

Bureaucratic Literacy and the Politics of Complaint

Untold Story from Rajasthan

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While analysing the Dhanka's scheduled tribe status in Rajasthan, this anthropological account sheds light on the complications faced by the members of this backward community while they struggle to access their legal rights with insufficient means to access the institutions that are supposed to ensure these very rights.

In this article, I want to describe one scheduled tribe group's struggle to transform constitutional guarantees into bureaucratic practice. In some ways, this is a predictable story in which we will encounter a painful gap between law-as-written and law-as-enforced and the inevitable disappointments of those who try to claim rights through the channels ostensibly established for just this purpose. In other ways, however, the story may surprise. Reservations, particularly those in government service, are often seen by commentators – both academic and everyday – as an impediment to the developmental objectives of the state (Sharma 2011). However, the ethnographic material presented here presents a much more complicated picture, one in which both the limitations and some unexpected, heretofore unremarked-upon, benefits of government service reservations come to light.

A recent call by Rob Higham and Alpa Shah (2013) asked scholars to contextualise the anthropology of affirmative action in the political economy of the state. Following this, I argue that one of the under-discussed effects of privatisation is that marginalised groups, especially scheduled castes and scheduled tribes (scs and sts) who have been the beneficiaries of the reservation policy, are less likely to come into a particular kind of daily contact with legal language, administrative structures, and, quite literally, officials themselves. Such contact can be useful in pushing rights claims or registering grievances against discrimination. In this context, privatisation refers both to devolving public enterprises and to the undermining third- and fourth-class civil service positions through the widespread use of temporary contract labour

in government departments.¹ These shifts put scs and sts at an even greater disadvantage when they are faced with legal or bureaucratic challenges to their status or downward mobility in the face of a shrinking state.

Field Area and Key Issues

Since 2002, I have conducted ethnographic research with an urban segment of the Dhanka in Jaipur, Rajasthan. The Dhanka are a recognised st in the state and number about 77,000 (Census 2001); however, Dhanka in Jaipur report that their children have been unable to obtain the necessary st certificates that would guarantee their positions in schools and government employment since about 2009.² Dhanka leaders maintain that their constitutionally-guaranteed rights have been abrogated by administrative fiat. Their evidence is a letter from the Jaipur-based director of regional office of the National Commission for Scheduled Tribes (ncst) that declares Dhanka who do not hail from Abu Road taluka ineligible for st certification (on the basis of rather dubious legal arguments, a point I discuss below). Their sense of loss is especially acute as the Dhanka have been proactive over the last several decades in their pursuit of upward mobility via reservations and have, indeed, experienced considerable improvements in literacy, home construction, and political visibility (Moodie 2013).

Conspiracy theories about the 2009 ncst letter abound among the community. One of the more popular explanations is that it represents some of the unacknowledged fallout of the 2007-08 Gujjar agitations, in which Dhanka tended to side with the Gujjars and thus incur the wrath of the Mina community, the state's largest st group. The director who issued the 2009 letter is from the Mina community and that whether he was pursuing a community grudge or not, the Dhanka interpret his tribal identity as a meaningful fact and the memo as an act of personal aggression.

At the time of writing, one Dhanka elder and retired commissioner, Kalu Ram Kayath, is engaged in an extensive campaign on their behalf to revive the

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dispersal of ST certificates to the Dhanka, one that involves submitting complaints to the Central Information Commission (CIC), petitioning the courts, and personally investigating the officials in the NCST who were involved in the drafting of the letter and its subsequent enforcement.³ In Kayath's expansive production of legal and bureaucratic documents, we can see the range of skills that are necessary to attempt to turn legal promises for social protection into bureaucratic realities, skills that, I argue, Kayath has mastered precisely through his years of government service. While he has not, as yet, considered himself successful in his fight, Kayath has repeatedly held officials in the NCST and Ministry of Tribal Affairs accountable for their actions and created a pool of evidence for Dhanka legal claims that would arguably not exist if not for his efforts.

Struggle to Access Rights

In this article, I discuss Dhanka struggles around their ST status, which were occluded in debates about ST status in Rajasthan in recent years, as well as the bureaucratic-legal activism of Kalu Ram Kayath to point to an unacknowledged loss for groups who have benefited from reservations since Independence. Elsewhere I have argued that the tendency to question individuals' ability to speak for their communities is often a middle-class and elite method for dismissing adivasi and dalit leaders and activists altogether (Moodie 2013). Here I expand this point to show that as and when scheduled communities lose the legal and bureaucratic literacy that can accompany government employment, the losses are not simply for the individual. Since it has historically been those with governmental experience who have been prominent activists for groups like the Dhanka, the losses are shared by all. To put this more bluntly: young Dhanka men, who have an extremely hard time entering government service, are unlikely to be able to continue the work of elders like Kayath.

While I do not want to be overly optimistic about the effectiveness of traditional channels such as the courts and governmental departments for the redress of unequal treatment, neither do I think that the value of the work of someone like

Kayath should be ignored. At the very least, the ethnographic material I present here should give us pause about easy generalisations across urban-rural, regional, and caste- and tribe-based differences in any appraisal of the role of reservations in the political and/or socio-economic well-being of low status groups (Jaffrelot 2006).

I also expand, albeit briefly, on a growing body of ethnography that sheds light on the ways that subaltern citizens encounter the state in everyday life (Gupta 2012) and, even more specifically, have been using legal structures aimed at "transparency", such as the Right to Information Act, in interesting ways (Webb 2012). Such work has tended to stress the distance between subaltern citizens and the state. Its focus is most often on their lack of access to cultural capital, bureaucratic literacy, and personal contacts that enable the translation of legal guarantees into material and social outcomes – with good reason. Here, however, I want to argue that there are moments in which we can see reservations working to assist with rights claims in the service of justice and more equal distribution of wealth, rather than against them.⁴ This may not be an intended outcome of the reservations themselves, but neither is it negligible.

Fallout of Gujjar Agitations

Groups identifying themselves as Dhanka are found throughout the states of western India, though they are only listed as a ST in Gujarat, Maharashtra and Rajasthan. The Dhanka were listed as part of the original schedule of tribes in 1950, despite being one of Rajasthan's smallest communities. Numbering about 77,000 in the state, they are one of a handful of small tribes who are statistically far outnumbered by the much larger Mina and Bhil communities.⁵ Of this population, about 56% live in urban areas, with the majority being found in Jaipur city itself.⁶ Dhanka are never listed as a single census category, however, but are listed with three other groups, Tadvi, Tetaria, and Valvi, with whom they are thought to have a historical relationship (all being descendants or subgroups of Bhils). Making things more complicated, Dhanka in Gujarat recognise a historical relationship with these groups but Dhanka

in Rajasthan, on the other hand, rarely mention them. Rather, Rajasthani Dhanka are more likely to point out that there are two SCs with whom they share both name and history – the Dhanak and the Dhankiya – who are recognised as SCs in Rajasthan, Delhi, and elsewhere.⁷ The problem of the Dhankas' name has been the source of much confusion and repeated allegations that Dhankas and Dhanaks opportunistically change their community name to access reservation benefits when they move across state lines.

Dhanka recognition on the schedules and use of the reservation system has not been a historically contentious issue; one might assume that this is because of their small numbers and relative concentration in one urban area. But since 2000, they have found themselves engaged in a battle to "demand ST status" even when they have previously been able to avail themselves of this status with little protest. Members of the community maintain that around 2000, officials charged with issuing ST certificates – according to state mandate, these are *tehsildars* – stopped issuing them to the Dhanka. By 2005, the Dhanka had become quite concerned about their legal status and had heard rumours that a "member of the Mina community" had sent a letter to the chief minister arguing that the Dhanka should no longer be included among the state's recognised STs. Regardless of the letter writers' misapprehension of the process through which schedules can be altered, the letter (or the rumour about it) was enough to push the Dhanka to demonstrate publicly about their struggles to maintain their status. They received a letter from the then chief minister Vasundhara Raje that they would remain a recognised ST in the state.

When the so-called Gujjar agitations took place in 2007 and 2008, the protests were seen as a direct confrontation between Gujjars and Minas and very little attention was given to the opinions or stakes of other ST groups in the state (Sundar 2007). The Dhanka did not support the Gujjar claims to ST status, but they were also vocal in their criticisms of the Mina leadership, whom they felt worked to keep any other group in the state from "rising up" and competing for the benefits

of reservations. This may explain why, after the conclusion of the agitations, Minas publicly demonstrated against Dhanka ST status and demanded their removal from the list of tribes. To my knowledge this may be the only case in the history of the state in which one tribal group demonstrated specifically to get another removed from the schedule.

Tribe Status Questioned

The Dhanka have been vulnerable to attack both because of their seemingly small population and because of the general confusion around their name and origin. But especially troublesome has been a letter written by the director of the NCST in 2009 in which he laid out a case as to why the Dhanka should be removed from the schedules.⁸

According to the director, when the first list of STs in Rajasthan was notified through the Constitution in 1950, Dhanka was not listed as an ST in Rajasthan, though they were listed as such in the then named State of Bombay. In 1956, the states of the newly independent India were reorganised, resulting in a piece of Bombay state being transferred to Rajasthan. The letter⁹ states

[s]ince Abu Road taluka of Banaskantha districts of Bombay State was transferred to Sirohi district of Rajasthan, as a consequence, 'Dhanka' including Tadvi, Tetaria and Valvi was listed at S No 5 under 3 in Abu Road taluka of Sirohi District under the State of Rajasthan having area restricting meaning that Dhanka, Tadvi, Tetaria Valvi [sic] tribal groups of Abu Road Taluka were only eligible for ST certificate.

The letter contends that "the place of origin at the time of notification... is the only basis to ascertain ST status of a person", citing a 1977 circular that declared ST status only for those who are of a particular caste/tribe in relation to a specific locality. Its conclusion on the matter is adamant:

Any ST certificate in the name of Dhanka, Tadvia, Tetaria, or Valvi tribe... issued to a person who does not belong to the... tribal community of Abu Road taluka of Sirohi district of Rajasthan... is invalid.

It further threatens prosecution under the Indian Penal Code of anyone who has not taken "proper care" in issuing ST certificates.

As the result of this memo, Dhanka assert, they have been de facto removed from the ST schedule.

There are several obvious problems with the letter and its legal arguments, but two of them stand out as especially striking. First, the author of the 2009 memo is not authorised to alter the state's schedules or their implementation by administrative fiat. According to the Constitution of India, this can only be done by the President of India with the approval of Parliament. On the face of it, the memo itself, with its injunction against issuing ST certificates to a recognised group, is illegal. Second, while the status of the 1977 circular in relationship to the 1976 law that abandoned area-based strategies for SC/ST schedules may be a bit ambiguous legally (Galanter 1984), the universal practice since 1976 has been to recognise SCs and STs as eligible for reservations – and the certificates that make this possible – regardless of their place of origin.

In order to make these legal arguments and force state officials to once again issue ST certificates, the Dhanka could pursue several avenues. And indeed, they often undertake several strategies at once. Arguably, however, one of these must be to engage the state and render complaints in a legible way. It is here that we begin to encounter one of the unacknowledged effects of the reservation policy. The Dhanka of Jaipur have availed themselves of reserved government postings, especially at the lower Class III and Class IV levels, and notably in the public health and engineering department, in which many men have been employed in the water works as pipe fitters, pump mechanics, etc. A few members of the community, such as Kayath who I discuss later, have also risen through the ranks of government employment to Class I postings. Daily contact with bureaucratic procedures over two to three generations in some cases and, importantly, officials like the head officer, has meant that urban Dhanka have a clear sense of the rituals and channels that form the necessary protocol to pursue a legal-administrative claim. Indeed, in interviews with Dhanka at the end of 2012, they felt extremely frustrated by these protocols and were desperate to find ways to pursue publicity,

rather than relying on bureaucratic procedures that anyway were the source of the problem to begin with. The issue they faced was not a lack of knowledge about which was the "proper" course to pursue, but that once within the space of bureaucratic complaint one had to rely on contacts and advocates, of whom the community has few.

Retired Commissioner, Active Claimant

Kayath identifies himself as a retired commissioner and the president of the Dhanka Samaj's *Aarakshan* (Reservation) Samiti.¹⁰ He has devoted much of his time recently to pursuing Dhanka claims for ST status via court cases in Jaipur and Jodhpur and complaints to the Central Information Commission (CIC). He is passionate about what he sees as a grave injustice perpetrated against the Dhanka by a corrupt regional office of the NCST: their unconstitutional removal of the Dhanka from the list of Rajasthan's STs.

Kayath maintains a meticulous paper trail of his dealings with each and every government department and functionary, up to and including postal receipts for documents he sends to various departments and officials, in a series of chronologically-organised binders that clearly mimic the record-keeping practices of government offices. He has met many of the officials against whom he has lodged grievances in person, including, he says, officials in the Ministry of Tribal Affairs and the chief minister of Rajasthan, but they repeatedly dismiss his concerns with the claim that they cannot do anything until the matter has been decided by the courts.¹¹ In the meantime, administrative practice is conforming to the terms set out in the 2009 memo described above, and Dhanka individuals are not being given ST certificates in the state.

On one hand, Kayath's story is distressingly familiar. He is a former civil servant, but from a historically-marginalised and low-status community, so it is not surprising that the officials he has encountered in his struggles have not been particularly receptive or proactive in the face of his claims. On the other hand, Kayath is able to manage getting meetings and submitting written complaints to bodies

like the central office of the NCST in a way that few of his peers might be able. More importantly, he is also able to mirror the very bureaucratic processes that have been used against the Dhanka; namely, those that turn a seemingly administrative question into a legal assertion and get historical and legal arguments into supposedly neutral government documents. Kayath is creative in his use of grievance mechanisms and bodies in a way that clearly reflects a high level of fluency in legal and bureaucratic practice. Notably, his method of attacking the problem from a number of directions, including some that may seem indirect at best, demonstrates a cogent mapping of the forces at play in an issue such as the one faced by the Dhanka.

For example, on 8 February 2011, Kayath used the Right to Information Act (RTI) to ask for an explanation as to why an official of the NCST in Jaipur was able to use government funds to purchase a laptop computer. Unsatisfied with the response he received in March, Kayath filed an appeal with the appellate authority of the NCST, a joint secretary in the Delhi NCST office. Again dissatisfied with the response, in May he filed a complaint against the NCST itself with the CIC for not deciding the first appeal made in March, after which the appellate body was ordered to give Kayath a response within two weeks. This apparently did not happen, because in May 2012, Kayath was present as the appellant at a hearing of the CIC in which the original issue – whether the official in the tribal ministry office in Jaipur had the authority to use public funds to purchase a laptop – was again raised. The CIC concluded that this original question had not, in fact, ever been satisfactorily answered and they demanded a copy of the letter justifying the purchase from the regional office of the NCST. In the hearing, the NCST claimed it was still under consideration whether the purchase had been legitimate or not.

In another telling example, Kayath demanded an explanation of the status of the Meena/Mina community in Ajmer from the Ministry of Tribal Affairs, including an explanation of whether these were the same or different communities based on the different spellings in use. In response, the information officer of

the ministry replied that the Minas were, of course, a ST in Rajasthan. Kayath appealed this decision again to the CIC. In another hearing on 19 June 2012, the ministry was forced to document the history of the inclusion of Minas on the list of STs in Rajasthan. Their representative argued that in 1956, there had been various restrictions placed on inclusion in various districts of the state, including Ajmer. But “in the 1976 notification, all such restrictions were removed and it was notified that the community named Mina would be treated as ST in the entire state of Rajasthan”.¹² Further, the ministry representative said, the community was always referred to as Mina in government documents – the use of Meena in the response to Kayath had been an unfortunate misspelling.

So far, neither of these claims resulted in the resumption of ST certification for Dhanka in Rajasthan. Rather than seeing these as simply unsuccessful appeals to unresponsive bodies, however, I would like to point to the bureaucratic savvy and legal literacy they evince. In the first case, Kayath uses a seemingly mundane act – the use of government funds for a laptop computer, presumably used for personal as well as work activities – to point to an individual and a possible incidence of corruption when the more important act of corruption – the abuse of administrative authority in removing the Dhanka from the list of STs – has been a matter deemed appropriate only for the courts. I do not know how and if this complaint resulted in disciplinary action towards the officer involved, but certainly Kayath’s repeated public complaints, especially travelling to Delhi to be present in a special hearing, put pressure on the office and the individual.¹³ He was able to signal that he was a formidable opponent for a bureaucrat with a grudge and to embarrass the office, if only momentarily.

In the second case, Kayath achieves several important goals. As in the first instance, he demands that officials in Delhi be made aware of events in Jaipur that it would be very easy to overlook and keeps up his pressure on those he holds responsible for kicking the Dhanka off the ST list. But he also gets the representative of the ministry to admit two telling facts

in public and, in the later file, in writing. First, that area restrictions were abolished in 1976. If this is the case for the entire state, and for every community, then the assertion of the 2009 NCST letter that only Dhanka from Abu Road taluka qualify for ST certificates is both false and absurd. The CIC hearing and written transcript thereof are now easily transformed into evidence in any legal proceeding that takes place and, should the case fall in front of a judge, are likely to undermine the ministry’s actions completely, since it can no longer be seen as a good faith effort to better enforce the law. Second, Kayath forced the respondent to publicly acknowledge that the same community could be referred to via different spellings: Mina or Meena. Alternate spellings for historical reasons or misspellings by accident can account for misunderstandings with serious consequences. Thus, Dhanka arguments about the problem of their name and the relationship between groups like the Dhanka, Dhanak, and Dhankiya, seem decidedly less self-serving and more like legitimate historical-cultural questions that deserve consideration rather than suspicion.

Conclusions

Recent ethnographic attention has been focused on the many ways in which subaltern citizens are vulnerable to brokerage relationships and corruption because they lack the cultural capital and personal connections to force the state to make good on its promises of uplift and equality. While it is certainly true that those from vulnerable groups are less likely to have access to the bureaucratic and legal competencies that can translate law-as-written into bureaucracy-as-enacted, and that gaining those competencies is no guarantee that one will work to fight oppression or secure community uplift, to date, few anthropologists have taken seriously the role of subaltern civil servants in community struggles with the state. Unlike rural complainants described by Akhil Gupta (2012) in his detailed study of everyday bureaucratic practice and structural violence in Uttar Pradesh, urban Dhanka have a clear sense of the rituals and channels that are the necessary protocol to pursue a legal-administrative claim

– precisely because even as mechanics or pipe-fitters they have daily contact with bureaucracy in public health and engineering department. Those who have served in high-ranked posts, like Kalu Ram Kayath, have even greater legal-bureaucratic literacy that can – and often is – put at the service of his community.

It is tempting to see these differences as part of an urban-rural divide; that the proximity to the protocols of the state is a result of both the Dhankas' employment in government service and long residence in Jaipur. One could further argue that the case I have presented is exceptional and singular, and surely does not represent a common experience for marginalised groups. Indeed, one could hardly generalise across contexts. And I certainly do not present Kayath's crusade as wholly successful – if it were, he would no longer need to be pursuing such an extensive number of legal cases and complaints. His is also a story of the ways that subaltern groups can be thwarted and frustrated when they pursue rights claims through “appropriate” channels.

But I do think it should give us pause for several reasons. First, because, as we have seen in recent years in Rajasthan, debates about reservations most often take place between those who are not their direct beneficiaries. When scheduled groups are included in the dialogue, and this is my second point, it is usually the most powerful and populous groups. Much has been made of the inability of “creamy layer” individuals to speak for their communities (Moodie 2013); next to nothing has been said about the relative power of one “scheduled tribe” versus another. It is unlikely, for instance, that even those who followed the Gujjar agitations heard much, if anything, from members of any of the state's smaller adivasi groups. Yet, as mentioned above, in the aftermath of these struggles, Mina protestors vociferously demanded the removal of the Dhanka from the schedules despite a very clear history in which they have been recognised and treated as an ST in the state and despite widespread discrimination against Dhanka in the city – even among other dalit and adivasi groups – that makes reservations an important form of social and economic protection.

Finally, I hope to contribute to an emergent anthropology of affirmative action that will be increasingly attentive to all kinds of “unintended” effects, positive and negative, of reservation policy (Shah and Shneiderman 2013). This may mean unsettling the pervasive distinction made between “political, social, and economic” effects to think about harder-to-capture issues like fluency, proximity, and, importantly, imagination that certainly have very real consequences for subaltern groups. I hope that the example of Kayath's imaginative use of the bureaucratic literacy he gained as a civil servant points to a different set of issues that may be at stake in the ongoing discussion.

NOTES

- 1 In my ethnographic research I have found that the practice of keeping “temporary” employees via contracts – sometimes under false names – is widespread, though officials deny it. I have personally talked to several men (Dhanka and Regar) who have been contract employees for more than 12 to 15 years.
- 2 Some Dhanka in fact claim that they have been unable to get ST certificates for their children since 2000. I focus on the 2009 date, however, because it is the moment that a discriminatory administrative practice (that may well have predated the actual memo) was put into writing (Gupta 2012).
- 3 This is a pseudonym. While it would not be difficult to identify this individual via legal documents, I have preferred not to use his real name in order to afford him some basic privacy.
- 4 In this sense, my analysis has much in common with Jonathan Parry's discussion of the Satnamis (1999). I do not know if such ethnographic descriptions can or should radically alter current discussions of reservations that stress their limitations, but to my mind they are extremely important to remind us that, first, we do not know what would happen for many SCs and STs in the total absence of reservations (though the post-liberalisation era does not make one optimistic) and, second, that such discussions should probably be guided by on-the-ground realities and not ideological stances.
- 5 It is interesting to note, however, that Dhanka leaders in Rajasthan usually estimate their population to be somewhere between 80 and 1,00,000.
- 6 See Census Highlights 2001, available at http://censusindia.gov.in/Tables_Published/SCST/scst_main.html
- 7 From the Dhankas' perspective, terms like “Dhanak” and “Dhankiya” are just variations on a common name and, more importantly, a group who are recognised as sharing a similar (low) status by outsiders. In part what they contest is the system of legal identification that demands clear demarcations between historically-related groups and between tribes and castes.
- 8 I learned about the 2009 letter via another letter, written in July 2010, and titled “Clarification of the Synonymous/Phonetic Similarity of ‘Dhanak, Dhanuk’/‘Dhankia’ as Scheduled Castes; and ‘Dhanka, Tadvi, Tetaria, Valvi’ as Scheduled Tribes in the State of Rajasthan”, in which the secretary of the Ministry of Tribal Affairs quoted the 2009 NCST letter at length to the chief secretary of Rajasthan state. The tribal affairs letter is an ambiguous document, in which it is unclear when the text is from the NCST letter and

when it is his own. As I have not interviewed the secretary, I cannot attest to the intention of the letter. It may have been to support the view of the NCST. It may have been – and this interpretation seems more likely, in my view – to provide evidence in an internal inquiry into the NCST's actions regarding the Dhanka. This view is supported by later documentary evidence that in the 2011 meeting of the NCST in Delhi, all members were reminded that schedules can only be altered by the president and Parliament, which would imply that the NCST body in Delhi had taken issue with the Jaipur-based regional office director's actions. The salient detail is that the Dhanka say they are still not able to get ST certificates, even though the letter of the law is on their side.

- 9 The full letter was viewed on 26 September 2013, http://ncst.nic.in/writereaddata/linkimages/MTA_Clarification_for%20Dhanka_in_Rajasthan3405967512.pdf
- 10 I first met Kayath in December 2012, despite many years working with Dhanka in Jaipur. He was very forthcoming about the Dhankas' struggles around their ST certificates, but initially less enthusiastic about sharing personal details with me, even at the urging of a long-time mutual friend. I take this in part as an indication of Kayath's sense that he is also personally targeted because of his work on behalf of his *samaj* and also that it is his rank and not his specific posting that is relevant to his peers at present.
- 11 Having talked to neither of these individuals, I cannot confirm this assertion, but have no reason to believe it is not true.
- 12 CIC File No. CIC/SM/A/2011/001518
- 13 The summary record of the 31 March 2011 meeting of the NCST in Delhi would imply that there was some kind of confrontation, as all present were reminded that schedules can only be altered by an act of Parliament. (NCST letter document No.1/2/201—Coord., dated 31 March 2011, most recently accessed at ncst.nic.in on 6 April 2011.)

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