

State, Caste and Social Exclusion: A Comparative Study of Legal, Educational and Media Institutions in Lucknow

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ABSTRACT

Introduction

There is no universal and settled definition of Social Exclusion. The dictionary meaning of exclusion is 'to refuse to admit' Social Exclusion can be defined as, "A process by which certain collectivity or group and communities or individual are denied access to social, economic, political, educational, cultural etc., rights by the other group /groups which is/are called a dominant group/groups.

Social exclusion is defined as a social process that involves the denial of fair and equal opportunities to certain social groups in multiple spheres of society, resulting in the inability of individuals from excluded groups to participate in the basic political, economic and social functioning of the society.

Three defining characteristics of social exclusion are particularly relevant. First, social exclusion involves the denial of equal opportunity in multiple spheres. Second, social exclusion is embedded in the social inter-relations – the channel and processes through which individuals or groups are wholly or partially excluded from full participation in the society in which they live. Thirdly, the denial of equal opportunities or access results in a lack of freedom human poverty and general deprivation of excluded social groups (Sen 2000, Haan 1999).

The consequences of social exclusion thus depend crucially on the functioning of social institutions and the degree to which they are exclusionary and discriminatory in their outcomes. Social exclusion has a considerable impact on an individual's access to equal opportunity if social interactions occur between groups in a power-

subordinate relationship. The focus on groups emphasizes the importance of social relations in the analysis of poverty and inequality.

Amartya Sen draws attention to various meanings and dimensions of the concept of social exclusion (Sen 2000). The distinction is drawn between the situation where some people are being kept out (or at least left out), and where some people are being included (may even be forcibly included) – at greatly unfavorable terms; and describing these two situations as “unfavorable exclusion” and “unfavorable inclusion”. “Unfavorable inclusion”, with unequal treatment, may have the same adverse effects as “unfavorable exclusion”.

Sen also differentiates between “active and passive exclusion”. He defines “active exclusion” as the deliberate exclusion of people from opportunities through government policies or other means. “Passive exclusion” works through the social process in which there are no deliberate attempts to exclude, but may result in the exclusion of people from a set of circumstances.

The contemporary concept of "social exclusion" traces its origins to France in the 1970s (Burchardt et al., 2002a; Morgan et al., 2007). It was introduced by René Lenoir, a French politician and then Secretary of State for Social Action in the Chirac government. Lenoir used the term "Les Exclus" to describe individuals who had fallen outside the protections of the labor market and social insurance systems, thus becoming administratively marginalized by the state (Lenoir, 1974). He estimated that these excluded individuals constituted about one-tenth of the French population, including groups such as the mentally and physically disabled, suicidal individuals, elderly invalids, abused children, substance abusers, delinquents, single parents, multi-problem households, marginal and asocial persons, and other social "misfits"

(Silver, 1995, p. 63). Influenced by French Republican traditions, the rhetoric of exclusion significantly impacted French social policy and the development of new social programs in France during the 1980s (Silver, 1995; Davies, 2005).

Social Exclusion in the Indian context revolves around and is embedded in societal interrelations and institutions i.e. caste structure that excludes, discriminates, isolates, and deprives some groups based on group identity (Rao& Karakoti, 2010).

To discuss social exclusion within the Indian context, it is useful to first articulate the general concept of social exclusion and market discrimination. The concept of social exclusion was initially introduced by Lenoir in the mid-1970s, while the idea of economic discrimination dates back to Gary Becker's work in 1965. Lenoir categorized the 'excluded' as individuals who are mentally and physically handicapped, suicidal, aged invalids, abused children, substance abusers, delinquents, single parents, multi-problem households, marginal, asocial persons, and other social 'misfits' (Sen, 2000, p. 1). Later scholarship expanded this to include those denied various forms of livelihood, employment, property, education, and other forms of social and economic capital (Sen, 2000).

Today, social exclusion is recognized as affecting a wide array of domains. There is a broad consensus on the primary concept, indicators, and consequences of social exclusion (Buvinic, 2005). Buvinic defines social exclusion as the inability of individuals to participate in the fundamental political, economic, and social functions of society, noting that it involves the denial of equal opportunities imposed by certain groups upon others. This definition highlights three key features of social exclusion: its impact on culturally defined groups, its embedding in social relations, and its consequences (Haan, 1997; Sen, 2000). The outcomes of social exclusion, such as low

income and high poverty levels among excluded groups, depend significantly on the functioning of social and economic institutions and their exclusionary or discriminatory nature.

Social exclusion greatly affects access to equal opportunities when social interactions occur within power and subordinate relationships. This perspective emphasizes that people are excluded based on ascribed characteristics rather than achieved ones, beyond individual control (Buvinic, 2005).

Amartya Sen explores various dimensions of social exclusion (Sen, 2000). He distinguishes between 'unfavorable exclusion' (where people are kept out) and 'unfavorable inclusion' (where people are included under deeply unfavorable terms), both of which can have similarly adverse effects. Sen also differentiates between 'active exclusion' (deliberate exclusion by policy) and 'passive exclusion' (exclusion resulting from social processes without intentional efforts). Additionally, Sen distinguishes between the intrinsic importance of exclusion (its direct impoverishing effect) and its instrumental importance (where exclusion leads to further deprivation).

In economics, discrimination has been systematically defined, particularly concerning race and gender (Becker, 1965; Darity, 1995). Mainstream economic literature explores market discrimination, where exclusion operates through restrictions on market entry or selective inclusion with unequal treatment in market and non-market transactions, akin to Sen's concept of unfavourable inclusion. For instance, labour market discrimination can occur during hiring when individuals with similar qualifications face different outcomes based on non-economic characteristics such as caste, race, ethnicity, or religion.

Rationale of the Study

The reasons and justification for selecting and conducting this research study are followings-

➤ There are various studies have been conducted on the theme i.e. Caste based Social Exclusion in public institutions but there are research gaps in the studies undertaken to explore the relationship and dynamics of caste-based exclusion in different public institutions and Caste dynamics relationship with the state.

➤ Why three different institutions?

These three institutions are key institutions from the point of view of democratisation. Democratisation and inclusivity of these institutions are sign of strengthening of democracy.

➤ Why Comparative Study?

Comparative analysis provides a comprehensive and scientific understanding of State, Caste and Social Exclusion dynamics.

➤ Why Lucknow?

Lucknow is the capital of the state and a metropolitan City.

Statement of Problem

We live in an era of democracy. Democracy implies the right of the people to self-determination and faith in the rationality and ingenuity of the human mind. The basic premises of democracy are that every individual irrespective of his/her caste, creed, color or sex and irrespective of educational or professional background, is capable of governing himself. Democracy claims that it is an inclusive form of

government. India adopted a democratic constitution in 1950 which declared that it should secure all people justice, social, economic, and political; equality of status, opportunity and before the law. Modern democratic form of government is based on a network of institutional governance arrangements. Institutions play a very vital role in transforming democracy. In this way, Democracy is both a system, norms, procedures and a set of institutions on the one hand and actors, functionaries and officials who run this on the other hand. As we know, the very foundation of Indian society is caste which is a system and a very old-age institution, that is based on inequality. Indian society is deeply hierarchical, rigidly stratified and highly exclusionary. Caste influences and to some extent determines all the aspects of the people's life in India. Some scholars and studies acknowledged the persistence of social exclusion based on caste in public institutions. Social Exclusion is a multidimensional process of progressive social rupture, detaching groups and individuals from social relations and institutions and preventing them from full participation in normal, normatively prescribed activities of the society in which they live (Silver, 2007). It is very difficult to define it. Social Exclusion is related to the position of an individual or a social group in the entirety of society. It is found in every society in different forms. In India, Exclusion revolves around the societal interrelation and institutions that exclude, discriminate, isolate and deprive some groups based on group identities like caste and ethnicity. The proliferation of democracy led to the emergence of a consensus that within democratic systems one social group should not monopolize political power or governance (Hasan; 2009). It is the responsibility of the state to ensure the representation of all social groups especially those that are marginalized based on race, caste, gender, religion and ethnic background. It is necessary for equities, fairness and political stability. Therefore, the role of the state becomes important.

This study examines and understands the persistence of Caste and social exclusion in key institutions that are legal, educational and media institutions in Lucknow. It also tried to understand and explore the causes and consequences of social exclusion in institutions. For this, I have taken three major institutions legal, educational and media in Lucknow. In legal institution, I have taken the Lucknow bench of High Court Allahabad with special reference to the appointment of legal standing counsel. The role and functions of standing counsel are very important in legal institutions. The reason behind studying social representation in the empanelment of standing counsel is very simple the appointment of standing counsel is political in nature and there have come different political parties which some claim itself parties of marginal sections so it becomes very interesting to see representation of marginal section in empanelment of standing counsel in different political regime in Lucknow bench of High Court Allahabad U.P. This study will point out how social exclusion persist in empanelment of standing counsel. It will also examine the limitations of political empowerment. IIM Lucknow has taken in an educational institution. This research will try to map social exclusion in management institutions such as IIM. The Indian Institute of Management constitutes a tiny sliver of India's highest educational institutions. Media is known as the fourth pillar of democracy. It claims that it is the voice of people and raises the voice of people in general and marginal sections in particular. It believes that the media pose the right questions before the government related to the major interests of people. It can be said that the media checks and balances the government. So, this study will also try to investigate how inclusive and diverse are media institutions. Is it ensuring social representation of the traditional marginal section of society? This study will also focus on to whom the state prefers to make recognized journalists. The state provides some privileges and

facilities to govt. recognized journalist. This study will examine the state-media relationship. For this, Some Lucknow-based media houses and its official will take for study. Of these three institutions, only one institution IIM have a reservation policy other two are in the Legal Profession or the appointment of standing counsel and Media Institutions have no reservation policy so this study becomes very interesting to investigate how institutions tackle reservation policy and diversity initiative for inclusive and democratise institutions.

Objectives of Study

1. To examine comparatively the democratisation and social character of public institutions- legal, educational and media.
2. Contextualising and conceptualising social exclusion in key public institutions- legal, educational, and media.
3. To understand Social Exclusion in the legal profession and examine social diversity in the appointment of standing counsel empanelment.
4. To understand social exclusion in Educational Institutions- IIM Lucknow.
5. To understand Social Exclusion in Lucknow-based Media Institutions in general and government-recognised journalists in particular.
6. To examine the role and nature of the state.

Research Questions

1. How inclusive are public institutions such as legal, educational and media and ensure the representation of traditionally marginal sections?
2. Does caste matter in public institutions in general and legal, educational, and media in particular and functioning as a device of exclusion?

3. Are there any systematic patterns of exclusion perceived in institutions- legal, educational and media?
4. Is there any caste link in the appointment of legal standing counsel in the Lucknow bench of High Court Allahabad?
5. Is IIM Lucknow ensuring social representation of traditional marginal sections at different levels?
6. Is there political protectionism persisting in legal and media institutions?

Hypothesis

1. H1: - Institutions like legal, educational and media are not inclusive in nature and it does not ensure the representation, and diversity of historically marginal sections.
2. H2: - Caste matters in legal, educational and media institutions and functions as a device of exclusion.
3. H3: - There are systemic structural patterns of exclusion perceived in institutions- legal, educational and media.

Research Methodology:

This study is based on both primary as well as secondary data. Primary data were collected from structured interview schedule, standard questionnaires, and open-ended questions. The interviews were conducted in English and Hindi both languages. Secondary data were collected from government publications, internal records of the institutions, journals, articles, and official websites.

Research Site

This research was carried out in public institutions in Lucknow. For the study of Legal Institutions, legal practitioners at High Court Lucknow have taken, For the

study of educational institutions IIM Lucknow has taken and For the Media Institutions different media houses, press club of Lucknow has taken.

Research Design

The Convergent Mixed Method approach is selected for the study, the reason behind taking this research design is very simple the research questions required such research design which deals both qualitative and quantitative both parallel, and convergent parallel mixed methods is the most familiar. In this approach, both collected data, qualitative and Quantitative analyses them separately and then compare the result.

Sampling Techniques & Sample Size:

For sampling techniques, purposive stratified sampling and snowball sampling methods are adopted for the study. The sample Size is 300, sample size is determined by Hair and Field techniques. 100 samples are taken for the study of each of three institutions, in which 50 respondents belong to the SC /ST community, the reason behind taking half of the total sample is very simple, this research study caste-based exclusion of historically marginal sections i.e. SC/ST.

However, in purposive and snowball sampling there is no hard guideline for determining sample size but the researcher should keep in mind that the sample should be representative of the population. The respondents were educated, professional employees and students of institutions.

Units of Observation & Analyses:

This study focuses on two indicators of social exclusion i.e. Social Diversity and Caste-based Discrimination that's why institutions and individuals both are the units of observation. For the Institutions study researcher has taken three different

institutions i.e. Legal, Educational and Media. For the study of discriminated individuals, different stakeholders have been taken for observation and analysis.

Method of Data Collection:

Tools and Techniques of Data Collection:

Primary data were collected by standard structured schedule with both closed and open-ended questions and secondary data were collected from annual reports, RTI, government publications, internal records of the institutions, journals, articles, and official websites.

Structured Interview Schedule:

A structured interview schedule was prepared to collect data regarding caste-based discrimination in these institutions. The interview schedule is divided into three sections for the study of legal, educational and media institutions.

Tools for Data Analysis and Interpretation:

For analysing social exclusion in legal, educational and media institutions in Lucknow, quantitative data analyses in simple statistical tools and techniques simple averages, percentages, and ratios then discussed qualitative findings collected through open-ended questions.

Relevance and Significance of Study:

This study provides a deep insight into understanding social exclusion through a comparative study of key institutions that is legal, educational and media institutions which differ in structure but the pattern of exclusion seems almost similar. This study explores social representations of marginal sections in these institutions. This study

helps to understand trends and patterns in the appointment of legal standing counsel and social representation in the empanelment of standing counsel in the Lucknow bench of High Court Allahabad. This study examines democratization, and inclusivity in public institutions i.e. Legal, Educational and Media. This study also examines social diversity in media houses in general and govt. recognised journalist in particular.

Limitation of the Study:

- The main limitation of the study is that it does not cover social exclusion in legal, educational and media institutions as a whole, in legal institutions, it is only focused on the legal profession in general and the appointment of standing counsel in particular. In educational institutions, it is studied only IIM- Lucknow, and in media institutions, it focuses on caste-based exclusion in Lucknow-based media houses and government-recognised journalists (Manyata Prapt Patrakar) in Lucknow.
- The second limitation of the study is that the results and findings of the study cannot be generalised because the study of caste-based discrimination is based on respondents' lived experiences so the opinions and perceptions of the respondents may be affected in the changing circumstances.
- The third limitation is that the study is confined only to the capital city of Uttar Pradesh Lucknow. It may differ in different contexts.
- The sample size is limited so the results and findings of the study cannot be generalised.

Chapter Scheme:

The thesis is concluded in the eight following chapters.

Chapter 1 Introduction: The first chapter of my thesis gives an overview of my research. The first chapter includes an introduction, meanings of social exclusion, review of related literature, problem of statement, research objectives, research questions, hypothesis, significance of the study and research methodology.

Chapter 2 Social Exclusion: A Theoretical and Conceptual Framework: The second chapter of my thesis covers the theoretical and conceptual framework for the study of social exclusion.

Chapter 3 Social Exclusion in Legal Institutions: This chapter explores caste-based exclusion, representation in legal institutions in general, and the legal profession with special reference to the appointment of standing counsel in particular. This chapter deals with caste-based discrimination faced by historically marginalised legal professionals. This chapter examines the Diversity and representation of Scheduled Castes and Scheduled Tribes (SCs/STs) in the legal profession particularly in the empanelment of standing counsel.

Chapter 4 Social Exclusion in Educational Institutions: This chapter covers Social Exclusion in Educational Institutions in general and higher educational institutions with special reference to IIM-L in particular. This chapter explores diversity, representation and discrimination in educational set-ups. This chapter covers diversity, representation and discrimination at both faculty and student levels.

Chapter 5 Social Exclusion in Media Institutions: This Chapter explores caste-based Social Exclusion in media institutions. It covers the nature and social character of media institutions in India, particularly Lucknow-based ones. The chapter

investigates social diversity, discrimination, and exclusion based on caste lines in Lucknow-based media, particularly government-recognized journalists.

Chapter 6 Comparative Analysis of Social Exclusion in Legal, Educational and Media Institutions: This chapter gives a comparative analysis of social exclusion in legal, educational and media institutions.

Chapter 7 State: An Analysis of Nature and Social Character: This chapter analyses the nature and social character of the State. It describes various perspectives and discourses on the Indian State.

Chapter 8 Conclusions, Findings and Recommendations: This chapter covers the conclusion, testing of the hypothesis, major findings and recommendations.

Testing of Hypothesis

On the basis of the study, the first hypothesis, **H1: - Institutions like legal, educational and media are not inclusive in nature and it does not ensure the representation, and diversity of historically marginal sections** is validated. Chapter 3 of the thesis explores caste-based social exclusion in legal institutions in general and legal profession with special reference to the appointment of standing counsel in particular. For the study of inclusivity, representation and diversity primary empirical data and secondary data were collected. For mapping social diversity in the legal profession, particularly in standing counsel and at the bar level official an RTI was filed by the researcher to the Nyay Vibhag Government of Uttar Pradesh but the department did not reply even after a second appeal, The researcher contacted to official to collect data regarding the representation of SC/ST counsel in empanelment of standing counsel but official reply in oral that department does not maintain data category wise. Ignorance of RTI and non-availability of data indicates in itself that the

legal profession faces underrepresentation and diversity. Researchers apply Clark and Cummins's theory for examining social identity by surnames. For the study of discrimination in the legal profession, a structured interview schedule was prepared and data were collected. Several questions were asked in a closed and open-ended manner. Most of the responses significantly indicate caste-based discrimination in legal institutions. Chapter 4 of the thesis explores caste-based exclusion in educational institutions in general and IIM Lucknow in particular. For the study of inclusivity, representation and diversity primary and secondary data were collected. For mapping social diversity at various levels in IIM, annual reports and RTI filed by APPSC IIT Bombay and other researchers were used. Data suggests IIM does not implement reservation policy properly so there is underrepresentation of SC/ST students as well as faculty. Chapter 5 of the thesis explores caste-based social exclusion in media institutions in general and government-recognised journalists in particular. The Department of Jan Suchna aur Sampark Vibhag government of Uttar Pradesh did not reply to the RTI filed by the researcher regarding the information of government-recognised journalists category-wise.

On the basis of the study, the second **hypothesis H2: Caste matters in legal, educational and media institutions and functions as a device of exclusion** is also validated. Qualitative and quantitative data show significant caste matters in legal, educational and media institutions. This hypothesis tested positive.

On the basis of the study, the third hypothesis **H3: There are systemic structural patterns of exclusion perceived in institutions- legal, educational and media** is also validated. In these three institutions data suggest a similar pattern of exclusion with subtle form. Educational institutions IIM have reservation policy but most of the data indicate that they are not implementing reservation policy properly.

All these three institutions talk in favor of merit but studies reveal caste and merit relation is proportional. By analysis of mixed data, the results show the third hypothesis is proved.

All three hypotheses are validated and proved.

Major Findings

- Public institutions such as legal, educational and media institutions are centres of exclusion. All these three institutions are not inclusive and democratic in nature.
- Both two kinds of institutions have been taken for study one IIM have a reservation policy and legal and media institutions have no reservation policy but both kinds of institutions have an under-representation of SC/ST.
- In the appointment of standing counsel, most of the respondents believe that appointment of standing counsel is political. Nyay Vibhag has not maintained the data category-wise of standing counsel.

Conclusion

Social exclusion in the legal profession in general and with special reference to the appointment of standing counsel in particular highlights the acute levels of caste-based exclusion from both parameter diversity and discrimination. There is a lack of data on the lawyers' belongings to the SC/ST community's decade-wise enrolment in the bar council. Bar does not maintain data on enrolled advocates based on various social backgrounds. An RTI was filed by the researcher for the collection of data regarding the social backgrounds of the standing counsel, brief-holders, and AAG but Nyay Vibhag did not reply to the RTI even after the second appeal. This

shows that there are no such kinds of data available in the department or they ignore the social diversity or representation of various social groups in the empanelment of standing counsel. For discriminatory attitudes in the legal profession, a standard interview schedule was prepared data shows a significant relation with caste-based discrimination in different settings of the legal profession.

The findings suggest that higher educational institutions, particularly IIMs are the centre of exclusion. IIM directors club requests to the education ministry to exclude IIM from reservation quota. This thought is enough to tell the administration's perception of reservation policy. Data reveals that IIMs have less diversity at both student and faculty levels.

Chapters related to media institutions also suggest systemic structural patterns of exclusion of historically marginalised communities i.e. SC/ST.

The nature and social characteristics of the state are examined in Chapter 7 of the thesis, the study suggested that the nature and social characteristics seem like upper-class and upper-caste notions. Study constraints in particular institutions and sample size were not so large that it can be generalised.

In Conclusion, it can be said that there is an underrepresentation of SC/ST in these elite premier institutions. Discrimination based on caste also persists in a subtle form in these institutions.