



Centre for Development Policy and Practice

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WORKING PAPER I

Development Policy for Minorities in India

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Governing Board

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Abstract

India since time immemorial has been a melting point of cultures, languages and religious groups. While tolerance and positive discrimination have been essentially ingrained in our democratic and constitutional framework, intended policies have not produced the desired impact. Minorities today in India are not only languishing in endemic poverty and backwardness but also being subjected to injustice. In the last few years minorities have suffered inhuman hate crimes, denial of justice, discriminatory laws and utter neglect by the Government of the day. Moreover, the exclusion among minorities is set to be further compounded by the newer challenges of - denial of Citizenship and implementation of a Uniform Civil Code. These vulnerable religious and caste groups need security of identity and equality of opportunities to prosper alongside the majority; their upliftment is a crucial lynchpin in the 'inclusive' development paradigm

1. Introduction

India is home to minorities of culture, language, race, religion, caste, clan, tribe, ideology etc., who have shown extreme affiliation to their distinct identity. As a country, India has committed itself to be a secular, pluralistic and inclusive society. Therefore, it is the duty of the state to integrate the socially, economically and educationally excluded groups into mainstream development discourse.

The Human Rights Commission of the United Nations' Organization defines minorities as "only those non-dominant groups in a population which possess and wish to preserve suitable ethnic, religious and linguistic traditions or characteristics markedly different from the rest of the population". The constitution of India does not define the term 'minority', but it accords recognition to religious and linguistic minorities. The National Commission for Minorities Act, 1992 notified five religious' communities as minorities: Muslims, Christians, Sikhs, Buddhists, and Zoroastrians (Irfan, 2013).

The 2011 census pegged minorities at 20% or 24 crores of the total population. Among minorities, Muslims constitute the largest group of about 14% followed by 2.3% Christians and 1.7% Sikh. Buddhists and Jains constitute about 0.7% and 0.37% of the population. Muslims make up the majority in Lakshadweep and Jammu & Kashmir, while Christians are majorly found in the North East states of Nagaland, Mizoram, Meghalaya and Manipur whereas Sikhism is dominant in Punjab. Buddhists make up 6% of Maharashtra's population while Jains are more dispersed in their population¹.

Despite efforts by the State in bringing parity among minorities and the majority, these excluded groups are under "unfavorable inclusion²", that even though even though minorities are a part of the economic system, they are treated differently. Be it in terms of pricing, contract, rents, fees or services.

¹ <http://censusindia.gov.in/2011-Common/CensusData2011.html>

² Term coined by Amartya Sen

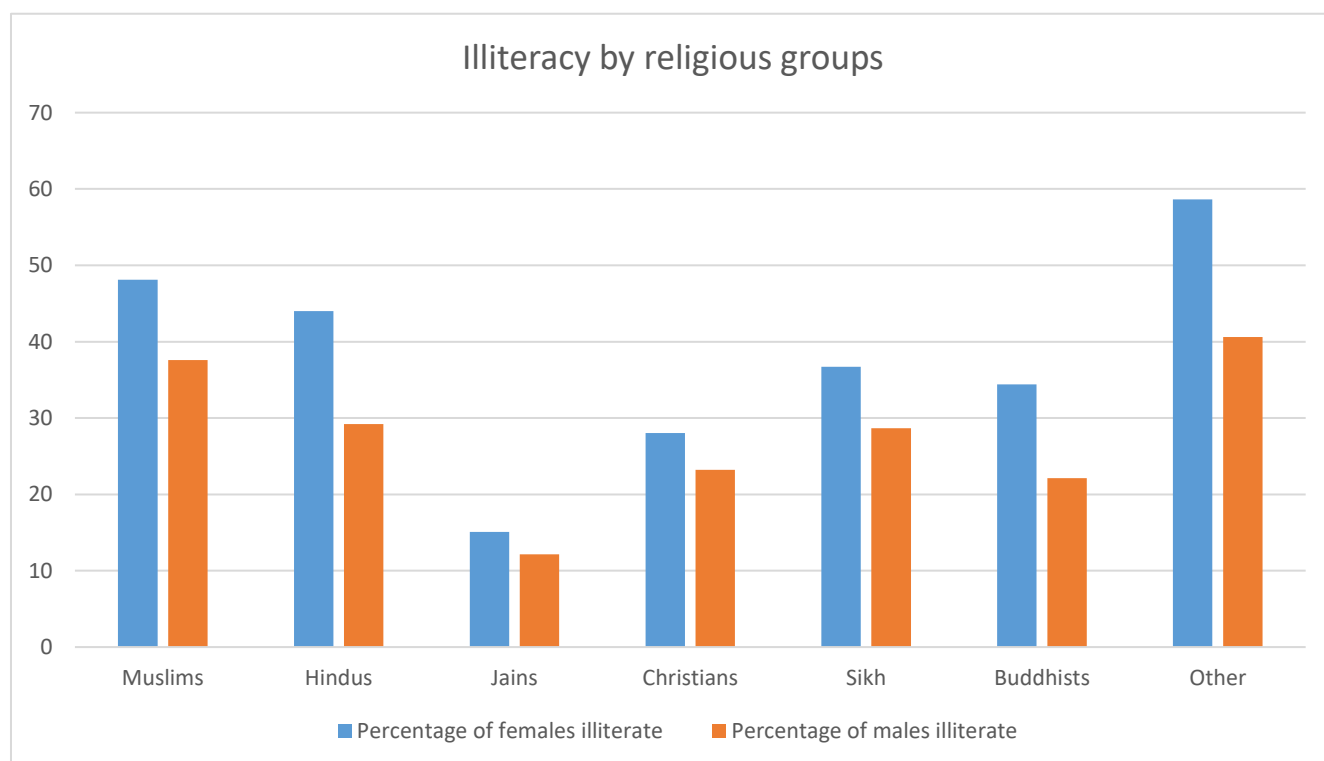
Data released from the 2011 Census of India on educational level by religious community and gender has shown that 42.7% of Muslims in India are illiterate. Muslims are the only community to have an illiteracy rate higher than the national rate among all communities (Table 1). For Hindus, the figure stands at 36.3%, the second highest proportion of illiterate people. Literacy rates are highest among Jains, at 84.7%, followed by Christians (74.3%), Buddhists (71.8%) and Sikhs (67.5%)

Table 1: Illiterates by Religion (%)

Religion	Female Illiterates	Male Illiterates
All Religious communities	44.02	30.24
Muslims	48.10	37.59
Hindus	44.02	29.22
Jains	15.07	12.14
Christians	28.03	23.22
Sikh	36.71	28.68
Buddhists	34.40	22.13
Other	58.62	40.62

Source: Census 2011

Graph 1: Illiteracy by % among different Religious groups



Source: data.gov.in

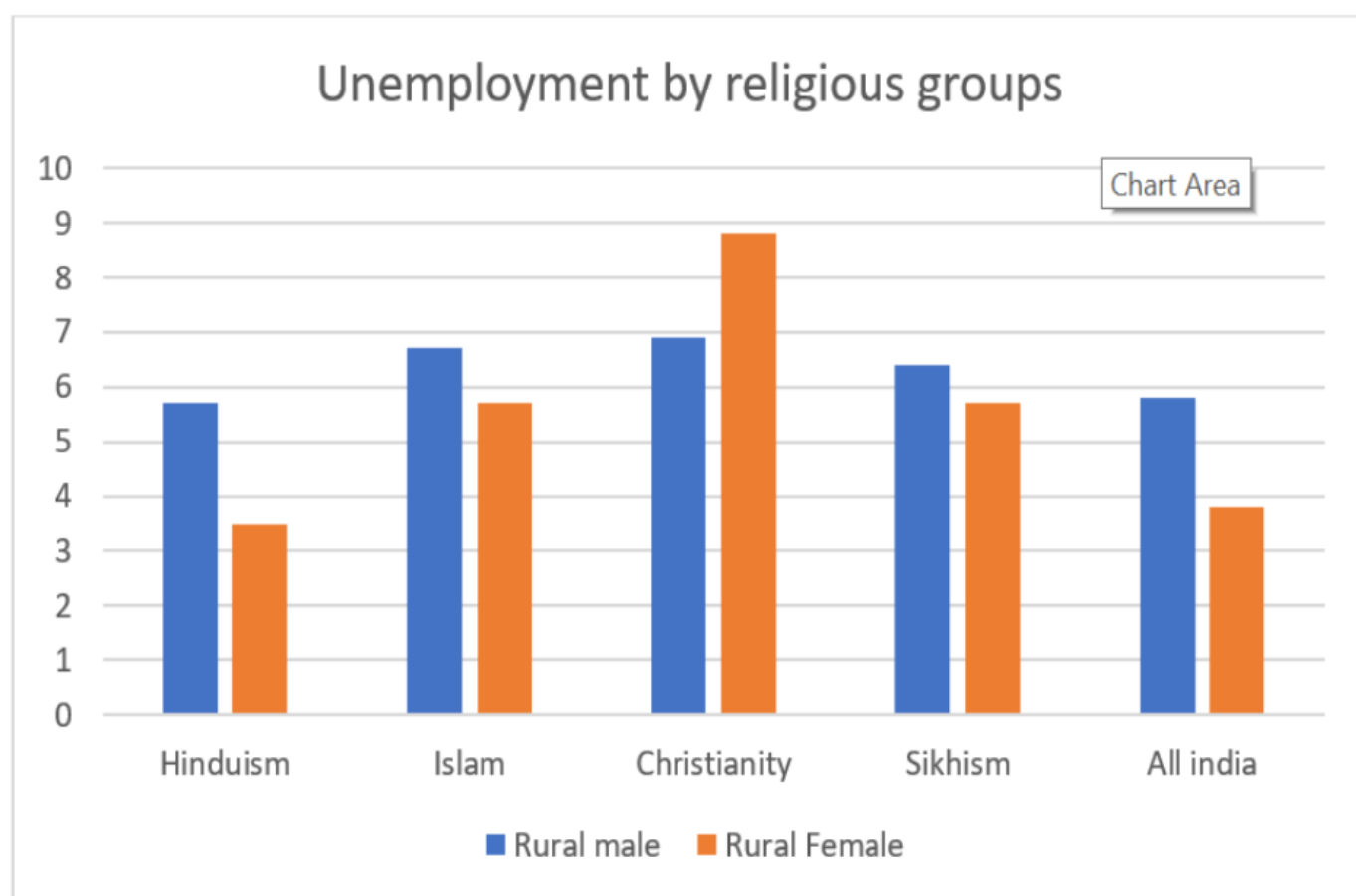
In the Graphs 2 and 3, it is evident that in Urban areas, Unemployment rates for Sikh women and men remain the highest, followed by Christian women having high employment rates to the tune of 15.6%. Muslim women also have high unemployment rates of about 14.5%.

Table 2: Unemployment by Religious Groups (%)

Group	Rural male	Rural Female	Urban Male	Urban Female
Hinduism	5.7	3.5	6.9	10
Islam	6.7	5.7	7.5	14.5
Christianity	6.9	8.8	8.9	15.6
Sikhism	6.4	5.7	7.2	16.9
All India	5.8	3.8	7.1	10.8

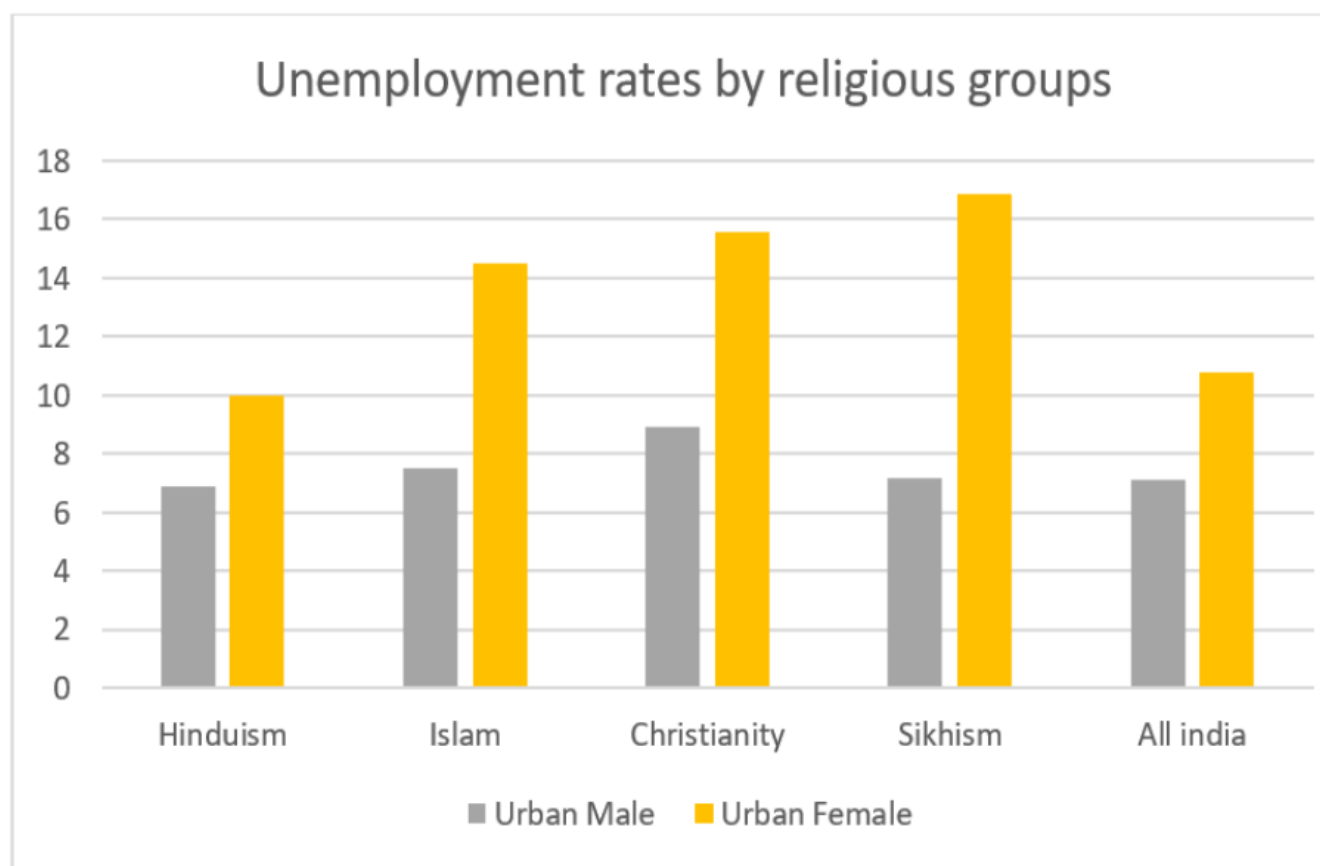
Source: PLFS 2017-18

Graph 2: Unemployment Rates for Religious Groups (Rural)



Source: PLFS 2017-18

Graph 3: Unemployment Rates for Religious Groups (Urban)



Source: PLFS 2017-18

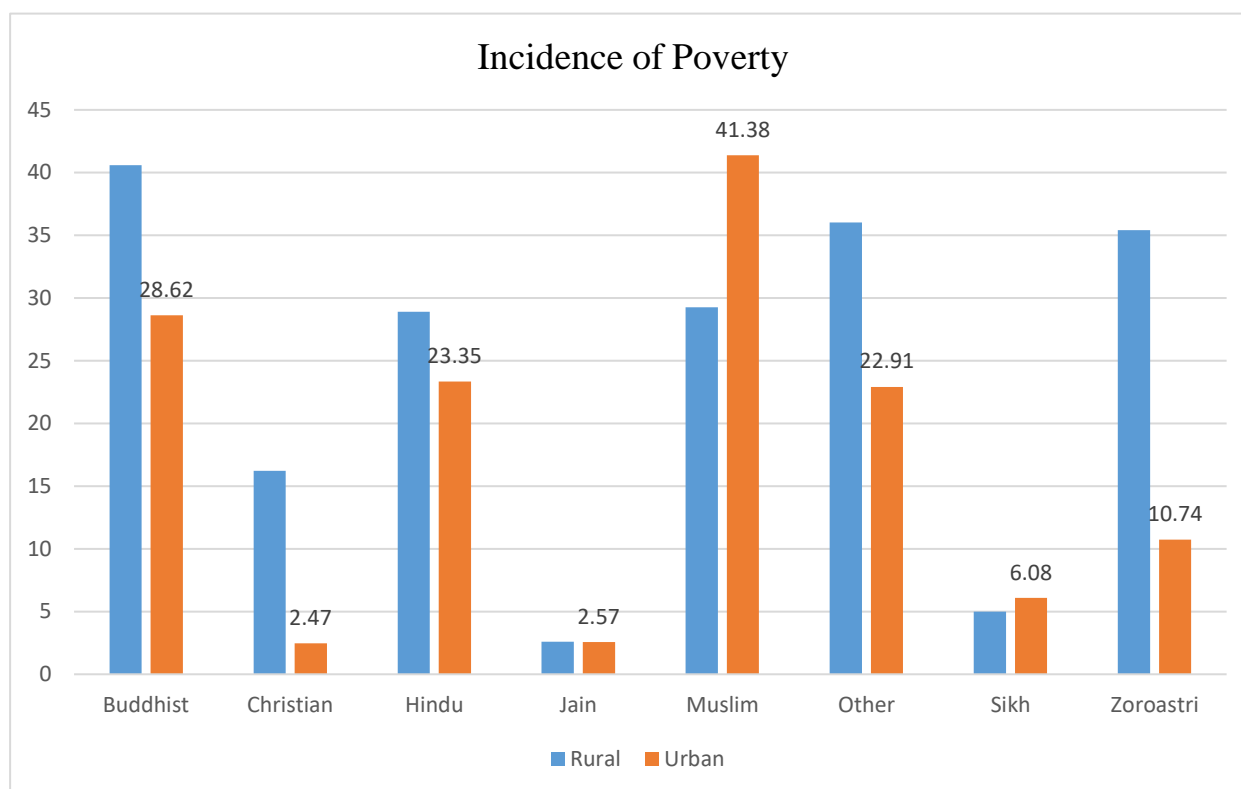
Graph 4 illustrates the incidence of poverty among the religious groups. Highest incidence of poverty is found among Buddhists and Muslims. Significant variations in incidence of poverty are also found among rural and urban Buddhists, Christians, Muslims and even Zoroastrians.

Table 3: Incidence of Poverty by Religion (%)

Religious	Rural	Urban
Buddhist	40.59	28.62
Christian	16.21	2.47
Hindu	28.9	23.35
Jain	2.59	2.57
Muslim	29.26	41.38
Other	36.02	22.91
Sikh	5.00	6.08
Zoroastrians	35.42	10.74
All groups	28.29	25.62

Source: Sukhadeo Thorat, 2013

Graph 4: Incidence of Poverty among Minorities



Source: Sukhadeo Thorat 2013

2. Timeline of Policy Evolution

Constitutional Evolution

As early as 1928, the Nehru Committee Report in its draft constitution suggested safeguards for minorities in India. These were right to freedom of conscience and free profession, practice of religion, elementary education for minorities, reservation of seats for Muslims where they were in minority and for non-Muslims in North West Frontier Province (Yaqin, 1982). The Karachi session of 1931 underlined the protection of culture, language and script of the minorities and preservation of the different linguistic areas, equality before the law irrespective of religion, caste, creed or sex, no discrimination to any citizen by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power, and in the exercise of any trade or profession, secularism of the state and universal adult suffrage (Ansari, 1996).

The Sapru Committee, 1945 reiterated the principles of religious tolerance and non-interference of the State in religious institutions, faith and practice. Moreover, the committee accorded protection to cultural and linguistic rights of all communities as well as recommended political representation (Sapru, 1945). The Objectives Resolution (1946) by Nehru asserted that “Adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes”. The Advisory Committee on Fundamental Rights and Minorities formed under the chairmanship of Sardar Patel before partition and its Sub-Committee on Minorities was focused on granting protection and rights for all religious, tribal, linguistic and caste-based minorities.

The architects of the constitution realised the importance of creating safeguards for minorities as essential for bringing them on par with the majority. Article 14 of the Indian Constitution articulates that, “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.” No one will be seen as superior than the other in law and their mandate. Article 15(4) however reads, “Nothing in this Article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and the scheduled tribes.” Under Article 19, freedoms of expression, assembly, union, movement, profession, settlement etc. are accorded to all citizens. Article 25 of the Indian Constitution accords people of all faiths the freedom of conscience and the right to freely profess, practice and propagate religion. Article 26 of the Indian Constitution confers on all religious denominations the freedom to establish charitable/religious institutions, manage their own affairs and acquire property. Thus it enables safeguards on collective rights of the community. Article 27 of the Indian Constitution establishes a secular state, by denying the State to spend taxpayer’s money to uplift one particular religious group. Article 28 denies State owned/funded institutions from imparting religious instructions (Government of India, 1947).

The Constituent Assembly highlighted the explicit commitment of the Indian State to protect the distinct cultural, linguistic and religious practices of various communities. Article 29 of the Indian Constitution confers on the citizens having a distinct language, script or culture the right to conserve the same. Additionally, the article also provides that no citizen would be denied admission to any educational institution maintained by the State or receiving aid out of State funds on grounds of religion, race, caste, language or any of them. Article 30 grants minorities the right to establish and administer educational institutions. It also asserts that the state shall not discriminate on the basis of religion or language, in granting aid to minorities.

Article 350A and 350 B relate to linguistic minorities. Article 350-A authorizes the State to provide instruction facilities in the mother tongue at the primary stage of education to children belonging to linguistic minority, while 350-B empowers the president to appoint a special officer for them (Government of India, 1947). The Sixth Plan (1980-85) acknowledged that minorities were a disadvantaged socio-economic group and minimum needs program was formulated to assist their requirements (Mukhopadhyay, 2018).

Institutional Development

Several other institutional initiatives were undertaken to further the onus on the State for protection of Minority rights. In consonance with the “Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities” which declares that “States shall protect the existence of the National or Ethnic, Cultural, Religious and Linguistic identity of minorities within their respective territories and encourage conditions for the promotion of that identity”, the National Commission for Minorities Act (1992) was enacted.

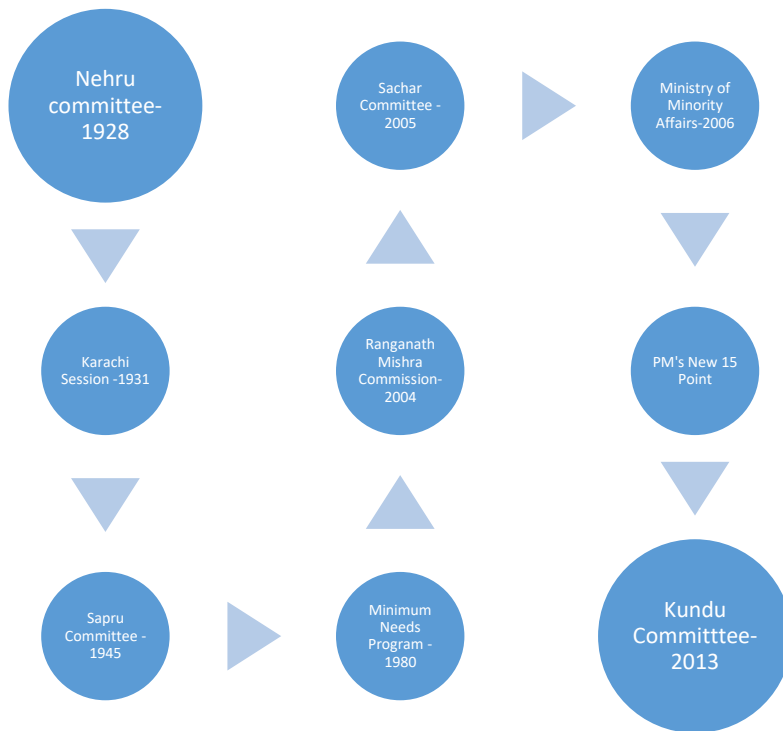
In 2005, Prime Minister's High-Level Committee popularly called the Sachar Committee was formed to assess the socio-economic and educational development of Muslims in India. The committee pointed out the backwardness of Indian Muslims in social, economic and educational indicators when compared to the general population. Similarly, the Justice Ranganath Mishra Commission was appointed by the Centre for Religious and Linguistic Minorities, Government of India in October 2004 to study various aspects of religious and linguistic minorities.

In 2006, the Ministry of Minority Affairs was carved out of Ministry of Social Justice & Empowerment in order to ensure focused approach towards issues relating to the notified minority communities namely Muslim, Christian, Buddhist, Sikhs, Parsis and Jain. The PM's New 15-Point Programme for the Welfare of Minorities came about in 2006. It provided for interventions in education, employment, infrastructure and living conditions to be achieved in a timely manner. It also envisaged that schemes running in the country should be directed towards the disadvantaged minority communities. These schemes included Integrated Child Development Schemes, Sarva Siksha Abhiyan, Industrial Training Institute, Swarnajayanti Shahari Rozgar Yojana, Aajeevika Bank Credit under Priority Sector Lending etc. The Multi-sectoral Development Programme launched in 2008-09 aimed at improving the socio-economic and basic facilities in order to address the deficits in living standards of the people in Minority Concentration Districts. The Kundu Committee (2013) was appointed to assess the PM's New 15-Point Program and suggest corrective policies. The report highlighted that even after 6 years of Sachar Committee report, negligible changes have been observed in the socio-economic development of Muslims. They are still excluded from government jobs and urban development. Schemes under 15-point programme were suffering from paucity of funds. Health infrastructure had not reached Muslims in the intended fashion (Ghosh, 2015).

The Mehmoodur Rehman Committee (2008) was set up by Maharashtra Government to study the conditions of the Muslim community in the state. It was to study the educational, social and economic backwardness of Muslims and suggest measures to improve their condition. The committee pointed out multiple deprivations being faced in housing, income, education and employment by the community. The committee also highlighted the under representation of Muslims in Civil Services and over representation in prisons. Among its significant recommendations was an 8% reservation for Muslims in employment and education, in proportion to a 10.6% Muslim population in Maharashtra (Faizee, 2013).

The Sudhir Commission or the Commission of Inquiry on Socio-Economic and Educational Conditions of Muslims, which was formed in March 2015 to study the socio-economic conditions of Muslims, in its report suggested the government to provide 9 to 12 per cent reservation to the backward communities among Muslim in public employment and education. Among other recommendations, the panel also suggested setting up an Equal Opportunities Commission and implementing the Diversity Index as per the suggestions of Sachar and Kundu (Sudhir Commission 2016).

Figure 1: Landmark Policies



Judicial Development

In *Re: The Kerala Education Bill, 1958* the Supreme Court held that the meaning of the term minority can be accorded to a “community which is less than 50% of the total population” in a defined area³. In the case of *D.A.V. College v. State of Punjab*, the judgement declared that even if Hindus are majority in the nation, they can be treated as a minority in State of Punjab for the purpose of conserving their language under Article 29 of the Constitution⁴. Hence, religious or linguistic minority status should be construed according to the state population. The *A.S.E. Trust v. Director, Education, Delhi Administration*, upheld that only those religions such as Muslims, Christians, Jains, Buddhists, Sikhs etc., which are distinct and unique from the majority religions shall be taken as minority⁵.

The famous case of *TMA Pai Foundation* also reiterated that the whether a religion is of minority character should be decided based on their state population. Furthermore, it reiterated that Article 30(1) confers both linguistic and religious minorities the right to establish and administer educational institutions of their choice. Additionally, the court opined that aided minority institutions must admit some non-minority students in order to maintain a balance between minorities’ rights under Article 30(1) and citizen’s rights against discrimination under Article 29(2)⁶.

³ 1959 1 SCR 995

⁴ 1971 AIR 1737

⁵ AIR 1976 Del 207

⁶ AIR 2003 SC 355

3. Challenges in the Development Policy and Process

India's growth story has largely excluded the socially, economically and educationally disadvantaged. Programs, policies and services designed for minorities remain weak in access and implementation. Civic amenities and infrastructure also remain largely inadequate. Poor awareness owing to abysmal levels of education among certain minority groups leads to discrimination in availing these services. Moreover, low level of political participation of minorities prevents development processes from reaching their intended beneficiaries. The present Lok Sabha has only 5.2% Muslim MPs and about 4% of them being Sikhs, Christians and other minorities. Stringent Anti-discrimination laws such as those covering SCs and STs do not extend to religious minorities.

The State developmental paradigm has had dual failure in terms of uniform access as well as targeting the poorest Minorities. Religious Minorities are pretty much excluded from affirmative action such as those granted to SCs and STs even though they are as educationally and economically backward.

Furthermore, there exist lacunae with regards to disaggregated data by religious groups, to help map the impact of development-oriented policies. There is an absence of a robust responsive policy framework. What exists are mere handouts in terms of scholarships and madarsa modernization or infrastructure development in Minority Concentrated districts. The inefficient design, insufficient resources and weak institutional mechanism prevents implementation and targeting of the poorest of the minority. The committees appointed to look into Minority deprivations and conditions have been largely rhetoric and no concrete measures have been taken to implement the measures suggested. The findings have been disseminated to raise alarm, yet no action has followed through.

4. Global Practices and International Convention

According to a definition offered in 1977 by Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, a minority is

“A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language” (OHCHR, 2010).

Article 27 of the 1966 International Covenant on Civil and Political Rights (ICCPR) reads,

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language” (OHCHR, 1976).

The landmark International Minority Rights has been the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992 which emphasizes that the state must protect the existence and identities of minorities. It reiterates that the states must encourage the promotion of national or ethnic, cultural, religious and linguistic identities. As per the declaration, minorities shall possess the right to practice their religion, enjoy their culture and use their own language in both public and private spaces without any kind of discrimination. Article 3 of this declaration, guarantees minorities the right to exercise their rights both at an individual and community level indiscriminately (OHCHR, 2010).

Other international conventions that implicitly concern minorities include UNESCO Convention Against Discrimination in Education, 1960; the International Convention on the Elimination of All Forms of Racial Discrimination, 1965; Convention on the Prevention and Punishment of the Crime of Genocide, 1948. A measure of minority rights is also implied in UNESCO Declaration on Race and Racial Prejudice, 1978 and UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion and Belief, 1981 (Pejic, 1997).

The European Convention for the Protection of Minorities by the name of Framework Convention for the Protection of National Minorities is the first legally binding multilateral treaty designed exclusively for the protection of national minorities. It contains legal provisions for the state to implement through legislation and governmental policies. The member states must work to fight against discrimination, promote equality, preserve and nurture the culture and identity of national minorities, guarantee freedom of media, promote minority languages and political participation (Council of Europe, 1995).

In 2018, European Parliament adopted the resolution ‘Minimum standards for minorities in the EU’. The resolution concerns with the socio-economic development and fundamental rights of minorities in Europe. It is directed against discrimination and hate crimes and emphasizes on protecting linguistic and cultural rights. While the treaty is not legally binding, it reflects the political will for an inclusive future. The resolution exhorts the Commission and the Member States of the EU to lay a fabric of common minimum standards for the protection of minorities (UNPO, 2018).

International Bodies on Indian Minorities

The Human Rights Watch (HRW), 2019 highlighted the ill treatment of minorities in India carried out by Hindu extremists. The report condemned mob lynching, especially of Muslims and the indifference of the police towards victims of such attacks. Caste clashes and manual scavenging reveal the inhuman treatment being meted out to Dalits and the HRW brings out the underlying failure of the existing legal and policy frameworks in the country. Moreover, they have also expressed concern over the vulnerability of tribal communities who are subject to displacements because of large infrastructure project (Human Rights Watch, 2019).

In India's Universal Periodic Review (UPR) at the UNHRC, India has faced critique of its severe human right violations over the last year as well as the non-fulfillment to ratify human rights conventions. In 2019, USCIRF pegged India as a Tier 2 country due to a downward trend in India's religious freedom. India is designated as a 'Country of Particular Concern', under the International Religious Freedom Act. USCIRF has expressed particular concerns such as government's nonchalance regarding mob violence against minorities, discriminatory anti-cow slaughter laws and discriminatory rules against foreign funded NGOs of religious minority groups (USCIRF, 2019).

5. The Way Ahead

About seven decades later, post-independence the minorities in the country are still languishing in backwardness and exclusion. The poor socio-economic indicators bear testimony to it. Minority rights, non-discrimination and secularism are entrenched in the developmental process in India since the pre-independence era. The State since its inception has tried to find a balance between preserving minority rights and culture whilst maintaining the secular fabric of the country. However, there exists a wide gap in the vision and implementation. Basic deprivations have been further aggravated by newer social and economic problems. Hate crimes, encounter killings, over-representation (55%) of minorities in India's prisons, anti-cow slaughter and anti-conversion laws, an increase in communal violence (post 2012) and subsequent denial of justice of citizens from the minority community are largely unaddressed and remain out of the ambit of the development policy framework of minorities.

The following recommendations need to be accounted for a minority-focused policy model.

- Data and Evidence driven approaches need to be incorporated while designing programs, policies and laws concerning minorities in the country. A knowledge of severity of the situation will help in targeting the poorest of the poor as well as ensuring the scale of remedial measures required.
- Monitoring and evaluation mechanisms need to be developed at the grassroot level to ensure that the programs designed at the central or state level are being implemented in an unbiased and uniform way at the village level.
- Capacity building of functionaries is necessary for effective implementation of schemes and policies.
- Greater participation of minority stakeholders in designing policies for the excluded groups will essentially result in better delivery and impact.
- Technology must be leveraged across service delivery platforms to reach out to intended beneficiaries in a timely manner.

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Upcoming Papers

Discrimination & Deprivation: The Case of Muslims in India

T. Sundara Vardhan

The current paper attempts to look into discrimination angle in deprivation. As a working definition, poverty as deprivation is considered in this paper. Thus, it is can be seen that deprivation is predominantly an economic attribute and one can agree that there are both economic and non-economic factors for deprivation. How discrimination, which is majorly a social manifestation causes deprivation is what the current paper looks into. The conceptual and theoretical discussion is contextualized to look at economic deprivation of the marginalized communities with special focus on Muslims in India vis-à-vis the experience of the US and South Africa which have the context of discrimination.

Indian Muslim Issues

Riaz Shaikh

Indian Muslims face various issues, some that are common to all the marginalized sections of Indian society, and some that are unique to them as a result of their religious identity. Muslims are among the poorest groups in India and as expected, their poverty coexists with a high incidence of unemployment, illiteracy, poor health, unsanitary living conditions, and related issues. In addition to this multidimensional poverty, Muslims also face religious discrimination and hostility. They face societal prejudice and bigotry leading to Islamophobia and Muslim bashing. This prejudice turns to violence regularly with communal riots and mob lynching. This discrimination is institutionalised due to the inadequate representation in public and law enforcement agencies, leading to civic apathy and police brutality. They face exclusion across a range of 'public goods.' A third category of issues includes those of a political-legislative nature that concern Muslims at an emotional level and threaten their identity and culture. This paper attempts to look at how these various issues affect Muslims and their response to them.

Literature Survey of Minority Studies in Select Countries

Sriram Bhupathiraju

This literature review is to understand the paradigms and perspectives in studying minorities. Broad-ranging literature from across the world exploring frameworks used in studying minorities that could be applied in the Indian scenario would be explored as a part of this work. Arriving at a universal definition of a minority is problematic. So in a broad sense, we have to settle on self-reported victimisation of groups, for them to be called minorities. To start with this paper looks at this issue of definition. This paper also looks into the issues of major Indian religious minorities and juxtaposes their local realities in India with that of their realities internationally

Healthcare Sector in India: A Comprehensive Analysis

Netheena Mathews

India's health sector is currently reeling under the triple burden of disease — the unfinished agenda with infectious diseases; the rise of noncommunicable diseases (NCDs) linked with lifestyle changes; and a wave of new drug-resistant pathogens causing epidemics, and pandemics. Household out-of-pocket expenditure (OOPE) in India was 67% of total health expenditure as of 2015. Moreover, the country's health infrastructure is over-stretched and needs to be strengthened if it has to take on the challenges of the twenty-first century. On the other hand, India's healthcare industry is one of its fastest growing sectors — expected to reach \$280 billion by 2020. This paper seeks to provide a comprehensive analysis of India's health systems and policy landscape, while exploring the challenges that lie ahead.

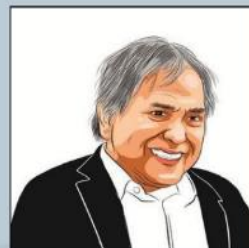
About Us

Centre for Development Policy and Practice (CDPP) is an independent organisation working to influence public policy with a focus on the development of minorities. CDPP is involved in research, training, and outreach.

Guest Speakers



N.C Saxena
Former Member of the
National Advisory
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Dr. Amitabh Kundu
Chairperson, post
Sachar Evaluation
Committee



**Professor Abdul
Shaban**
Member -
Mahmoodurrehman
Committee, Kundu
committee and
Sudhir Commission



Dr. AbuSaleh Shariff
Former Advisor to the
PM Manmohan Singh,
Member, Sachar
Commission and
Director, USIPI

What We Do

Our aim is to encourage Leaders, Governments, Policymakers, Companies, Civil Society, concerned Individuals and Institutions to question the dominant narrative. We seek to provide answers to questions regarding India's current development trajectory and future paradigms. CDPP aims to provide research and evidence-driven strategy as well as an inclusive platform to empower the vulnerable.

Upcoming Events

Book Launch of '**All the wrong turns: Perspectives on the Indian Economy**' by **T.C.A. Ranganathan** and **T. C. A. Srinivasa Raghavan**
Organised by: Westland Publications and Centre for Research on Infrastructure Development and Policy
Lamakaan |13th February | 6:30 PM

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