitates the elimination of arbitrary advantages in a social and economic system, irrespective of the cause whether the inequality has resulted from one's choice or that of another. Thus, attempts were made to integrate the Scheduled Castes and Scheduled Tribes into society and politics through 'modern' political institutions. They visualized its realization through the constitution and the legislative process, as well as the representative bodies that would set right the social and economic injustice. They were very much aware of the inequality of treatment based on caste and tradition. It was considered necessary to take into account the special claims of certain communities which had for centuries been excluded from position of equality and respect. Departing fundamentally from the individualist premise of the equality principle it was proposed to have rights as legal entitlements that would also be obligations on the members of civil society. As a result within the constitution, the Scheduled Castes and Scheduled Tribes had a set of rights and the state a set of duties, to eradicate discriminatory practices.

Dr. B. R. Ambedkar was the most ardent advocate of the rights for the Scheduled Castes and Scheduled Tribes. Unlike the rights theorists of the 17th and 18th century who regarded right as a faculty of possession, Dr. Ambedkar stressed on the relational aspect of rights.\(^8\) (Verma 1999). These rights were put forward as important elements or vital ingredients in a fully realized human life. The core argument being that members of the group suffer because they are neither accorded the same respect nor afforded the same opportunities as other persons or groups. They are prevented from realizing their capacities, in other words, they are not treated with full respect and dignity. The basic human needs of the Scheduled Castes and Scheduled Tribes were not only material (wealth, occupational mobility) but non-material, all have the right to be human and the right to live with dignity and self-respect.

Dr. Ambedkar put forth the necessary priority of community claims over individual rights on the grounds that these departures from formal equality could be justified on various grounds, viz, the anti-discriminatory principle whose main purpose had been.

to prevent private practices and legal procedures from stigmatizing the individuals involved. To cure this social malaise, Ambedkar raised the possibilities for political participation of Scheduled Castes and Scheduled Tribes through reservations; the reparation theme the idea being that of historic injustice suffered by the Scheduled Castes and Scheduled Tribes. This theme was proposed to offset the systematic and cumulative deprivations suffered by lower castes in the past. He argued that “the constitution should not only declare that we shall have specific rights that every community will have, but that the constitution should provide ways and means by which we shall be protected in the exercise of these rights”. 89 (ibid:2807).

But consider an example of education of the children of an illiterate widow belonging to a low caste, whose husband was the sole earning member of the family? Where does one place this culturally, socially, economically disadvantaged subject vis a vis equality of opportunity? Here we enter the liberal debate of equality, justice and efforts to establish identity and difference among the citizens through state intervention.

Conclusion:

This rights based approach enables one to assess the state-society relations in terms of fairness, equity and inclusiveness and simultaneously encourages the participation of citizens in the development process. It is believed that this approach has many advantages. First, it shifts the focus from government to citizen. .... Second, the language of rights makes clear that the poor are not the subject of charity or benevolence by governments but instead are entitled to a decent standard of living and that rights are the vehicles for participation and empowerment and third aspect is that it draws attention to the importance of norms and rules. That is, how a society is governed and how it achieves its development becomes equally important as what these processes achieve.

Through this frame work one attempts to understand the participation of the marginalized groups in the panchayats across the three sates and also try to understand the implementation of schemes through an account of bureaucrats and the beneficiaries.

89 Ibid, 2807.