CHAPTER-2
GLOBAL CIVIL SOCIETY AND CIVIL SOCIETY IN INDIA

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2.1 INTRODUCTION:

Civil society is the buzzword in democratic discourse in the contemporary times. Earlier debates, emanating in the western political thought, regarding the civil society and its validity were mainly confined to the European and developed countries of the West. But the debate has had a major transformation in the last few decades. Civil society as a movement has permeated the underdeveloped and developing countries as well. It is now being felt as ‘inspirational shorthand’ to the success of democracy in the third world countries, including India. The concept of civil society has become one of the most debated topics in the contemporary political literature for the scholars, academicians, activists and the policy makers, alike. All of them believe that the success of a functioning democracy lies in giving space to civil society and making it an important partner in helping the state to perform its duties well. Greater the strength of democracy, more vibrant and effective the civil society would be, and vice versa.

Civil society finds space in states which have some form of democracy. Totalitarian states don’t allow civil society to flourish as they fear that civil society might be dangerous to status quo. It is seen as an instrument of the citizens to protect their freedom and rights against a totalitarian state, on the one hand, and market on the other, since present age is marred by globalisation of economy. To explain its width and scope as far as its role in protecting the rights and identity of citizens is concerned, John Keane has beautifully summarised the link of civil society with citizens’ autonomy in the following way:

‘The emerging consensus that civil society is a realm of freedom correctly highlights its basic value as a condition of democracy; where there is no civil society there cannot be citizens with capacities to choose their identities, entitlements and duties within a political-legal framework’.

As mentioned in the first chapter the idea of civil society took a backseat in the 20th century with the advent of the concept of welfare state and social democracy. While liberal democracies started adopting welfare and economic policies, the need for civil society was subsumed. But the retreat of state from its social welfare functions following the rise of neoliberal tendencies, the need for civil society gained momentum. The rise of civil society in the political landscape received a major boost.

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in the 1980s and 1990s following the disintegration of the erstwhile Soviet Union as well as the fall of communist regimes in the parts of Eastern Europe and their gradual transition to liberal democratic polities. The process of democratisation in these states gave a fillip to the renewed emphasis being put on the idea of civil society. Armstrong and Gilson state that it was the ‘governance failure’, following the end of the Cold War that led to the rise of civil society. For them international relations have never been this uncertain, as they are today, after the end of Second World War. The Cold War era that ushered after the Second World War rendered a certain degree of certainty and predictability. The nuclear ‘balance of terror’, ensured not just the balance of power but levels of self-discipline and restraint, and, therefore, the stability to the world politics. This element of competition between the two superpowers ensured stability and peace for the various conflict zones across the globe. Advent of 1970s saw the world being engulfed by an economic crisis that challenged the very existence of the global economic and financial system, set up following the 1944 Bretton Woods agreement. Thus, the element of stability that the Cold War ensured was disturbed to such a point that it led to collapse of many governments across Asia and Africa, leading to a crisis of ungovernability of many Third World countries, including, those in Africa and Asia. The democratic transition in most countries was not smooth and some still continue to grapple with problem of institution building and structural adjustment. The catastrophic consequences arising out of global warming also became an important challenge to reckon with.2

The failure to address these problems at the domestic as well as international level that got further aggravated following the end of Cold War has been described as failure in ‘governance’.3 Governance may mean certain rules, structures and processes that may be formed to carry out certain objectives. It may thus include a certain degree of regulation over some activities to carry out these objectives. Government may be distinguished from the term governance. The former represents an agency which exercises certain degree of extensive powers to generate revenue, enforce law and order and perform such other activities, while, governance connotes a set of rules, processes and structures to perform such activities.

3 Ibid., 3.
As per Jean L. Cohen and Andrew Arato, it was the experience of the opposition movements in Eastern Europe against the authoritarian regimes that demonstrated the capacity of civil society as an arena of the democratic struggle against totalitarianism and authoritarianism. After witnessing this success, the concept was implemented in third world countries to stabilize and strengthen their political systems.\(^4\)

Civil society is, thus, viewed as key to democratisation, wherein variety of democratic groups organise the citizens as a counter weight to the state. Being autonomous of the state’s influence, civil society acts as an arena where individuals and groups can meet and express themselves. This arena gives a more solid form to democracy. Civil society opens up space that enables citizens, associations, groups, etc., to interact, thus, helping them to create a feeling of ‘civicness’—including, respect for democracy.

### 2.2 GLOBAL CIVIL SOCIETY

Answering as to what constitutes global civil society many argue that it is simply an extension of local and national civil society on the international plane, while, others call it an expression of globalisation—either a response to it or some measure of resistance towards it.\(^5\) Mary Kaldor has explained different versions that may constitute global civil society. The ‘activist version’ according to her was the expression of the dissident movement in Eastern and Central Europe in the 1970s and 1980s. Transposed to contemporary global level, its focus is on the Habermasian public sphere of transnational advocacy networks like Greenpeace and Amnesty International and global social movements, including the protest movements in different parts of the world against the human rights violations and environmental degradation, etc. She also talks about the ‘neoliberal version’ of global civil society, which regards the extension of free trade and minimally regulated economic activities as the best way of promoting civil society.\(^6\) Kumar states that such a version is associated with ‘end of history’ theorists, like, Francis Fukuyama who see in emerging global civil society the worldwide triumph of liberal capitalism. Finally, the

\(^6\) *Ibid.*, 21
‘postmodern global civil society’ Kaldor explains gives weightage to plurality of voices, opinions, interests and ideals.7

Global civil society represents the gradual worldwide emergence of rule of law and network of relationships among people in a world composed of both state and non-state actors. There are many manifestations and definitions of global civil society. It may constitute Civil Society Organisations (CSOs), Community Based Organisations (CBOs), Non-Governmental Organisations (NGOs), social movements, labour unions, faith-based organisations, foundations, etc. CSOs have grown in size, scope and capacity in the last few decades due to the process of globalisation and expansion of democratic governance, telecommunications, and economic integration. The Yearbook of International Organisations, published by the Union of International Associations (UIA), recorded that the number of international NGOs increased dramatically from 6,000 in 1990 to more than 50,000 in 2006.8 Similarly, Organisation for Economic Cooperation and Development (OECD) reports that Civil Society Organisations (CSOs) have also become significant players in global development assistance with CSOs providing approximately US$15 billion in international assistance.9 The World Social Forum (WSF), which is being held annually since 2001 on different continents, is bringing together tens of thousands of CSO activists to discuss global development issues, thus highlighting the vibrancy of global civil society.

Having already said that civil society enables citizens’ participation in the political affairs and provides alternate channels for interest articulation, outside political parties, it becomes necessary to examine its role in the global political developments. Larry Diamond argues that the term acts as a counterweight against the authoritarian state, and can prove a platform of struggle against the authoritarian regimes. Apart

7 Ibid., 21-22
8Union of International Associations (UIA) based in Brussels, is research institute and documentation centre, established in 1907, and deals with the research, monitoring and provision of information on internationals organisations, international associations and their global challenge, since 1907. URL http://www.uia.be/
9OECD is an international economic organisation of 34 countries founded in 1961 to stimulate the economic progress and world trade. It is a forum of countries that describe themselves as committed to democracy and market economy, providing a platform to compare policy experiences, seeking answers to common problems, identify practices and coordinate domestic and international policies of its members. URL http://www.oecd.org/
from consolidating democracy, global civil society is recognised to play a vital role in ensuring good governance.\textsuperscript{10}

As developed by the World Bank, ‘good governance’ is defined as a condition when a state is best organised and developed by enabling civil society to take an instrumental role in the developmental activities and implementation of the objectives of good governance, working as a counterbalance against state.

\subsection*{2.2.1 GLOBAL CIVIL SOCIETY AND INTERNATIONAL GOVERNANCE:}

It is now widely believed that transnational civil society plays a vital role in the global governance. In the last 30 years, civil society organisations have become increasingly relevant in international affairs. They have played crucial roles in agenda setting, international law making and governance, transnational diplomacy and the implementation and monitoring of the crucial global issues ranging from trade to development and poverty reduction, from democratic governance to human rights, from peace to the environment, and from security to the information society. The CSOs have therefore been significant actors as advocates for policy solutions, service providers, knowledge brokers, or simply watchdogs and monitors of state and international actions.\textsuperscript{11}

A number of international organisations like the United Nations (UN) and the World Bank (WB) have supported inclusion of civil society actors in international decision making. The UN has actively promoted cooperation with civil society actors in global governance, especially in relation to the world summits, which have provided a forum for global civil encounters to occur. The European Union has followed a similar approach by integrating different CSOs within its governance mechanisms.

In the age of global transformations, traditional intergovernmental institutions have struggled to provide effective and legitimate responses to global issues, such as, climate change, financial instability, epidemics, intercultural violence, inequalities, etc. As response to these shortcomings multi-level stakeholder governance based on public and private participation has been established in many countries. This has increased the effectiveness of civil society actors in these initiatives. Civil society


\textsuperscript{11} European Union Institute for Security Studies, \textit{The Role of Civil Society in Global Governance} (Brussels: European Union of Institute for Security Studies, 1 October 2010), 11.
action at international level is predominantly focussed on building a new conceptual and political framework.

A formidable factor that puts a question mark on the functioning of these international mechanisms is their legitimacy and accountability. The executive councils of such global regulatory bodies are mainly composed of bureaucrats, who lack the traditional formal mechanisms of democratic accountability that are found among popularly elected leaders, parliamentary oversight, non partisan courts, etc. Nevertheless, the inclusion of civil society actors not only makes decision-making processes more transparent and legitimate, but, also makes them more inclusive and responsive to the political claims coming from below.\textsuperscript{12}

\section*{2.2.2 CIVIL SOCIETY IN THE WEST}
Civil society till few decades before evoked little interest in the academic circles. Civil society for philosophers, like, Locke, meant establishment of institutions by a constitutional democratic state that would protect and enlarge the principle of liberty. For such thinkers, civil society represented a break from the traditional order—hierarchical and absolutist. But state continued to remain as an important institution that overshadowed anything associated with the civil society. It was only in the later part of the 20\textsuperscript{th} century that civil society and its role came to be recognised following its success against the authoritarian regimes of the East European countries. Civil society is now linked to many social movements, cultural assertions and affirmative action.

Civil society was thus recognised as a catalyst in promoting liberal democracy and establishing democratic institutions in such societies. It also figured in the discourse which advocated a powerful and regulatory state which would be balanced by an active civil society. It was believed to be a bulwark against the arbitrary power of the state and prevent authoritarian tendencies from taking root. It is also believed to mediate between state and market.\textsuperscript{13} It constitutes a sphere which is outside the control of the state and ensures maximum freedom and self-determination to the individuals.

\textsuperscript{13} \textit{Ibid.}, 320.
2.2.3 GLOBAL CIVIL SOCIETY, GOOD GOVERNANCE AND LIBERAL DEMOCRATIC STATE

Following its influential role in the breakup of the communist regimes in Eastern Europe, the role of global civil society acquired new salience and visibility. This in turn generated vast interest in civil society and its role in the growth of liberal democracy. An active and vibrant civil society is considered important to establish and strengthen the democratic institutions which were dominated by the authoritarian bureaucratic regimes. While Cohen calls civil society as a sphere of social self-management, freedom of thought and association, civil society was strengthened by the social movements which developed around that time in Western Europe, aiming to democratise the state and society, further.  

Global civil society is considered important as far as maintenance of associational pluralism and democracy is concerned. During Cold War it was considered as the democratic answer to Soviet totalitarianism. Subsequently, it was presented as a means to democratise the bureaucratic liberal welfare states. Thus, the concept was incorporated in neoliberal theories forming the main discourse in the 1980s and 1990s. It advocated a powerful, regulatory state along a vibrant and active civil society.

It is supposed to mediate between the state and market to help in containing the power of state. It is believed to represent a sphere that is independent of state and the one that guarantees maximum freedom and autonomy to the individual and other social groups. Cohen states that it is out of excitement that supporters of civil society call for it to foster freedom, self-determination and creativity, but the actual purpose is that state should shed some of its functions in the interests of efficiency and economy.  

She further states that in order to enhance popular participation in the decision making, the civil society-state partnership can play a vital role. Cohen places much faith in non-party political processes and political society to make democracy more meaningful, vibrant and participatory.  

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15 Ibid., 223
16 Ibid., 229
2.2.4 GLOBAL CIVIL SOCIETY AND GOOD GOVERNANCE

Global civil society has been playing a vital role in improving the standards of governance, and hence the ‘good governance’. It plays a crucial role in the promotion of good governance by facilitating people’s collective action for attaining sustainable socioeconomic outcomes for the common good of the society. It promotes good governance through:

1. **Citizenship Development**: for citizens to be active in the public affairs and participate in the efforts that promote good governance.

2. **Policy formulation and advocacy**: influencing the decision of the legislators, elected representatives and public administrators. After the policy formulation, it focuses upon crating awareness among public regarding the provisions of the policy, so that citizens become more vocal and participatory.

3. **Watchdog role**: plays a vital role in evaluating the policies of the government.

4. **Welfare service delivery**: provides the necessary logistical, institutional and technical support for the service delivery.

5. **Impacting the electoral politics**: plays a very important role in influencing the elections’ agenda, electoral turnout and the electoral results.

6. **Reform and social change**: serves an important instrument of reform and social change. In this way it tries to fight the ills of the society, thus making the citizenry enlightened.

7. **Collective action**: plays a vital role in facilitating peoples’ collective efforts in attaining sustainable socioeconomic outcomes and social justice.

Quadir and Lele have appreciated the role civil society played during the economic crisis that hit South East Asian countries in the 1990s. While discussing extensively the role civil society played in overcoming the crisis, they both state that civil society promotes different versions of democracy and development based on the ideals of equity, justice, empowerment and participation. With analysts, policy makers and activists acknowledging the role of societal groups in the creation of democratic political culture, civil society shot into prominence.

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2.2.5 GLOBAL CIVIL SOCIETY AND FREEDOM OF INFORMATION

The right to Freedom of Information derives primarily from the guarantee of freedom expression as found in article 19 of the Universal Declaration of Human Rights. It provides that all citizens enjoy right to freedom of opinion and expression, including right to seek, receive and impart information and ideas. The United Nations has also reiterated this principle in the Resolution 59 (I), dated 1946, stating that freedom of information is a fundamental right and cornerstone of all freedoms as endorsed by the UN.\textsuperscript{18} Freedom of individuals is of no value, if information is denied. Access to information is basic to the democratic way of life. Right to information is important in many other respects. It may make contribution in the following ways:

i. Creating a more open and democratic society.

ii. Challenging corruption.

iii. Enabling good governance.

iv. Ensuring accountability and transparency.

v. Ensuring public participation.

vi. Empowering people.


The fundamental values associated with the concept of freedom of expression and right to information in a democratic society are widely acclaimed internationally as follows:

1. Freedom of expression is essential to the development of an individual’s personality. The right to express and to communicate is central to self development and realisation of one’s potentiality as a human being. Any limitation or hindrance on access to information can adversely affect individual dignity, integrity and growth.

2. If development is to be carried out people need freedom to participate in the public decision making with full information as ‘informed citizens’.

3. Knowledge is power and freedom of information is vital to the advancement of knowledge society. Enlightened judgement is possible only if one is provided with opportunity to consider all the facts and ideas, from whatever source, and to test one’s conclusion against opposite views.

4. Sustained human development requires that people, especially, the poor, have the right to know and are provided access to information.

5. Free flow of information promotes accountability and transparency, prevents corruption, and strengthens the capacity of community groups and civil society organisations to participate in decision making.

6. Lack of information on government programmes makes corrupt practices thrive. It is usually the poor who suffer the most out of this secrecy of information and corrupt practices it promotes.

7. Freedom of information is necessary component democracy. All power in a democratic society belongs to the people. If the people are to perform any positive role in functioning of the government, they need to be informed. Therefore, in order to make democracy more successful and participatory, it needs to be extended beyond the ballot box and be deepened through social citizenship and citizen governance. Right to information (RTI) is an important tool in this regard.

8. Freedom of information is an important factor as far as peaceful social change is concerned. It legitimizes the decisions taken, permitting adaptation without the use of force or violence.

In realising the objectives of the Right to Information Act, the role of CSOs assume considerable importance. They are important actors in the governing process and a bridge between the community and public agencies. They can not only play an important role in monitoring public service delivery by invoking the provisions under the RTI Act, but, can also generate awareness about the RTI and build capacity of the community.

It is often alleged that right to information laws serve only the interest of the urban elite, or those concerned with the policy making. However, one of successful transformation of this assumption can be discerned in India where grass-root organisations have played an active role in demonstrating the link between corruption and lack of transparency. Several scams have been exposed due to decisive intervention by the CSOs by accessing information under the RTI Act. These civil society organisations have made people aware about the importance of access to information. The success stories have been able to inspire the civil society organisations, world over, to fight corruption in countries like South Africa.

Realising the importance of freedom of speech and expression, including, the freedom to receive and provide information, following countries have enacted legislations
ensuring freedom of information or right to information: Sweden, the United States, Finland, Netherlands, Australia, Canada, the United Kingdom, Japan, South Korea, Jamiaica, Israel, South Africa, Thailand, India, etc. The objective behind these enactments is to ensure that government activity is transparent, fair and open. This means that any citizen who wishes to receive information should be entitled to receive it. The ultimate aim is to deepen democracy by making it more transparent and accountable and citizens’ friendly.

2.2.6 CASE STUDIES:

The following are the few case studies, where civil society is playing a vital role in making information public and administration more transparent and responsive:

**Peru:** In Peru, civil society groups due to a series of activities made the state authorities to establish a free telephone line to receive complaints from citizens whom the administration denies information. Simultaneously, meetings were held between policy makers, civil society groups and members from army helping in enactment of Transparency and Access to Public Information Law N 27806 which finally came into force in 2002.19

**Romania:** Romanian NGOs played an important role in the adoption of Law on Access to Public Information in 2001. Civil society was the main mediator of talks between the ruling party and the opposition that helped in reaching a consensus to prepare a draft law, which was finally adopted by the parliament in 2001 to become Freedom to Information (FRI).20

**Tunisia:** The workshops were organised to promote the exercise of access to information through the strengthening of the partnerships between civil society and government. The United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the Touensa Association, that is amalgam of the civil societies in Tunisia, organised these workshops. The exercise of the right to information aims to enhance good governance, transparency and civil participation in the public life. At

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19 The Office for Access to Public Information (OACI) is a technical-judicial organ of the Press and Society Institute in Peru. It is basically a consortium of organisations and individuals designed to promote transparency in the running of public affairs. Transparency International, *Using the Right to Information as an Anti-Corruption Tool*, (Berlin: Transparency International, 2006).

url: [http://oas.org/dil/access_to_information_human_Policy_Recommendations_Transparency_International_Right_to_Information_as_an_Anti-Corruption_Tool.pdf](http://oas.org/dil/access_to_information_human_Policy_Recommendations_Transparency_International_Right_to_Information_as_an_Anti-Corruption_Tool.pdf)

the same time the right allows to improve the condition of the underprivileged sections of the society, which is one of the primary aims of civil society.\textsuperscript{21}

**Japan:** The civil society groups sought the information under Japan’s 2001 access law, which revealed that government was trying to hide some information related to persons affected by ‘Minamata disease’ (mercury poisoning) in order to reduce compensation payments.\textsuperscript{22}

**Mexico:** The civil society groups pressed the government to disclose the information under Mexico’s 2002 law, and address more than 3400 complaints lodged by the CSOs.\textsuperscript{23}

**United Kingdom:** A number of CSOs obtained information seeking letters from Tony Blair, former PM, to Swedish Premier, after Government had refused to release the letters.\textsuperscript{24}

**South Africa:** The CSOs obtained information from government over the controversial oil contract with Nigeria, all benefits of which went to an offshore company rather than the people of South Africa.\textsuperscript{25}

**Ireland:** The CSOs used the 1997 information law to seek information over the collusion among four private licence holding companies and the Government that has stymied the development of wireless and broadband internet access in Ireland.\textsuperscript{26}

**Bulgaria:** A Bulgarian NGO, Access to Information Programme, used Bulgaria’s Freedom of Information law to reveal that Minister of Science and Education had illegally rented out his agency’s lobby to a private company.\textsuperscript{27}

**2.2.7 GLOBAL CIVIL SOCIETY AND GLOBAL JUSTICE**

Globalisation has turned this world into a global village by rendering marvellous transformations as far as our relation and our interdependence towards others is concerned. It has widely been criticised by the dependency theorists and Marxists that the existing global structures of international institutions favour the already fortunate and disfavour the already unfortunate. Neera Chandhoke states that civil society gives voice to the victims of this unjust global world. She states that global civil society has

\textsuperscript{21} Ibid.,
\textsuperscript{22} Ibid.,
\textsuperscript{23} Ibid
\textsuperscript{24} Ibid.
\textsuperscript{25} Ibid.
\textsuperscript{26} Ibid.
\textsuperscript{27} Ibid.
heralded a major shift in the international relations by mobilising against the multilateral institutions and globalisation that has, hitherto, been unfavourable to the already disadvantaged.\(^\text{28}\)

The civil society made its presence felt at the global level was during the ministerial level meeting of the World Trade Organisation (WTO) in November 1999. More than 700 organisations, belonging to various fields brought the meet to a halt by marking their protest to express their anger against the deplorable conditions of people of South, which the globalisation ushered in by the WTO was not able to address. Other issues of resentment included relocation of industries, unsafe and abusive working conditions in factories, degradation of environment, widespread exploitation, etc. Many have dubbed this event, also known as ‘battle for Seattle’, as globalisation from below heralded a new internationalism.\(^\text{29}\) It was for the first time in history that these organisations gathered on a single platform to challenge the unjust financial regimes and mechanisms. The event was also important in regard that civil society organisations were hitherto, protesting against the state, for the first time seemed to gather to protest against the global corporations and global financial regimes. It was for the first time that these organisations contested the phenomenon of globalisation—which was held as responsible for the widespread inequality and injustice.

Therefore it can be said that global civil society organisations have gained ground in their efforts to ensure justice to the marginalised and deprived sections, especially, the victims of globalisation. As per Chandhoke, three prepositions constitute global justice:

1. The interdependence that is reflected in our actions and interests depending and affecting others, and vice versa.
2. The transnational actors are said to be in favour of already advantaged and against those that are already disadvantaged. It becomes a moral responsibility to undo such wrongs. This is done by criticising the existing unjust global mechanisms and arrangements, and by empowering and ameliorating the condition of those who have suffered out of these unjust global arrangements.


\(^{29}\)Ibid., 360.
3. The principles of justice framed for national communities should be extended to all people across the globe.\(^\text{30}\)

One such initiative by the global civil society has been the Global Call to Action against Poverty (GCAP). This initiative advocates debt relief and greater aid to poorer countries. In 2008, the GCAP is estimated to have mobilised more than 116 million citizens to participate in the stand against poverty events held in cities throughout the world.

### 2.3. Civil society in Third World

As it happened in the West, where an efficient and stronger state and an independent civil society developed simultaneously, the case was different with the Third world countries, most of them having a colonial past. It were the traditional and religious dogmas that governed and legitimised the authorities in western countries. Hence, a resilient civil society, which could have resisted the absolute political authority as happened in Europe, could not rise. During colonisation period, the close nexus between the political authority and economy also ensured that a political democracy and civil society could not develop. The middle class was at the forefront to the challenged the colonial rule. The local elites played little role in the national movements against the colonial rule, since, their dominance over the rest of classes was intact and stronger than ever before, and their status quo was guaranteed by the presence of colonial masters. It was the middle class also became a strong force of resistance against colonialism and, therefore, a strong base for the formation of civil society. During colonialism, colonial capitalist economy replaced the feudal economy as a result of a close nexus between political and economic sphere.

Following their independence, the environment in the Third World Countries was again not conducive for the rise of civil society. There was a class of elites—ruling class and the capitalists—that didn’t help the domestic economy and middle class to grow. This middle class later emerged to challenge the status quo of the ruling elites thus becoming the very basis of civil society. The onset of globalisation and the acknowledgement of civil society in the collapse of communist states of eastern and central Europe, recognised the need of civil society in the uplifting the poorer countries of Third World. It was in the later part of the 20\(^{th}\) century that civil society

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\(^\text{30}\) Ibid., 365.
organisations from across the world started working to fight different problems these countries were facing, independently, interdependently, as well as, by joining their efforts with the respective governments of these countries. Both United Nations and other regional bodies, like the European Union (EU), the African Union (AU), the South Asian Association for Regional Cooperation (SAARC), the Association for South-East Asian Nations (ASEAN), etc. acknowledge the crucial role these CSOs are playing in fighting various challenges in poor countries.

2.3.1 CIVIL SOCIETY IN INDIA

EVOLUTION OF CIVIL SOCIETY IN INDIA

Civil society plays very important role in India. The recent stir over the Lokpal Bill and the crusade civil society launched against corruption in the government departments highlighted how much powerful civil society can be at times. Before going into the details of how civil society is shaping people’s concerns and decision-making processes in India, let us discuss its evolution right from the colonial period to the present period.

A. COLONIAL PERIOD

The formation of civil society and state-building in India was quite different from how it developed in the West. The civil society developed in the West simultaneously with the modern nation-state. It took much more difficult trajectory for the civil society to achieve its powerful and independent status in the Third World countries, including India. Various socio-religious reform movements developed in India, throughout 19th century, trying to reform the Indian society from within and some of them developed to counter the influence of foreign influences upon Indian society. Brahmo Samaj (1843), Theosophical Society (1875), Arya Samaj (1875), Ramakrishna Mission (1922), etc., were the most popular ones. All these organisations played an important role, not just in the reformation of Hindu society and freedom movement, but in the strengthening of civil society as well. The Indian National Congress (INC), spearheading the national freedom movement became the main source of civil society activism in British India in the 20th century. Large segments of people were drawn into political and social activism when the INC started developing into a mass movement. Other forms of social movements gained

strength in the first half of the 20th century. The All India Trade Union Congress (AITUC) was formed in 1920 to look into the disputes of Indian trade workers and factory owners. So did various peasant movements, including, the Moplah revolt of 1921, contributed in the formation of civil society in India.

B. POST COLONIAL PERIOD CIVIL SOCIETY AND INFLUENCE OF GANDHI

Soon after the independence of India, Gandhi had proposed to disband the INC. He wanted to see it as a social service organisation, since Indian society needed further reformation. He argued that political Swaraj should be accompanied by social and economic independence. Hence, he called upon the INC to focus on social service sector. For him, panchayats and village committees were the best instruments of decentralisation, and it was for the INC to make efforts to create the necessary conditions for the development of these institutions that would foster democracy at the grassroots. Various associations that have been working on the Gandhian ideals are All India Spinners Association, All India Village Industries Association, Hindustani Talimi Sangh, Harijan Sevak Sangh, etc.

Gandhi sowed the seeds of social activism, wherever he went. His ideas still continue to inspire hundreds and thousands of civil society organisations in India. While spearheading the Indian national movement, he ensured that the INC reaches the remotest corners in India. He was apprehensive of the idea that the INC should transform itself into a political party, fight and win elections, and form government. He was opposed to the way modern state functioned. He had an immense faith in civil society as an agent of socio-economic and political change, which opposes the coercive power of state. He envisioned civil society to exist independent of state. His faith in the decentralised institutions of power was due to his belief in the moral well being of the human beings, rather than state power which he considered as impersonal and immoral.

Gandhi believed that power should rise from below rather than ascend from above. Therefore, forms of governance were to develop from the centres at the grassroots level.32 Gandhi was more inclined towards civil society because he saw moral reasoning in voluntarism. He believed it to be an action where an individual exercises self-control and self-direction. He related state and its apparatus to coercion. For him autonomy is precondition of morality.

Role of Civil Society in the Political Development of Kashmir since 1996

Like many political concepts, ideas and institutions, civil society has its origin in the western political thought. It evolved, as we discuss it in its present form, in the European historical context. Gandhi contributed in a huge manner to the idea of indigenous roots and autonomous functioning of civil society with reference to India. He added new dimension to the concept which was, otherwise, solely a product of European historical context.

Despite independence of India and dismantling of the capitalist state, the pattern of state-dominated economy continued in India. For many decades to come central planning was promoted, which focussed on state action, thus, civil society was not in much picture during these days. The 1960s saw India facing many challenges including, that of drought and subsequent food crisis, and wars with China and Pakistan. Both rural and urban groups started to protest, against the poor response of the Indian state and administration towards addressing these problems. These protest movements soon gained the ideological form having influenced by Gandhism and Marxism. Indira Gandhi, the then Prime Minister of India saw these movements as threat to her regime and she imposed Emergency in 1975, which remained until the elections in 1977. The post-1977 phase saw an increase in the civil society movements across India. They perceived the Emergency as the curtailment of civil and political rights and wanted the state to be more accountable, democratic and transparent with lesser scope for arbitrary discretionary powers. New social movements, such as, environmental groups and women’s organisations sprouted during this period. Through increased mobilisation, civil society began to challenge the state at local, regional and national level. Many factors contributed to the rise of these civil society groups that included the following:

1. The oppression of the state provoked these social and political forces to organise against state oppression.

2. The progressive image of liberal-democratic state was seriously dented in the wake of Emergency and sizeable sections got inclined toward making their concerns felt through civil society.

Several groups, thus, came to the fore to reclaim the rights guaranteed by Indian constitution and to fight against the perceived injustices. State-led development began to be questioned as a project. From 1980s onwards, state started encouraging many NGOs to take up the responsibility of social development. Since then, the number of NGOs is continuously growing. The coming of international NGOs into the scene and
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the setting up of various neo-liberal reforms by international regimes, like, the International Monetary Fund (IMF) and the WB is also a reason behind this expansion. Globalisation, privatisation and the accompanied partial withdrawal of state from many sectors and services has resulted in more expansion and activism of civil society.

Dipanker Gupta, while discussing about the evolution of civil society in India vis-à-vis the introduction of technology, has called it different from that of West. He states that too much state control, including, technological advances made civil society to come into picture to prevent state from monopolising technology. The case was entirely different with India, where civil society came into picture, because state failed to deliver fruits of technology to its citizens, evenly.\(^{33}\) Arguing about the problems related to introduction of Information Technology (IT) in India, he states that it had to pass many barriers. The digital divide which always favoured urban and developed India to dominate over rural and underdeveloped India, produced many inequalities than making administration efficient. Similarly, E-governance was more focussed on centralising the administrative machinery and involvement of high degree of bureaucracy, therefore, failing to deliver. Civil society comes into picture in the situations like these. Standing for egalitarianism and just social order, Dipanker states that it strives to make the IT available to all, and thus empowering the underprivileged and downtrodden ones.\(^{34}\) The civil society protests against too much power being usurped by the centre or state, and opposes too much involvement of the bureaucracy as well. Therefore, civil society in India came into being to make democracy functional from grassroots. It tries to create spaces and forums for social discourses on important issues. It is not against the introduction of IT and e-governance but has reservations against both, when the fruits are not distributed evenly, and decisions are taken without considering public opinion and the interest of the marginalised.

### 2.3.3 NATURE OF INDIAN CIVIL SOCIETY

India has a robust civil society, occupying an important position in its dynamic political landscape. Behar calls Indian civil society ‘dynamic’ as well as ‘contradictory’. He states that civil society in India functions as per the changing

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\(^{34}\) Ibid., 306.
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demands and complexities of state, society and evolving democracy in the country.\textsuperscript{35} On one side of the spectrum uncivil elements exist, operating at the micro-levels and occupying the civil society space. They have communalised political discourse. The agenda led by rightwing Hindu groups, like, the Rashtriya Swayamsevak Sangh (RSS), have reduced the democratic space in the country by communalising its institutions, threatening the very founding ethos of the Constitution, like, secularism and freedom of speech, though, belief and expression. On the side a sizeable section of Indian civil society, works primarily, at the micro-level, presenting an alternate vision of justice and development from the perspective of the poor, underprivileged, disadvantaged and suppressed sections of the society. This section furthers and deepens the dimensions of progressive political change, by adding new parameters to the discourse of empowerment, rights and democracy. Such a civil society functions to foster the political change in a threefold manner. First, it contests the state, society and its institutions from the perspective of the marginalised on the discourse on rights and democracy. Second, it presents alternate visions, strategies and visions about development, society and politics for a more democratic, sustainable and people-oriented development. Finally, it tries to bridge the divide between institutional and substantive democracy, particularly from the perspective of the poor and marginalised.\textsuperscript{36} The erosion and decline of the democratic institutions and the legitimacy of the state brought the role of civil society into the picture. The presence of social groupings of various types which are based on identities like caste, ethnicity, kinship, religion etc., since ancient times speaks about the presence of civil society in India. But many scholars, like, Chandhoke, write off these social groups to constitute civil society. She states that particularistic loyalties erode the sphere of individual freedom which is the prime attribute of civil society.\textsuperscript{37} She also states that the rise of fundamentalist dominant ideology of Hindutva—calling India a Hindu-state— and its propagation by one of the majoritarian national party, the BJP, leaves little scope for

\textsuperscript{36} Ibid., 191-192
the contestations and dialogues in India. Further, religious fundamentalism poses challenges to the civil society.38

New social movements that have arisen in form of environmental movements, feminist movements, pro-democracy movements etc., present a glimmer of hope for the civil society in India. These protests of mobilisations always keep on protesting against the unjust policies of the state.39 However, majority of these movements or organisations protest or search for the problems by remaining always at loggerheads with the state is solution to problems that civil society is trying to solve. A public sphere that may be facilitated by the state for dialogue and consensus is always needed to solve the most challenging issues of time. Kothari believes that leaders from diverse socio-cultural backgrounds need to establish a ‘common stand’ where conflicting interests are discussed and forwarded to democratic institutions for further action, through mutual consensus.40 Chandhoke also states that a stable and functioning civil society need active and vibrant democratic institutions.41 Any threat to the democratic functioning poses threat to the very survival of civil society, as do totalitarian and fundamentalist ideologies, like, the Hindutva.42

Kaviraj while discussing about the role and position of civil society in post-colonial states, like, India believes that it has been a growing disenchantment with the state that brings civil society into the focus. The state and its institution are viewed as agents of development and just distribution of the resources. To ensure the western liberal model of democracy as a path to modernity and development to succeed, both state and civil society have to play a very active role in conjunction.43

The role of state in ensuring development has been disappointing, given the unbridled levels of corruption at various tiers of the administration and various scams unearthed in the recent past. Social and political theory has demonstrated a loss of faith and decline in the legitimacy of the state and its institutions. In India, the role of state is being severely criticised for following the uneven capitalist mode of development.44 Mahajan states that growing disparities in income and wealth have further shattered

38 Ibid., 30.
41 Chandhoke, op. cit., 2005, 351.
42 Ibid., 352
43 S. Kaviraj, op. cit., 289
44 Particularly after following the path of Liberalization, Privatization and Globalization, popularly known as LPG-reforms
faith in the state.\textsuperscript{45} Kothari, therefore, suggests civil society as an adjunction as well as an alternate to the institutions of state.\textsuperscript{46} He equates civil society with the non-state NGOs. But, Mahajan calls this a dangerous assumption. He states that the assumption for calling all associations and institutions as agents of democratisation; guardians of liberty; are flawed.\textsuperscript{47} Béteille, a noted sociologist, has differentiated civil society from rest of the institutions. He states that the attributes of civil society, which are open and secular in nature, include protecting and glorifying individual liberty. The civil society has not sufficiently been able to check the coercion of the state and religious authorities.\textsuperscript{48} Béteille believes that the irony regarding the evolution of the civil society in India has been more about these being overshadowed by their creators.\textsuperscript{49} Indian society, which is caste ridden, and strictly following norms and practices of hierarchy, has lesser scope of producing the civility.

Sarah Joseph also believes that state as an agent of change and development has failed to deliver as per it was expected. This failure has been attributed to the functioning, or rather malfunctioning of the state-led development model of planned development. The need for further democratisation of society and state is being generally felt. Joseph calls for non-state actors to come forward to regenerate Indian democracy to make it more humane.\textsuperscript{50} This democratisation and social transformation can be brought up by the political society as well as non party organisations and political processes. Social initiatives are believed to be the solution to the failure of state to deliver social justice and development, and for further democratisation of the state and society.

In her critical remarks, Joseph states that civil society in India was introduced by various global financial institutions to counterbalance the regulatory state. The concept of ‘good governance’ was introduced so that state could withdraw from functions it has acquired under the influence of the planned developmental model.\textsuperscript{51} Hence, civil society and other such actors were encouraged to take up the

\textsuperscript{46} Kothari, \textit{op cit.}, 251
\textsuperscript{47} Mahajan, \textit{op cit.}, 1194
\textsuperscript{48} Andre Béteille, “Citizenship, State and Civil Society,” \textit{Economic and Political Weekly} 34, no. 36 (Sep. 4-10, 1999): 2588-2591
\textsuperscript{49} \textit{Ibid.}, 2590-91
\textsuperscript{51} \textit{Ibid.}, 300
responsibility of development and welfare that state was expected to shed. Hence, it was the compulsion to survive in the highly competitive global order that necessitated this division of responsibility.\textsuperscript{52}

Summing up the positive work civil society has done, she states, it offers scope to the people by helping them to become self reliant and creative. It is working for the benefit of the poor and the marginalised. An active civil society is believed to build support for the democratic government by articulating new issues and encouraging greater public participation.\textsuperscript{53}

Since the process of political development in India varies from region to region and state to state, so does the extent and scope of civil society. Thus civil society is vigorous and fairly developed in some regions, whereas dormant and underdeveloped in others. Wide spectrum of players that constitute civil society in India, including, missionaries and identity movements, evolved during the colonial period. The Christian missionaries built schools, colleges, orphanages, etc. The Indian bourgeoisie, who were western educated and influenced by the western progressive values, established various organisations to reform the Indian society, which had been highly caste-ridden and discriminatory towards women.\textsuperscript{54} These organisations also built schools and colleges, worked for the improvement of the status of women and their education, and so on. But these organisations were not mass-based, and were mainly dominant in the urban areas like Bengal and Bombay. With the entry of Mahatma Gandhi into the Indian politics, a third kind of civil society came into force. These were the organisations based on voluntary action and movement such as Harijan Sevak Sangh, Buniyadi Talim, All-India Spinners Association, etc., which believed in voluntary action and constructive work leading to the self-reliance of villages. As majority of the population was concentrated in the rural areas it was essential for free India to solve problems of poverty, inequality and exploitation.\textsuperscript{55}

The INC, inspired by the Gandhian ideals, took charge of most of these organisations during freedom struggle against the British colonial rule.

The post-independence period saw most of these Gandhian organisations getting government support and funding. Few of them became organs of the state like Khadi and Village Industries Commission. Other organisations, including, religious ones,
worked for a variety of welfare and developmental issues—ranging from health, education, village industries, handicrafts, nutrition to famine-relief.

1970s witnessed important changes in the Indian political landscape. War with Pakistan, worsening economic conditions, unemployment, corruption, abject poverty and finally the national emergency imposed by Indira Gandhi, were notable among the few. The suspension of democracy for two years, when emergency was imposed, saw many draconian measures being introduced by Indira Government. The civil liberties were curbed, censorship introduced, freedom of press curtailed, and similar other steps were taken to muzzle any form of opposition. Although, emergency came as a shock for all democracy loving people, but, the draconian measures introduced rekindled a new interest in civil society that took up the responsibility to oppose the emergency. Niraja G. Jayal argues that it was for the first time in Indian history that civil society emerged in response and resistance to the state.\(^{56}\)

The change in socio-political scenario also provided a fertile ground for the emergence of organisations that would be the beacon of development, empowerment and social change. Many of these organisations blended the Gandhian and Marxist ideals to work for the disadvantaged, downtrodden and underprivileged sections of the society. Notable organisations that sprung up during this period included the following:

2. Kishore Bharti (Association for the Indian Youth) established in Hosangabad, Madhya Pradesh, by Anil Sadgopal.
3. Vidhushak Karkhana (Fun Factory) established in Shahdol, Madhya Pradesh, by Dunu Roy.

These organisations were, mainly, focussed upon imparting literacy to the rural poor. These organisations believed education as a tool of change. Similarly, economic advancement with the introduction of the technology could foster equal positive changes in the backward areas that would help the people of these regions to get connected to the rest of the country.\(^{57}\)

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\(^{57}\) Behar, *op. cit*, p. 198
Since 1980s onwards the emergence of the multitude number of NGOs saw changing terminology of civil society organisations from ‘voluntary’ to ‘developmental sector’, working on Gandhian inspired ideals of ‘voluntary action’ to ‘professionalism’ for social and developmental work. The government, too, supported the growth of professional NGOs. The Institute of Rural Management was established in Anand in 1980, to build the capacities of the young people for professional management of rural development programmes, policies and institutions. Similarly, the Council for Advancement of People’s Action and Rural Technology (CAPART) was established in 1986 by the government to provide financial and technical support to the NGOs, and establish a link between these organisations and government to ensure sustainable development of rural areas. Other initiatives included setting up of Pradan and Ekalavaya, both set up in 1982, to support and train young professionals for the rural development, and improvement in education. The Centre for Science and Environment (CSE) was established in 1980, in New Delhi, to promote environmentally sound, equitable and sustainable development strategies.58

The 1990s saw growth of organisations focussing on issues, like, capacity-building, advocacy, research and networking. The Society for Participatory Research in Asia (PRIA) in Delhi, with its reach to more than twelve states started working for making democracy and decision-making more participatory. Similarly, the National Centre for Advocacy Studies, based in Pune, Maharashtra, also works in the sectors of capacity building and research.

Despite their mushrooming and far and wide reach, the NGOs have been criticised for being operational on a limited scale with narrow agendas. While improving the service delivery system they neglect their role as catalyst for socioeconomic and political changes that would favour the poor, marginalised and the disadvantaged. In the similar vein, they have been criticised for their failure to induce sustainable development.

Recent trend has seen rise of new social movements and action groups that have been called as “non-party political formations” by social scientists, like, Rajni Kothari and Harsh Sethi.59 Such organisations with no party affiliations work for the benefit of the disadvantaged communities, criticising the dominant mainstream paradigms of development from the perspective of the ordinary people. Despite their support being

58 Ibid., 200
59 Ibid., 201
local, they have been able to force the state to change its policies for the benefit of these disadvantaged groups. To protect their autonomy many of these social movements don’t accept financial support from the government or other agencies. They employ peaceful means for mobilising their support and taking socio-political actions. The Chipko Movement led by Chandi Prasad Bhat in Uttrakhand, Narmada Bachao Andolan led by Medha Patkar, in Madhya Pradesh, similar movement led by Nalini Nayak, co-founder of Self Employed Women’s Association (SEWA) and Fr. Thomas Kocherry in Kerala and Gujarat, National Front for Tribal Self-Rule (NFTSR), People’s Union for Democratic Rights (PUDR), and People’s Union for Civil Liberties (PUCL) are the notable examples of the social movement and organisations that have played an important role in articulating the concerns of marginalised sections and inducing the progressive political changes.

Presently, international agencies and supporters of liberal democracy work to foster the growth of civil society in India. But many critics argue that civil society in India need to evolve indigenously within Indian society itself, and not with the help or aid flowing from external sources. That will impute more credibility to the civil society in India and sustain its momentum. As Kaviraj puts it, “will, not force must constitute the durable basis of civil society, outside the West”.60

2.3.4 STATE VS CIVIL SOCIETY DEBATE IN INDIA

Civil society has always worked to improve people’s autonomy and capabilities, protect individuals’ rights of equal citizenship, ensure equal access to decision-making apparatuses and strengthen participatory democratic framework. It is argued that civil society comes into action when state tends to neglect its primary functions when it functions to serve the interests of the dominant sections to the detriment of dispossessed sections or when it acts arbitrarily. But, the civil society rigidly working against the state and other democratic institutions can foreclose options of dialogue, reconciliation and consensus in case of conflict of interests. Therefore, it becomes necessary that both civil society and state function in cooperation with each another.

Civil society is characterised by the pursuit of disinterested and mutually shared but individually sanctioned virtues, which are foremost pillars of democracy. Therefore, it is an important pillar that fosters the democratic virtues in every society. The Indian

60 Kaviraj, op. cit., 223
academic institutions may play an important role to facilitate and strengthen the role of civil society. There is a further need that these institutions help in crystallizing the ideas and opinions that would help in the strengthening of democratic institutions, including civil society, in India.

The reliability of liberal democratic institutions in India and Third World countries has prompted debates. It is argued that the institutions that are agents of change and development in the West need not necessarily be successful in Indian social and political context. It has been the failure of the state to live up to the expectations of the people that people look for other options and possibilities. For Sarah Joseph, the loss of the credibility of the political institutions and the political leadership is mainly due to state coming under the pressure of certain organised vested interests, while ignoring others’ genuine interests. She calls for state and its institutions to function in a more efficient and transparent manner, as endorsed by international institutions like the IMF and the WB. These institutions stress for other institutions to come forward to reduce the load of the state in development and welfare spheres, by developing the ‘institutionalised links’ with civil society. Therefore, a close relationship between civil society and state is advocated.

Civil society’s allure everywhere, including India, has roots in a general disenchantment with the state. As per Dipanker Gupta, the state has achieved gigantic domination, coercion and surveillance—being the largest purveyor of the technology. Civil society is seen as a way out to this state totalitarianism. An autonomous and independent civil society is seen as something that would counter the state and free the society from the clutches of the state. In contrast, state has failed to deliver technology, fruits of modernisation and empowerment to the masses, particularly, in India. Thus, the civil society is able to mobilise people and fight against the failure of the state to live up to the expectations of the people. He further quotes Rajni Kothari and Ashis Nandy, two celebrated authors in the field of Indian government and politics, who state that civil society in India derives its strength from tribal and other deprived sections. Civil society protects many diverse groups that are being threatened by the homogenisation and modernisation projects of the state. Lately, civil

62 Ibid., 299
64 Ibid., 306
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society is up against the harmful effects of globalisation process, too, for the poor and tribal people. Gupta holds that civil society in India is involved in the romantic revivalism, thus, return to tradition. He further cites another noted sociologist, Andre Beteille, who has stated that civil society in India needs to be free from both the state and traditional loyalties. Civil society which is not integral to the democratic constitutional state, thus, acts as a deterrent to the state with excessive powers. The rules of civil society organisations promote reasoned debates and cost effective utilization of resources and, eventually have the potential to bring about social justice and sustainable development.

The term civil society encompasses a number of non-state aspects of social life. In a vast and diverse country, like, India it may include not only the formal contractual relationships that are the hallmark of modern economy and society, but, also the traditional, social networks, communities, voluntary groups and social movements. Since, distribution of basic resources through the state has a limited success due to bureaucratic corruption and neglect, it is felt that civil society efforts may be more successful. Thus, comes civil society in picture, which, may help the state not only to create an egalitarian order but to help people develop their capabilities so that they make use of the opportunities to the fullest. In view of growing social differences and antagonisms as traditional solidarities break in the face of expanding marketisation of the society, an active civil society can play a crucial role. It is projected as a sphere where diverse interests can coexist peacefully and conflicts can be managed. In the same manner, it could build support for the democratic government by articulating new issues and demands, thereby, encouraging greater public participation in various schemes. An active civil society can enhance the efficiency and economy of the state by taking over some of its functions, thus, may act as a good catalyst in ‘good governance’.

The overemphasis on the procedural aspects of representative democracy in the neoliberal theories has compromised substantive democracy. The neoliberalists loot at democratic institutions as elected assemblies or mere mechanisms for selecting and changing rulers. The short-term strategies adopted by political parties in garnering votes could prove harmful to the credibility of democratic institutions in the long run. Similar, is the case with Indian political parties that are facing the loss of credibility in

65 Ibid., 306-307
66 Sara Joseph, op. cit., 299-305.
the wake of growing corruption charges levied against them. The legislative assemblies increasingly represent respective sectional interests instead of synthetic collective interests. Important issues and policies are not adequately deliberated upon and reasoned out in representative assemblies. This makes elected bodies to compete for legitimacy with local bodies and NGOs. In many instances, legislators were excluded from new task forces and joint civil society-state bodies which are being set up to promote good governance. Joseph calls for a more democratic conception of civil society for a participatory and vibrant political democracy.\(^\text{67}\)

In similar light, debates are taking place in India about exploring the institutions and structures that could promote development and social justice in an effective way. The formal liberal-democratic institutions and other apparatuses have failed miserably in dispensing justice and implementing developmental programmes. The main cause of failure is traced to the unprincipled political leadership and party machines as well as undue faith posed in the rationality and impartiality of bureaucracy performing amidst the plural and class divided society. This has led many to hope for societal initiatives springing from grass roots representing genuine concerns of the people set in motion a process of democratisation of both state and society.\(^\text{68}\) Another drawback attributed to the failure of Indian state to deliver justice is lobbying by the organised capitalist interests that work at a very subtle level and distort the decision-making and implementation processes. This, as per Atul Kohli, creates ‘crisis in governability’.\(^\text{69}\) This line of analysis calls for state to establish institutionalised links with civil society, so that both civil society and state work in tandem in order to deliver ‘good governance’. It may involve people belonging to a wide range of spectrum that may include indigenists, neo-Gandhians, social activists academicians, environmentalists, peace groups, human rights groups, women’s groups or even some radical groups provided they eschew violence. This calls for the initiatives from the civil society independently but working in cooperation with state to bring an effective social transformation. It calls for faith in the ability of non-state sector in regenerating democracy to make it more just and humane. Success of civil society across the globe has inspired many in India to see civil society as a counter-balance to the regulatory state. The political and economic reforms taken

\(^{\text{67}}\) Ibid., 300  
^{\text{68}}\) Ibid., 301  
following the LPG (Liberalisation, Privatisation and Globalisation) policy, adopted by India in early 1990s opened up Indian markets to the global capital, markets and goods. An important demand in pursuit of these reforms required state to withdraw from some of the important functions and responsibilities. Instead, civil society and other social actors were advocated to take up these responsibilities.  

2.3.5 CIVIL SOCIETY IN ACTION

Civil society plays an important role in fostering socio-economic and political change in India. It has redefined democracy and made the state apparatus more inclusive, responsive, transparent and accountable. Civil society has played an influential role in the successful enactment and implementation of acts, like the Mahatma Gandhi National Rural Employment Guarantee Act (NREGA) and the Right to Information (RTI) Act that have transformed the very functioning and nature of Indian politics. The MGNREGA was believed to have set a revolution in rural governance, by making government more transparent. This has helped in making democracy more participatory and empowered. Similarly, the RTI Act is the most formidable legislation that has made the functioning of the state and its institutions more transparent. The corruption that crept into the state apparatuses, resulting in the loss of faith and decline of legitimacy of the democratic institutions of the state is being exposed in high places through the use of the RTI. The corruption is likely to diminish considerably in the light of optimum use of this Act.

2.3.5.1 CIVIL SOCIETY AND RIGHT TO EMPLOYMENT GUARANTEE

The enactment of the MGNREGA, earlier named as the National Rural Employment Guarantee (NREGA) Act, is a classic success story of civil society action in India. It came into force on 2nd February, 2006 amid great hope in 200 most backward districts of India. In 2007, it was extended to another 130 districts. The Act was extended to the whole of rural India in 2008. It is the largest ever public employment programme

Sarah, Op cit, 301

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) was earlier known as National Rural Employment Guarantee Act (NREGA). It is an Indian labor law and social security measure that aims to guarantee the ‘right to work’ and ensure livelihood security in rural areas by providing at least 100 days of guaranteed wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work. URL http://www.wikipedia.org/wiki/National_Rural_Employment_Guarantee_Act_2005

visualised in human history. The aim of the Act is twofold—guaranteeing employment and developing rural infrastructure. Rural areas of India underscore the need for public investment and infrastructural development in order to catch up the urban areas of India. This Act is seen as an attempt to provide a big push to the regions of distress—the backward areas. It promises largest ever employment programme in the history of mankind. The government has allocated Rs. 33, 353 crore for the MGNREGA in the current budget year (2014-2015).\textsuperscript{73}

The MGNREGA aims at the following six objectives:

i. Guarantee of employment in the times of distress. Solution to the drought and flood prone areas of Indian agriculture would also be benefited.

ii. Economy would become more sustainable and less vulnerable.

iii. The growth would reduce poverty, while developing social security and physical infrastructure at the same time.

iv. As the productivity in agriculture improves because of the infrastructure development the number of people who depend on state sponsored employment guarantee would also decline over time.

v. The expenditure incurred in pursuance of MGNREGA would be non-inflationary since it would spur agricultural growth, upon whose foundation a whole range of sustainable livelihoods could be built.

vi. It would be a guarantor of secondary employment that arises out of spur in private investment in these regions.

It was due to the efforts of civil society the government enacted the Act and the Parliament passed it. There is cry to reform the scheme to make it more successful from various sections of civil society. Civil society should come forward to suggest a concrete viable blueprint and press the government for these reforms. The engagement with the government could be either in the form of confrontation that do not yield desired results or it could be in the form of active engagement with the government in the formulation of policies and their implementation. Civil society needs to see its primary role in making governments more transparent and accountable and assisting as well as supervising the government in its developmental tasks.

\textsuperscript{73} Hindu Bureau, “Jaitley gives States more Freedom in MGNREGA Implementation”, The Hindu, (July 10, 2014).

The MGNREGA is expected to bring a revolution in rural governance, by making government more transparent, responsive and people-oriented. This would help in making democracy more participatory and inclusive.\textsuperscript{74} It is believed that in coordination with the Panchayat Raj Institutions (PRIs), like, the Gram Panchayat sabhas (GPSs), the Act can have a wider reach and be implemented and operationalized more effectively. In face of huge size of population, diversity and excessive bureaucratisation, the institutions of local governance need to be empowered if democracy has to grow in India.\textsuperscript{75} Grass roots civil society organisations (CSOs) are playing and can play greater role in building requisite capacities of the PRIs as well as monitoring them to help them become institutions of governance, thus, making democracy more decentralised and participatory. But this needs a shift in the mindset of those voluntary organisations, who see the PRIs as their competitors and antagonists. It is true that there is problem with the PRI leadership, which comes from traditional structures of powers. These leaders resist change recommended or brought out to by the CSOs in the direction of transparency and equity. But, if the local CSOs generate public awareness and train grass roots leadership we may witness winds of change in the attitude and functioning of the PRIs. This requires a strong CSO―PRI partnership to develop, which holds key to the future of democratisation in India.\textsuperscript{76}

**CSOs THAT HAVE PLAYED A KEY ROLE IN THE SUCCESSFUL ENACTMENT OF THE ACT**

The National Consortium of CSOs for NREGA that includes Samaj Pragati Sahayog Foundation for Ecological Security, Gram Sudhar Samiti, Holistic Action Research Development, Niswarth Samiti, Parhit Sanstha, Sambhav and Spandan (in Madhya Pradesh), Anandi (in Gujarat), Lokshakti Samiti, Sarguja Grameen Vikas Sansthan and Vardan (in Chhattisgarh), Aanchalik Jan Sewa Anushthan, Adhikar, Bolangir Bikash Parishad, Bolangir Gramodyog Samiti, Jan Mukti Abhiyan, Lokadrusti, Shramik Shakti Sangathan and Vikalpa (in Orissa) have played a very important role in the enactment and implementation of the Act. They have been working closely with the PRIs across 30 districts in seven states, helping them to realise the potential of the MGNREGA. The organisations like these include panchayat leaders in their ranks

\textsuperscript{74}Ibid., 45
\textsuperscript{75} Ibid., 48
\textsuperscript{76} Ibid., 49-51
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who provide the missing support structure required for the effective implementation of the MGNREGA. The PRIs have also invited these CSOs to help them in the planning, implementation and auditing of the MGNREGA work. Thus, with the coordination of the CSOs, which provide necessary technical and logistic support, a range of related projects could reach their successful implementation.

2.3.5.2 CIVIL SOCIETY AND RIGHT TO INFORMATION IN INDIA

The enactment of the Right to Information Act, 2005 is considered a historic event in the annals of Indian democracy. Information is power and now a citizen has the right to access information under the control of public authorities, which was earlier vehemently withheld from public. It is the duty of all public authorities to provide information sought by citizens.

BACKGROUND

India, being the most populous democratic country, was unable to transform procedural democracy into a full-fledged public democracy. The masses were treated as recipients of decisions and allocations undertaken by the government and its officials. They didn’t have control over and access to what was going on into the making of policies of the government and their execution. It had become a feature of Indian bureaucracy to exercise arbitrary discretion and withheld information related to functioning of the government machinery. This culture of maintaining bureaucratic secrecy was essentially sanctioned by the Official Secrets Act, 1923 dating back to colonial era.

The campaign for enactment of the RTI Act was initiated by a Rajasthan-based organisation, the Mazdoor Kisan Shakti Sanghathan (MKSS), which was founded in 1990. The organisation basically worked for the benefit of the rural poor. They organised public gatherings in which public officials were made to hear complaints of people, thus, making governments transparent, responsive and participatory. These gatherings were so popular that the Government of Rajasthan passed the Right to Information Act in April 1995.

Through its nonviolent campaign, the MKSS was able to compel many states to bring legislation in this regard, thus, making right and access to information a modus

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Operandi of democracy. The National Campaign for the People’s Right to Information (NCPRI) was founded in Delhi with this specific objective. By 2002, the Right to Information acts were enacted in eight states. The successful campaign by the NCPRI with the support from some other NGOs moved the union government to pass the Right to Information Act, which came into force in 2005.

The CSOs and social activists are enhancing the reach and awareness of the RTI Act among the masses. It is with their support that a person is able to use the Act for claiming his basic rights. The civil society activists or general citizens can invoke the RTI Act to access information related to:

1. Any information pertaining to public authorities;
2. Photocopies of the government contracts, payment estimates, etc.;
3. Samples of material used in the construction of any government project like roads, drains, building etc.;
4. Inconsistencies in the Public Distribution System;
5. Inconsistencies in the BPL ration cards;
6. Inconsistencies in the construction of the roads, etc.;
7. Citizens not receiving Voter ID cards;
8. Non-receipt of minimum wages under various government schemes;
9. Irregularities in the scholarship distribution;
10. Bad quality food served under the Midday Meal Scheme;
11. Distribution of free school uniform and books;
12. Bad quality of school uniforms distributed;
13. Non-availability of sports equipments in the schools and colleges;
14. Absence of teachers in schools;
15. Irregularities at the Anganwadi centres;
16. Auxiliary Nurse Midwife not visiting the primary health care centres;
17. Free treatment and medicines not given at the Government hospitals;
18. Absence of any irrigation facility in the villages;
19. The tribals and villagers not receiving the benefits of the forestation scheme;
20. Irregularities in the selection of beneficiaries of schemes like the MGNREGA and Indira Awaas Yojna.
21. Irregularities in selection of the beneficiaries of Old Age and Widow Pensions schemes.78

FUNCTIONING OF THE ACT
The Act mandates a legal institutional framework for setting out a practical regime of right to information for every citizen to secure access to information under the control of public authorities. It prescribes mandatory disclosure of wide-ranging types of information to citizens. It mandates the designation of Public Information Officers (PIOs) in all public departments to attend to requests from citizens for information within stipulated time-frame. It provides for appeal to officers senior in rank to the PIOs, to be referred as the Appellate Officers (AOs) against the decision of the PIOs. It mandates the constitution of a Central Information Commission (CIC) and the State Information Commissions (SICs) to inquire into the complaints, hear second appeals, and guide implementation of the Act.79

Right to information through social audit
Social audit is an independent and participatory evaluation of the performance of a public agency or a programme or a public scheme. It enables the civil society to assess whether a public authority is living up to the shared values and objectives it is committed to or if there is any misuse of authority. Social auditing aims to enhance transparency in the functioning of the administration and decision-making. It also ensures that the affected citizens are made to participate in the process of decision-making and validation. It makes the public officials accountable to the people for their acts of omissions or commissions. The amalgamation of the right to information and social auditing empowers the public and limits the arbitrary use of public authority. The RTI makes the information related to public domain accessible and available to social auditing. Information is supposed to be generated and made available in such a manner that is accessible and comprehensive to the general public. All this facilitates a regime of transparency and accountability. However, the application and use of this Act is, still, in its infancy.

79 Right to Information Act, 2005 mandates timely response to the citizen requests for government information. An initiative by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension has set up a RTI Portal Gateway for the citizens to get quick information on the details of the Appellate Authorities, PIOs, etc. Besides the access to RTI related information/disclosures published on the web by other Public authorities under the government of India as well as the State government has been made mandatory. http://www.rti.gov.in
The public officials are often seen to devise ways and means to divert the content and flow of information being provided. Sometimes, it is often alleged to be misused by the activists as excessive or even irrelevant information is sought. There are several loopholes that need to be plugged.

*Right to information used to undertake social audit of government policies, programmes and schemes*

Right to information has been revolutionary legislation right from its inception. Civil society in India has played a pivotal role in ensuring to make this act which has brought tremendous transformations in the functioning of public authorities and making them more transparent and accountable. Following are the few examples which indicate that the right to information has facilitated social auditing:

1. **The MGNREGA**: The volunteers of the CSOs regularly inspect records maintained by the Gram Panchayats and seek information related to the scheme of MGNREGA. Following records are thereby verified by the CSOs:
   i. Application Registration Register.
   ii. Job Card Register.
   iii. Employment Register.
   iv. Estimates Register.
   v. Muster Roll Register.
   vii. Complaint Register.

2. **Targeted Public Distribution System (TPDS)**: The TPDS has been so far been a very important scheme as far as food and ration supply to the public is concerned. The CSO activists have invoked the RTI to collect information to verify the progress and transparency of the scheme. They have so far sought information related to:
   i. Register containing the names of card holder.
   ii. Stock registers to access the total stock.
   iii. Sale registers.
   iv. List of the BPL cardholders.
   v. List of commodities and rates fixed by the government.
   vi. Other related information that would help to make the scheme transparent.

3. **Integrated Child Development Services (ICDS)**: The ICDS has so far been an important policy framework that has ensured that children, particularly rural, get
the required nourishment and immunisation that would help them in coping with health issues. The members belonging to the CSOs have so far infused the RTI to make this scheme more transparent and successful by seeking information related to:

i. Registration of beneficiaries.
ii. Attendance of children and anganwadi teachers.
iii. Growth of monitoring of children and pregnant women.
iv. Information related to immunisation.
v. Supplemental nutrition.
vi. Pre-school education.

vii. Regular health checkups.
viii. Primary schools enrolment after anganwadis.

4. **Primary Health Service (PHS):** The PHS has so far played a very important role in the improvement of health services in India. The Right to Information has significantly enhanced the service delivery system of the PHS by making the scheme accessible to the public. The CSO activists have so far sought information with respect to the functioning of the PHS such as:

i. Attendance of medical officer and other staff.
ii. Field visits and supervisory visits of the PHC staff.
iii. Stock registers and inventory of medicines.
iv. Number of outpatients treated.
v. Number of surgeries conducted and their success rate.
vi. Inspection of the immunisation registers.

vii. Samples of medicines being supplied to the patients.

5. **Primary Education:** The CSOs have so far played a complementary role in ensuring that the public education system functions efficiently. The RTI Act is used for accessing information related to the following:

i. Teacher attendance registers.
ii. Pupil attendance registers.
iii. Teaching standards in the schools.
iv. Enrolment and dropout rates of the students.
v. Student performance.
vi. Implementation of mid-day meal programme.

vii. Infrastructure standards in the schools.
Civil society has so far played an important role with regard to the RTI. It can improve the functioning of the Act in the following manner:

1. To get involved in the basic service delivery at the huge scale and provide necessary institutional basis to the RTI movement in collaboration with the government.
2. At grassroots level, such organisations can be effective in promoting collective action using the RTI Act to access the basic services.
3. By organising workshops to spread the awareness about the functioning of the RTI.
4. It can, thus, promote good governance and social equity by accessing information.
5. Help in disseminating information related to government programmes.
6. Undertaking social auditing through the RTI on a much larger scale and with respect to all the important schemes.
7. In acting with the government as strategic partner in the implementation of the Act.
8. Assume the role of the spokesman for the public helping the public to access and analyse the information in a more fruitful manner.