

# **100 Years of Independence: Evolving Identities, Markets, and the Environment**

Public Seminar by Cohort 7 of Master of Public Policy Programme, NLSIU

Dates: 3-4 February 2022

## Schedule

Date	Time	Theme
03 February 2022	9.15-09.30	Inaugural Address  (Concept Note: Page nos 3-4)
	9.30-11.00	Past, Present and Future: Crisis and Opportunity in Indian Federalism and Governance (Concept Note: 5- 8) Discussants: Srijoni Sen and Iznallah (IIT Bombay)
		<i>Break</i>
	11.30-13.00	The state and I: Exploring Institutional Responses to the Struggles of the Marginalized (Concept Note: 9-13) Discussants: Srijoni Sen and Mugdha K. ()
		<i>Break</i>
	2.30-4.00	From Growth to Development: Livelihoods at the Intersection (Concept note: 14-18) Discussants: Srijoni Sen and Gayathri Menon (Azim Premji University)
04- February 2022	9.30-10.30	Special Plenary Session on ‘Shifting Bengaluru 2031-2041’ Speaker: Anjali Karol Mohan Discussant: Leo Saldanah Moderator: Dr. A. Ravindra
	10.45-12.15	Health Data Management in India: Towards a Futuristic Policy Framework (Concept Note: 19-24) Discussants: Srijoni Sen and Trishi Jindal (NLSIU)
		<i>Break</i>
	12.30-14.00	Governing Peri-Urban Commons: How Can We Help Bengaluru’s Lakes? (Concept Note: 25-28) Discussants: Srijoni Sen and Sowmini Prasad

## **Public Seminar**

### **100 Years of Independence: Evolving Identities, Markets and the Environment**

At the stroke of midnight on 15th August 1947, India awoke to a new journey that would go on to define the local and global socio-economic trends for the next seven decades. 75 years later, we find ourselves at a juncture where equitable public policies must act as linkages between our post-colonial past and our post-pandemic future. At this critical point, it is important to introspect as well as look outward, to gauge where Indian development stands. This becomes specifically relevant given that in 25 years' time, the country will celebrate its independence centennial. The path to the future, thus, needs to be connected to the past, for an equitable present.

India has come a long way since its independence, with evolving economic systems, emerging new markets, rapid development in technology, and a conscious acknowledgment for the need to protect our ecosystems. Indian society faces the challenges of rising inequalities across regions, income categories, social groupings, gender, and rural-urban divides. Moreover, concerns regarding flailing constitutional morality, populism, conservatism and the creation of several 'imagined communities' also need to be discussed in this context.

Five key paradigms have determined the course of the country's progress since Independence - Politics and the Political Economy, Just Livelihoods and Social Development, Identities and the Broader Concept of Wellbeing, Sustainability and Eco-Systems, and Evolving Technologies. The struggle for recognition of identities continues on multiple fronts, be it recognition of certain sections of the population as workers or the idea of citizen and non-citizen identity. At the same time, a wide range of stakeholders continue to press for improved standards of living through better employment opportunities and education. Technological advancements are pushing the boundaries of what traditionally constituted the economic and social spheres. The developmental agenda has lately been accompanied by a growing consciousness regarding sustainability, in social as well as environmental aspects. At this juncture, it is crucial to explore the interplay of policies from diverse sectors as the not-so-young nation traverses through its path to development.

The need of the hour is to map out their progression over the last 75 years and discuss their successes, failures and roadblocks that would lie ahead. In this context, it is requisite to revisit, reevaluate and rethink the path we have come across to frame policies that cared and worked for the dreams of the people and its realization. But more than a mere historical chronicling, it becomes important to determine the policy course of the future through effective, equitable and all-encompassing policy solutions for the future. The students of MPP7 attempt to use this platform to look into the various socio-economic and political spheres and try to explore the dynamics of identity and inclusion, and the various contradictions it brings to the nation-state, India. The goal of this Seminar is to engage in a policy discourse that promises a confluence of different perspectives from differing lenses, where the past, present, and future of India's public policy finds centre stage. The five aforementioned themes are being further narrowed down to Crisis & Opportunity, Technology & Service Delivery, Commons & Governance, Growth, Development & Livelihoods and the State & Identities. The Seminar groups would attempt to chronicle these topics through the lens of 100 years of independence - 75 gone by and 25 to come - to present a picture that is not only cognizant of its past, but confident of its future.

The Public Seminar has been structured as follows. It would commence with a broad discourse on Crisis and Opportunity in the context of the Indian state, laying the groundwork for the past, the present and future of independent India through its federal and other related challenges. The Seminar would then move onto the topic of identities, and how their evolution is a comprehensive and continuous process across time and across the Indian paradigm. The first day of the Seminar would conclude with a discussion on livelihoods in the context of growth and development, and how the transitions between the utopian objectives of the past and future must take place.

The second day would commence with a discussion on health and technology, a topic that postulates the disruptions that have taken and will continue to take place, especially in the aftermath of the COVID19 pandemic. The Seminar would conclude closer to home, with a session on Bangalore Lakes in the context of urban commons, and the discourse surrounding sustainability as a link between the present, past and future.

## **Theme 1**

### **Past, Present and Future: Crisis and Opportunity in Indian Federalism and Governance**

The Indian political economy since independence has been shaped by “crises” and “opportunities” co-operating within the nation. The perception of crisis and opportunity itself does not allow for watertight demarcations. The complexity of Political Economy is such that a particular event can be both a crisis as well as an opportunity. In our Public Seminar, we hope to engage with this fascinating and complex notion to analyse how Independent India has functioned in the last 75 years as well as India when she reaches her centennial in 2047. Through the lenses of our individual research, we have looked at the past with a fine critical eye, at the same time keeping our policy world view wide open to spot crises and opportunities, sometimes working in tandem, in the coming future.

#### **What is Political Economy? How can the lens of political economy help deconstruct the Conference Theme?**

The discipline of Political Economy seeks to understand the relationships individuals and societies have with the state and market. It is rooted in the confluence of political science, economics and sociology (Veseth and Balaam 2020). As the discipline evolved, it became subject to analysis from various scholarly vantage-points, ranging from the father of modern economics Adam Smith to Karl Marx (Weingast and Wittman 2011). It evolved throughout the twentieth century, being viewed as an area of study as well as a methodological approach. In this course, we started by introspecting over the very meaning of economics as well as its evolution as a discipline, tied in with the capitalist mode of production and organisation of society. Interspersing this critical approach with an understanding of Marxist conception of political economy has aided in establishing a strong foundational understanding of the discipline itself. Through the seminar, we hope to bring our critical reflections to the stage. Using this theoretical foundation and the practical orientation of our dissertation engagements, we approach different questions underlying the evolution of Indian Political Economy.

Crisis provides opportunities for change, and in many cases has been the catalyst for change. However, the very notion of what a “crisis” is and what an “opportunity” is are contestable. Be it the Partition 1947 which influenced the nature of quasi-federal governance structure India adopted, or the 1991 push towards economic liberalisation or the more recent demonetization policy, the line between crisis and opportunity is muddled and grey and also highly contingent on socio-economic and political locations of those affected. We would thus like to adopt the lens of crisis and opportunity to understand and draw out the nuances of the Indian Political Economy. We believe this not only helps us situate the past, but also speculate about the future in an informed manner.

### **Sub-themes within the Crisis or Opportunity lens**

#### **The Political Economy of Federalism**

In the Indian Federalism system, the powers of governance and taxation are demarcated and shared between the Union and the State government, with the Union government’s power often overshadowing the other rungs of government. The frequent use of Article 356 of the Constitution of India to dissolve an elected state government and place it under central rule highlighted the lopsided power structure in the Indian federation until the early 1990s (Srinivasan, 2007). This scenario was then balanced to some extent by the formation of several coalition governments at the Centre, thus impacting power politics influencing Indian federalism.

The shift in the Union Government's economic policy from a planned economy to a market economy framework, as well as the constitutional status granted to local governments through the 73rd and 74th Amendments, and the growing presence of regional parties in both the union and state governments, have reignited debates on Indian federalism. In our seminar panel, we will focus on exploring electoral delimitation and the coterminous nature of crisis and opportunity operating within its fold. Fiscal federalism in India will also be explored in this seminar panel. The co-operation of crisis and opportunity with the introduction of the Goods and Services Tax, the situation prior to the GST regime and the future of Indian fiscal federalism will sought to be understood. The complexity of crisis and opportunity has characterized the evolution of Indian federalism as well. We would, thus, like to explore India’s federal structure using this approach.

## **The Political Economy of Governance**

The political economy of governance occupies a central role in various strands of the development school of thought. It finds its roots in the understanding that political and economic variables are equally important to the articulation of distribution of authority (Atkinson and Fulton 2017). While comprehension of the operations of the government can be found as early as in the works of Max Weber, their relation to economic development and their systemic critique is a rather recent field of research.

The recent bitter history of colonialism also established the basic understanding in developing countries that the state would largely represent the interest of its people. The question of who these ‘people’ were, led to a critical dialogue around interest groups and the role of self-interest in politics. This has been exemplified in Goldman’s (2011) conception of ‘speculative governance’ where the Indian state is being seen as the enforcer of the rules of economic institutions, rendering certain sections of the society to a spatial fix that strips them of welfare coverage in the process of world city-making. A process that has now become a critical inclusion in the trajectory of governmental administration, with the aspiration of reflecting a forward-looking approach, and the potential of bringing about systemic changes within the very institution of the Indian Administrative Services, in its lateral entry scheme. This also has the potential of having an extended impact on the way citizen participation transpires in governance processes. We will especially focus on the policy landscape surrounding citizen participation in urban governance in India.

Nonetheless, in an ideal scenario, from the perspective of political economy, what governance seeks is to develop an arrangement where the ‘vital interests’ of the society can be met. It does so through policy, wherein the manner in which power is allocated and exercised impacts decision-making in the course of the policy cycle (Acemoglu and Robinson 2006). We draw out the nuances within the specific topics chosen under governance to examine how they straddle the fine line between crisis and opportunity, while examining the larger discourse on India’s Political Economy.

## **Conclusion**

This session of the seminar will, therefore, focus on the political and economic complexities that have confronted (and continue to do so) the Indian state in the post-independence world, with particular reference to federalism and governance. One aspect that emerges from the examination of this trajectory is the manner in which the different events have transpired, determining their outcome as either a bane or a boon for the country's economic development, when in reality they need a deeper examination into the grey areas between crisis and opportunity. This approach is indispensable to the nuanced understanding of the evolution of the Indian political economy, to bring out critical contentions and self-contradictions that will continue to inform not just the future of the discipline of public policy, but also that of the nation itself.

## Theme 2

### **The State and I: Exploring Institutional Responses to the Struggles of the Marginalized**

*The State is ever-pervasive and omnipresent. Its interactions with me are based on who I am, and in turn, these interactions shape who I get to be. It governs. It regulates. It provides. It punishes. Sometimes, it refuses to acknowledge.*

It is in the context of the channels of the State that every decision impacting our lives is made. The role and response of the State differ depending on how the State chooses to understand the group of the population it is interacting with. It can be said that specific constructions of identities of the members of the respective groups influence the State's response towards them. At the same time, the State's policies and response also solidify the identities and statuses of these groups. Additionally, those not given legibility within the State apparatus must invent ways to exist and survive outside, and despite the reach of the State. Further, when unable to reconcile illegibility within the State apparatus, groups must find ways to demand such legibility.

Over the past 75 years, patterns of marginalization, inequity, inclusion, and self-expression have emerged out of these interactions. Through our theme, 'The State and I: Exploring Institutional Responses to the Struggles of the Marginalized', we aim to explore the concepts of inequity and exclusion rooted in individual identities and their manifestations in policies over the past 75 years of Independent India. 'I' here symbolizes multiple identities- workers, children, queer and non-binary individuals, caste groups, citizens, and non-citizens- that must interact with the State on an everyday basis. Through this seminar, we focus on three roles of the state- as a territory, as a service provider, and as an identifier. We look at how the experiences of different groups of population interacting with states in its different roles differ, and so do the policy responses, based on the role of the state as well as the identity of the group itself. Keeping in view the evolution of the state and the fluid identities since the year of independence, we delve deep into the state's policy responses for identities such as workers, migrants, women, gender queer folks, and many more.

## **The State as Territory**

The state shares a complex relationship with the variety of groups that have been marginalized in the context of access to the state and have been relegated to being secondary citizens, which also brings along with it economic and social deprivation, and often leads to destitution. Here, we take a look at migrants and refugees, as groups historically pushed out of the developmental narrative, and examine an often overlooked aspect, namely the state's role in the creation of migrants and displaced people. Migration studies worldwide have had a focus on the condition of those who leave their homes, the hardships they face in the process, and in finding a place for themselves in this new society. However, it is equally important to focus on the reasons they are forced to leave, which are essential in understanding the structural deficiencies within the source regions driving such migratory trends.

A number of driving factors exist, ranging from violations of human rights, conflict and prosecution, lack of economic opportunities, a lack of healthcare or educational facilities, developmental project-based displacement, and so on. A closer examination reveals that in the vast majority of the cases, the driving factor behind the outmigration from certain geography is due to systemic deficiencies within the political and socio-economic structure that fall within the ambit of the state's responsibilities, or direct intervention from the state towards land acquisition. We see that movement can be both internal, propelled by social and economic factors, or across borders, due to a combination of political and socio-economic triggers. The state is thus inseparable from the definition of territory, which is most prominent in the creation and definition of refugees. The resultant condition of statelessness is characterized by vulnerability and a desperate struggle to receive sustenance and protection.

India has had a rich and varied history of interacting with refugees; from the Kamladevi Chattopadhyay led efforts to rehabilitate refugees from Pakistan in 1947, to the influx of Tibetans in 1959 and Bangladeshi refugees in 1971, many groups have sought refuge from the Indian state. However, rigid territorial and cultural identities have acted as perennial barriers to socio-cultural integration. The Ministry of Home Affairs and the United Nations High Commissioner for Refugees collaborate to provide the necessary documentation and facilitate the

process of reception of necessary social protections; but, without a codified protocol, there is an absence of legal accountability to the vulnerable and stateless.

This highlights the role the state plays in the creation of these migrants, only to ostracize them politically, socially, and economically in the geography they migrate from, or to be rendered stateless or unprotected in the territory they flee to, thereby relegating them to being secondary citizens, ill-fated to live in the margins of society.

### **The State as Provider**

I am a citizen of India. I send my children to the nearest public school. I take my aging father to the nearest government hospital for his check-up. I rely on the government's water supply. As I carry on with my list of everyday mundane tasks, I stand face-to-face with the State, sometimes without even realizing it. Do I have the knowledge, the means, and most importantly, the power to make claims for the state's services? Are my powers the same as that of the rest of my fellow citizens, not merely in theory but in practice? The extent of my power is often decided by who 'I' am.

As a welfare state, the Indian state is responsible for providing its citizens with essential services such as healthcare, sanitation, education, etc. While it is crucial to understand *how* the citizens make claims to the services, one should first ask why the citizens *don't* make these claims more often. To understand this, we need to take a closer look at the dynamic between the state as the provider and the citizen as a recipient of the services- how is it that the state plans to deliver, and how is it that the citizen seeks to receive? In the Indian context, this relation has evolved greatly during the past 75 years. This evolution can be owed to large structural changes such as the economic reforms as well as the simultaneous shift in the social and cultural settings. The role of technology and its increasing incorporation into governance and service provision and delivery is worth noting, with increased digitization of processes leading to facilitation as well as roadblocks in delivery and availment. The need for documentation (especially Aadhar) as proof to avail services - whether targeted or otherwise- is linked to the aspect of the state as an entity that ascribes identity.

It is important to note that the Indian state has lagged behind in providing basic public services (such as health and education) to its citizens but has consistently increased spending on social protection measures (Kapur and Nangia 2015). This goes against the grain of development wherein social protection measures follow once the provision of basic public services has been set firmly in place. Here, the ‘I’ assumes the identity of the citizen who is reliant on the state to avail social protection measures that provide him or her with some semblance of a safety net, notwithstanding the actual efficacy of this net. Questions of who is eligible to receive these protection measures in the first place, how they are implemented and how effectively are all points of contention. In this respect, is every ‘I’ worth the same consideration in the eyes of the state? Whether the state can provide for citizens through social protection measures just as well as it can through the provision of basic services, and whether these two are interchangeable substitutes that can cater to the citizens’ most basic needs on an equal footing are points worth deliberating on.

Another pivotal question also arises when one probes how the citizen meets the state for service delivery. Who are the faces of the state when they engage with its various programmes? For a majority of the citizenry, the idea of the state lies in the various benefits nested within these programmes such as healthcare, education, and insurance. It primarily manifests through the numerous front-line workers who spearhead grassroots mobilization for the delivery of these programmes. The state remains as a transient entity in the background which is present through the interactions and activities of these actors. Yet, the inclusion of the workers as a formal civil worker and a crucial extension of the state’s welfare vision is denied (“Workers in Their Own Right” 2015). Here, the ‘I’ assumes the roles of every front-line worker who has missed the purview of the state. Their interaction with each other is fraught with tension and conflict, and transactional on a tilted scale. By probing the question of the Indian state’s relationship with its workers, the seminar seeks to assess the systematic devaluation of women’s labour, issues in public service delivery, and gaps in policy drafted to address the needs of the people.

### **The State as Identifier**

When I am socially disadvantaged, I must wait until I can be granted visibility and legibility by the State for even the prospect of the delivery of my entitlements to become real. Until then I am

invisible and left to fend for myself in gravely consequential ways. Under many circumstances, these public goods are life-saving drugs/vaccines/treatments (Spier 2001), protection against systemic forms of oppression, or access to the means for basic sustenance (Rizvi and Vinaik 2020). The State can, and time and time again does, look at the need for these goods with suspicion, thus preventing their widespread adoption. I, and those socially disadvantaged in a range of ways, suffer from such shortcomings the most, while those unaffected face no difference in prospects. The State must actively seek out ways not only to imagine its blindspots in this regard but also to enhance the acceptability of relevant public goods and reduce information asymmetry.

Gender, for example, is a lens that cuts through every social group, sector, and policy area. It then becomes imperative for the State to employ a gender lens when it comes to the implementation of policies. It is therefore vital to acknowledge that policies often cannot be uniformly implemented for men and women. Nor can gender inclusivity be achieved by implementing policies that do not delve into the causes behind gender disparities that exist (Rizvi and Vinaik 2020). Further, the scope of the meaning of gender must acknowledge and include those not belonging to heteronormative conceptions of gender (Semmlar 2014). It is often the case that actions are taken superficially in the name of gender inclusivity, without taking into account the diversity and complexity of the groups being targeted. There has to instead be an active shift in orientation at the administrative level towards using a gender lens to look at issues. Another major role of the State is that of securing the livelihoods of the economic poor, especially those belonging to caste minorities (Galanter 1984). Recognizing employment and livelihood as human rights becomes a duty of the State. When guarantees from the State imply guarantees of independence and self-reliance, it becomes imperative to ask the question of who requires such independence the most and what obstructs them from acquiring it in a meaningful sense. The ability of the State to identify is then inextricable from its ability to provide.

## Theme 3

### From Growth to Development: Livelihoods at the Intersection

*“The biggest constraint for India today is that (this) growth has not translated into adequate economic opportunities for (the) poor.”*

- State of India’s Livelihood Report, 2019

#### **Introduction: The Growth-And-Development Conundrum**

The growth-and-development conundrum in India is a question that has puzzled policy makers for quite some time. Planning and populism aside, the trajectory of the Indian economy over the past 75 years has been dotted with instances of promise, but not necessarily results that favour the socio-economic needs of its society. Mohan (2021) highlights two growth pivots in Indian history - the phase immediately following Independence and the phase immediately following the reforms of 1991. In both cases, the author argues that the objectives fizzled out after a fifteen-year period (roughly), and thus makes the case for bringing in a ‘third growth reform’ with the post-pandemic phase as its sandbox.

But how much can growth itself achieve, as an isolated and slightly narrow process? Pradhan (2017) is quick to point out that the very need to use the term ‘inclusive’ growth highlights that the expected outcomes of the process may not necessarily be in tandem with its larger societal obligation. It is here that the need to balance growth with development comes in, something that would encompass the various facets of Indian society and account for its inherent discrepancies.

#### **Livelihoods: The Missing Piece Of The Puzzle?**

At this juncture, it would also be crucial to introduce the concept of livelihoods and explain its relevance to the topic at hand. As has been interpreted from the more traditional definitions of growth in Indian history, ‘livelihoods’ has not really featured prominently in the discourse

surrounding growth. The post-Independence targets were more aligned to reducing poverty and creating employment, as opposed to discussions on the creation of opportunities for development and sustenance. Indeed, the focus on ‘absolute growth’ laid an emphasis on industrialisation and the promotion of existing livelihood avenues, instead of ‘relative growth’ being studied to enhance the standard of living and other similar metrics. How much of a push can industrialisation, modernisation and economic stimulation generate without taking into account the various factors resulting in the stagnation and poverty of the Indian populace? To reiterate Adhia’s (2015) pertinent question - what about the “pledge of lifting living standards?”

Before justifying why livelihoods are the key focus of this seminar discussion on growth and development, it is essential to operationalise the term. This itself presents a challenge. A report by the International Recovery Platform (IRP) and the United Nations Development Programme (UNDP) discusses this difficulty by listing down a few key factors integral to its facilitation: creation of *assets* for people, developing *strategies* for making a living, the *contexts* among which the livelihood is expected to develop and decreasing *vulnerability* to shocks and stresses. One can see that this is a mix of conceptual and structural factors that helps define why livelihoods are central to the transition from mere growth to growth and development.

### **Objectives Of The Seminar Group**

Having discussed the trajectory of growth and development over the past 75 years - and the need to include livelihoods in the mainstream discourse of the Indian economy - it becomes important to justify what the seminar group wishes to achieve through this topic. The discussion sessions held with the course facilitator and the common interests of the group members have stimulated a pool of ideas, all of which connect to livelihoods and the Indian growth story in some way or the other. The basic faultline the group aims to touch through this seminar presentation is the exploration of ‘livelihoods’ as a fundamental and equitable concept, which is capable of bridging the transition between Indian growth and Indian development. The group wants to explore how the creation and sustenance of livelihoods and livelihood opportunities can take place via adequate policy intervention. Designing solutions in the most optimal way to ensure that every person in the country can live a dignified and fulfilling life. To this regard, it is essential to study

the actors (state/non-state) and their roles as stakeholders, the institutions that need to be created/sustained/modified and the ideas that need to come into the fore to make this possibility a reality. In essence, the past 75 years must be complemented by practical and plausible policy solutions for the next 25 years, and the participants of this course wish to provide as comprehensive and conclusive an outlook regarding this as possible.

### **The III Framework: Innovation, Inclusion And Infrastructure**

In order to understand the topic at hand better - and break it down into its most relevant components - the seminar group has devised a small framework to allow for a multi-pronged approach in addressing this policy issue. Dubbed the 'III' framework, each 'I' - Innovation, Inclusion and Infrastructure - stands for a key element in this process of understanding growth and development through livelihoods. Each of these lenses/sub-themes looks at the various policy-related developments in its concerned field, what must be done in order to adopt a more future-specific approach, and how the problem-solution conundrum can be resolved optimally.

#### **Innovation**

Innovation forms the crux of growth, development and progress in a country, especially if one is referring to the term in the context of employment and opportunities. The disruptions caused due to innovation in production processes, employee training and the employment market in general have a significant impact on the livelihoods of people, both positively and negatively. Innovation has dotted the Indian economic landscape through the increasing use of technology, but it has also resulted in inequitable growth following its integration into the mainstream. The 'future of work' as it is produces a unique challenge for Indian policy today, in the context of how it can unlock opportunities for the Indian population.

Over the course of this segment, the seminar group would try to identify and demand the future of work in a bid to fully grasp the paradigms that could be explored over the next 25 years. It would then look at the transitions taking place due to accelerated growth and the impact it has on the people engaged in replaceable and vulnerable employment. Just as an example, the

intervention required to sustain offbeat occupations, skilling programmes and policy measures pertaining to these topics comes under the purview of this segment. Overarchingly, it becomes important to keep ‘livelihoods’ and not just ‘innovation and opportunities’ at the forefront of this discussion, which would allow for a development-centric perspective on behalf of existing and future employees. Disruptions are capable of providing much-needed stimuli to growth while also prioritising development in newly-discovered avenues, but this can happen only if the implicit focus of policy is clear. In this case, it pertains to exploring the future of livelihoods in a fair and just manner.

## **Inclusion**

Inclusion itself is a broad term that has a multitude of meanings depending on the context it is used in. More often ambitious and hopeful, it is important to anchor the term down to a fixed context and use it for effective planning. Inclusion in the context of this seminar presentation pertains to the considerations that need to be exercised while providing opportunities, security and support for livelihoods to all those falling within the realm of a policy. Livelihoods tend to suffer the most in the event that effective economic inclusion is not practised, owing to a number of reasons. These range from the unreliability of undefined work, to the lack of support on certain opportunities and the incongruence of certain socio-economic provisions, depending on the context.

While discussing growth and development, it becomes important to highlight the distinction in inclusion priorities between the two - growth targets inclusion through planning, while development targets sustainable inclusion through adequate capacity-building. It is the latter which policy targets should wish to achieve; this also forms the basis of this segment in its discussion on inclusion in livelihoods. It is important to look at how livelihoods and the opportunity to live a decent life can be achieved through effective planning and inclusion, as should be the case with employment-guarantee schemes, ancillary service provisions in the employment landscape and the continuous evaluation of such programmes to adjudge their effectiveness. In terms of the time period, the fault lines over the past 75 years are evident

enough, which allow for a clearer path over what must be done over the next 25 years, although this path is not without its own challenges.

## **Infrastructure**

While talking about infrastructure in the context of livelihoods, there are two main streams of thought that emerge. One is a growth-centric perspective, which involves the creation of physical, tangible infrastructure to stimulate economic activity and related livelihood opportunities. The other is a development-centric perspective, which involves the creation of intangible infrastructure with an explicit focus on capacity-building and inclusive economic participation. Both are equally important to the discussion on livelihoods, since a conducive and equitable business environment is essential to the creation and sustenance of livelihood opportunities. The Indian growth story has seen shades of this in the past, but how interlinked they have been with the principles of development continues to be debated till this day.

Re-invoking Mohan's idea of ushering in the third phase of the growth-development push in this post-pandemic era, one must take into cognizance the opportunities being created today and use them in ways that are beneficial to all. The attempts being made at livelihood generation and sustenance allow for more entrepreneurship opportunities, more support for small and medium businesses, principles of inclusion in financial goals and innovative ways for economic rejuvenation. Shock-absorbing and crisis management also form a vital part of this discourse. Thus, a holistic picture of livelihoods can only be formed if infrastructure and capacity-building are effectively utilised for empowering people and providing adequate opportunities. The truest idea of growth and development can be achieved together only if there is enough parity in the various 'markets' that dominate the Indian economy. The next 25 years pose a particularly difficult yet enthralling challenge for policy in this regard - to strike a balance without tipping it, and to sustain it without overdoing it.

## **Theme 4**

### **Health Data Management in India: Towards a Futuristic Policy Framework**

#### **Introduction**

The reliance on digital technologies has become an indispensable part of modern healthcare, be it epidemic preparedness, or administration of insurance frameworks. It is a sign of the times, where healthcare providers bank on an integrated and interoperable information infrastructure, governments depend on data drawn from the population to gain more insights for policy making, and private players create a disruptive innovation regime in HealthTech. Electronic Health Records/Electronic Medical Records have become one such significant element of the digital healthcare regime, thereby becoming essential to the discourse on data governance across countries. Put simply, Electronic Health Records (EHRs) are “patient-level data collected during and for clinical care,” including details such as “diagnostic results and codes, billing, procedure codes, patient vitals, laboratory test results, clinical imaging, and physician notes” (Catania 2021). While allowing for greater accuracy and effectiveness in healthcare interventions, EHRs have been seen as major intrusions into privacy (Ozair et al. 2015), apart from the risks of unwarranted surveillance and profiling, and risks of exclusion.

In this context, the following work shall explore the framework around health data governance in India, with a particular emphasis on the government's role in collecting, storing, and sharing the same.

#### **Governance of Health Data**

Health data in India, unlike in the US, is not governed by a special legislation. The latter has a framework under the Health Insurance Portability and Accountability Act, 1996 (HIPAA), which provides for privacy and security of health data, and allows patients to have a considerable degree of control over their health information. In India, the proposed Digital Information Security in Healthcare Act (DISHA) seeks to develop a sector specific data protection framework focused on creation of e-health authorities, and standards for collection, processing,

storage, and sharing of digital health data. It also discusses aspects of reliability, privacy, security, and confidentiality of digital health data, setting the tone for a substantial, and ethical framework. Lack of progress on its enactment reflects the inadequacy of the current regulatory environment.

Rules made under the Information Technology Act, 2000, such as the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 (SPD rules) play an important role here, due to the higher degree of protection accorded to 'sensitive personal data' within them. They also include within their scope health data, in addition to norms around seeking consent for collection, sharing and disclosure, publishing of privacy policy, and security standards for such data. The emphasis on EHR/EMR may also be seen in the Clinical Establishments (Registration and Regulation) Act 2010, which mandates the "maintenance and provision of EMR for every patient."<sup>1</sup> In 2013, the Ministry of Health & Family Welfare (MoH&FW) notified the Electronic Health Record (EHR) Standards for India<sup>2</sup>, which were subsequently revised in 2016. These encompass standards for digital record keeping, interoperability, exchange of data, architecture of systems, encryption of data, access controls, and digital certificates to name some, in addition to elaborating on patient ownership of data.

The discourse on governance of health data must also take into account provisions in the Personal Data Protection Bill. The bill includes health data within the definition of personal data, and provides scope for further classification as sensitive personal data. It also creates a rights-based framework for user control over data, in addition to various liabilities of data fiduciaries, consent centrality, and the emphasis on privacy by design.

The rise in significance of digital health data has prompted an urgent examination of data governance frameworks, especially in India. Shared control over digital health data between the State and the third-party service providers further necessitates this examination.. Inter-

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<sup>1</sup>Ministry of health and Family Welfare. 2012. *Operational Guidelines for Clinical Establishments Act* (available at <http://clinicalestablishments.gov.in/WriteReadData/2591.pdf>)

<sup>2</sup>Ministry of Health and Family Welfare, Government of India. 2016. *Electronic Health Record (EHR) Standards for India* (available at [https://main.mohfw.gov.in/sites/default/files/EMR-EHR\\_Standards\\_for\\_India\\_as\\_notified\\_by\\_MOHFW\\_2016\\_0.pdf](https://main.mohfw.gov.in/sites/default/files/EMR-EHR_Standards_for_India_as_notified_by_MOHFW_2016_0.pdf))

departmental sharing of this data may also become problematic due to risks of profiling and lack of uniform standards for record keeping. Digital healthcare thus brings along with it issues of data minimisation, data retention, transparency of processing, and voluntariness of data collection. These issues were also extensively reported in the context of two major apps launched in India during the COVID-19 pandemic - AarogyaSetu, and CoWIN.<sup>3</sup>

### **Technologies that make extensive use of health data**

Digitalisation of health records has proven to help medical professionals in synthesis of information for better patient care and research. Poor management of health information systems at the district level and lack of definitive health data is directly associated with lower health outcomes in low and middle income countries (Ndabarora et al. 2014). Accessibility to accurate health data is essential for allocation of healthcare resources and making future provisions. The World Health Organization has developed a guide to improve quality of health data and aid healthcare professionals in the management of health data better suited to the needs of patients. In India, the EHR standards issued in 2013 aim to improve quality and efficiency in healthcare. Implementation of EHR for the purpose of improving public health has the potential to identify key factors affecting poor health outcomes including disease patterns, seasonal trends and risks to the highly vulnerable population (Dornan et al. 2019).

Given the limitations of healthcare infrastructure in India, identification of targeted interventions and timely information is essential to avoid disease outbreaks. Surveillance and monitoring through EHR provides indicators to identify the timeline of outbreaks and areas with high risk of infection which can help in prevention of spread of diseases (Baldwin et al. 2008). Infrastructural limitations often act as an impediment towards the sustenance of EHR facilities in India as intermittent power cuts and inconsistent internet affects usage (Radhakrishna et al. 2014). With increase in access to internet and web based technologies in healthcare in India, there is scope for better utilization of EHR in healthcare related decisions.

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<sup>3</sup> See KJ (2020) and Rakheja (2021).

## **Evolution, Opportunities, and Challenges**

There has been an emphasis on the scope of utilisation of information infrastructure for the purpose of healthcare data since the 1990s. (Shortliffe 1998). WHO promoted the dependence on “e-health” in the Eastern Mediterranean Region with much fervor during this period. Healthcare analytics has transformed management of healthcare data, with interoperability, scalability and data management becoming the major focus areas for industrial actors in the healthcare domain. The role of healthcare data has grown with the onset of the pandemic as organisations use health data to identify population groups that are at higher risk, where cases might spike next and what resources are needed.

The new wave of medical record digitization has resulted in a paradigm shift in the healthcare industry. Healthcare institutions in India are now embarking on a journey into analytics as big data analytics opens new pathways and opportunities in the Indian healthcare system (Kayyali et al 2013).

The massive increase in the volume and variety of digital health data raises concerns over its management. The overburdened healthcare industry needs to overcome issues of inadequate digitization (Singh and Muthuswamy 2013), heterogeneity and complexity of data, data cost and access, establishing standards and governance, privacy (Gosain and Chugh 2014) and security, and system user-friendliness (Duggal et al. 2016). What must also be noted, is the potential of digitization to create exclusionary barriers. For insurance, mismatch in the linkage of personal data with Aadhaar database has been well documented, alongside the consequent denial/lack of access to desired welfare services.<sup>4</sup>

## **Research Questions**

The aim of the response paper is to trace the evolution of health data management in India, with a particular emphasis on government’s use, collection and processing of health data. The government’s role in the field of healthcare has witnessed a transformative growth- with numerous technological interventions in the domain of preventive healthcare, vaccination dashboards, disease monitoring and surveillance, and integration of patient health databases.

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<sup>4</sup>See Khera (2019).

Partnerships with private entities has also been a hallmark of healthcare delivery, thus calling for a need to focus on the government's role.

From a preliminary analysis of the literature review, thematic areas of research could center around the different ways in which the government has engaged in the collection, processing, and management of health data, over the last few decades. An understanding of evidence based policy making could also be explored, by examining how the shift towards digital health data has influenced healthcare policy setting in India. A futuristic Health Data Management Policy also must operate in the context of an overarching personal data protection framework, in the process highlighting challenges, and opportunities for harmonization of regulations.

## **Methodology**

A systematic literature review will be carried out to understand the role of data in the evolution of healthcare in India. Sources of literature include but are not limited to:

- Journals in the field of healthcare as well as technology
- Newspaper articles
- Reports by governmental departments and ministries
- Reports by think tanks and corporate consultancies

In addition to the in-depth review of literature, the researchers will take up one or two use-cases of health data in the Indian healthcare sector as case studies in order to have a deeper understanding of the issues that have been brought up in the literature review. For the purpose of this paper, the instrumental case study method will be adopted in order to gain a better understanding of the issues that have come up due to health data collection, usage and management in India. In addition to this, the doctrinal method of research<sup>5</sup> would be used to analyse the evolution of legal provisions concerning health data management India .

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<sup>5</sup>To read more about the doctrinal method of research, see Singhal, Ashish Kumar and Malik, Ikramuddin. 2012. Doctrinal and socio-legal methods of research: merits and demerits, *education research journal*; 2(7)

## **Expected outcome**

The public seminar presentation and the accompanying response paper are expected to contribute to a greater understanding of how the government has made (and has been making) use of health data for policy interventions. While providing an overview of Health Data Management in India, it also seeks to frame guidelines, and examine best practices involved in Health Data Management, that could be incorporated in a reworked policy. The analysis of the proposed (and currently in the draft stage) Health Data Management Policy in India, would also involve its comprehensive critique, highlighting concerns about privacy, weak accountability and vague provisions.

## Theme 5

### **Governing Peri-urban Commons better: How can we help Bengaluru's Lakes?**

As India completes 75 years of independence, it would suit us well to look back: to see and to celebrate the areas we have excelled in, as well as to see where we have not, so as to address that going forward. As the government increases its focus on “*AtmaNirbharta*” and pushes for an *Atmanirbhar Bharat* (translation: Self-Reliant India), it is important to remember that historically, local people and communities in most parts of the country have been self-sufficient and lessons can be learnt from them and scaled up to move forward towards self-sufficiency.

People in the country have always lived in harmony with nature. From living in and around it, using forest produce for sustenance, to drawing water from rivers and streams and establishing entire civilisations near natural commons, it is in our history and nature to live with our natural resources. The common perception about life in India is divided along the lines of its urban-rural divide, with people living in the rural areas considered to be living a more primitive life and using common resources for survival and people in urban areas are perceived to be better off and not dependent on their immediate surroundings and resources for survival. As such, a lot of attention has been paid to the use, management, upkeep and rules and regulations surrounding rural common resources and forests but not much attention has been paid to urban common resources and their management.

#### **Impact of Urbanisation on Resource Systems**

With rapid urbanisation as well as the ever-increasing migration from rural to urban areas in the country, the stress on urban resources has increased manifold. This has led to the urban common resources being taken over by the local bodies to use for expansion and fulfilment of various demands, the most common one being residential land. As the population increases, the demand for residential land goes up. Since most urban planning exercises in the country did not account for this resource crunch, the only option left for governments is to take over the governance of commons.

Lakes, streams, rivers, parks, boulevards, and open land in urban areas across the country have been reclaimed by city authorities and converted into residential and commercial land. The urban commons, apart from the recreational and social purposes they served, were also the lifeline that a lot of the migrating population depended upon for their survival, especially people in the peri-urban parts of town. The lack of access to these commons negatively impacts a lot of these people whose very survival is now threatened. In this paper, we aim to expand upon what urban and peri-urban commons are, how they are relevant and how they have been managed and look at a case study to understand the current narrative around it. With that, we aim to come up with policy suggestions and a way forward, to better manage urban and peri-urban commons and rethink ways to tackle the associated challenges.

### **Conceptualising Peri-urban Commons**

Peri-urban areas can be understood as settlements that develop in the periphery of the urban core, often due to rising population pressure and the inability of urban settlements to support it. These peri-urban areas usually function like urban areas without the recognition and support of the local government. They serve as feeders to the statutory town but are outside the defined limits. Often, these are products of the rapid transformation of the rural areas that surround cities. (Aijaz 2019)

When these areas previously functioned as a part of the rural hinterland, the resources in them functioned as common property, with the community utilising them as a whole. The governance of these commons changes when the regions become peri-urban, as the social dynamics rapidly evolve, thereby preventing commons from being managed as they used to be. In many cases, resources such as water for consumption and land for disposal of waste are not managed systematically by an overseeing body like the local government, but by informal citizen groups themselves. This is primarily due to the ambiguity surrounding the mandate and jurisdiction of various bodies in areas that are technically rural but functionally urban. (Dahiya 2003; Gidwani and Baviskar 2011)

Systems of resource management such as these commons deserve to be strongly rooted in the requirements of the populace that uses them. Such systems are deeply interwoven into the social fabric, with the resources directly influencing the lives and livelihoods of communities

dependent on them. Land in these commons often serves as the primary source for agricultural, pastoral, and gathering activities for local communities. In addition to this, water resources managed as commons often serve as the chief sources of potable water but also double up as outlets for disposing sewage on occasion. It is due to this importance of commons in peri-urban and urban scenarios that merits the improvement of their governance.

For this, a metanarrative must be built over theoretical concepts, with its foundation in an existing case, which has been detailed as follows.

### **Building a Metanarrative**

Bengaluru is often regarded as the software capital of India and was developed around a system of reservoirs as there were no significant rivers nearby. However, since the early 20th century many lakes have been converted into residential sites, malls, stadiums, etc. as a result of the provision of alternate water supplies along with the increasing demands of a developing metropolis and its need for land. Many lakes have been converted from being erstwhile commons that used to provide ecosystem services to traditional users to public spaces that are used for recreational purposes, thus reflecting the tastes of affluent urban residents. Even the current methods of preservation of lakes seem to promote this increased inequality of access. In several parts of the city, the aesthetic and economic interests of private lakes have worked to keep out the cultural ecosystem users. In other places, gating and access restrictions have purposefully kept off communities that rely on the lake for their livelihood. The precedence given to aesthetic and recreational uses has further alienated the traditional users and has prevented them from engaging with the commons that they once enjoyed.

Against this backdrop, we take the example of a lake in Bengaluru to examine how the diverse ideas of urban commons are shifting in the face of increasing urbanization, migration, and technological and landscape changes. We examine the several conflicts that have occurred throughout history and try to see how they have influenced today's landscape. We showcase the numerous actors, each with their own set of user rights and how their participation in the management of the resource has changed over time. We see how certain groups witnessed changes in the balance of power and how certain others saw their ties to the lake and their needs for it dwindle with time only to see themselves estranged from the resource. Through this

approach, we bring the importance of historical contexts of access, exclusion, conflicts and mechanisms of resolution with respect to the particular ecosystem service, and seek how they could aid us in the development of more egalitarian and environmentally sound policy frameworks for the management of these fragile commons.

### **Gathering Evidence for Effective Decision-making**

In addition to the aforementioned case study, it becomes necessary to analyse additional data to examine whether the commons in other parts of the city are governed in a similar way. To that effect, we intend on looking at the ownership and management status of lakes in the periphery of Bengaluru's urban area and analysing that alongside their water quality. Additionally, equity of access and other social metrics may also be included to get a holistic picture of governance. This approach will help us examine whether commons managed by the community fare better than commons managed by the local body such as the Bruhat Bengaluru MahanagarPalike (BBMP) and respective Lake Development Authorities. Water quality as a metric can be equated to be a benchmark for understanding which model of governance fares better.

Thus, improving the governance of peri-urban and urban commons shall aid our growing cities as it shall enable the local residents to not only have a voice but also to have agency in the resources that shape their lives. This study shall assist in determining whether unilateral and top-down governance from the local body is effective, or whether our commons in our cities and around them are better managed if left to their direct users.

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