CHAPTER VI

CONCLUSIONS

The normative agenda of a State should include a positive transformation towards the good life for its citizens. This, as an objective, is enshrined in the Preamble and the Directive Principles of State Policy of the Indian Constitution. Voluntary organisations which are a subject of this study too are agencies geared towards social transformation (variously conceived). The broad objectives of the five organisations chosen for study too encompass a qualitative improvement in the social, political and economic environment.

Through prolific, critical, well-documented and comprehensive reporting and discussions and occasionally through active participation (i.e. moving the courts, or through public protest), organisations like the PUCL, PUDR, CFD and Manushi are attempting to influence the system in favour of social transformation. Suraksha involves itself in active support activity - counselling and legal aid for women, as well as in rural-based developmental activity to work towards a positive social transformation in the lives of the women it actually touches.

Thus apparently, both agencies - the State as well as voluntary organisations - are geared to similar
objectives. There seems no reason why voluntary organisations may not be termed complementary to the State - junior partners as it were - assisting in a small way, in the larger tasks of the State.

However differences and conflicts with the State are likely to arise on the issue, whether the State can accommodate within its programme of social transformation, the agenda of the voluntary organisation? If the agenda of voluntary organisations is too wide to be accommodated by the State or if it makes demands which the State cannot concede, or if it continually works to expose lacunae in state machinery, or if it makes demands that call for structural changes, the relation between the voluntary organisation and the state may become conflictual.

However it may be pointed out that the agenda of social transformation of a voluntary organisation does not have to really challenge the established structures in order to develop a relationship of conflict with the State. The latter often is not fully capable of responding to, and guaranteeing the legal and fundamental rights which it itself underwrites. Simple instances which may be quoted, are the Minimum Wages Act, Equal Remuneration Act, etc., which are often bypassed.
Further, in course of implementation by its own officers too, there may be flaws and transgressions, e.g. high-handedness on the part of the police, or State violence.

Thus well within the frame of legitimate and fair demands (those which the State has itself agreed to fulfil, at different points of time, through different legal pronouncements), can voluntary organisations press for demands which the State promises to the citizens, but may not be able to concede immediately, or fully.

The voluntary organisation may play a gadfly role - by reminding the state of unmet promises, wrong actions of its agencies, or by mobilizing groups of the weaker sections to ask for their legitimate demands. Thus the women may be mobilised around the right to non-discriminatory treatment in matters of promotions in an environment that promises equality, or casual workers may be mobilised to ask for minimum wages, which the State has itself "guaranteed. The voluntary organisations may also make the examination of, and publicity to, denial of civil liberties as their primary objective.

A constant reminder of these shortfalls in state behaviour tends to undermine the legitimacy of the State. Hence reactions of the state to voluntary organisations may occasionally be recriminatory and
sharp. Instances of such hostile responses on the part of the State may be seen in the form of surveillance of members of such organisations, cutting off grants to them, tightening avenues of obtaining foreign grants, reacting with hostility to them in the press, and occasionally casting aspersions on their loyalty and nationalism.

In the case of organisations which press for structural transformation in the society, i.e. for changes in the prevailing economic or political arrangements in society— as do some fringe groups and mass organisations like the CPI (ML), the State has every excuse to unhesitatingly use state-power against them, as they undercut the authority and power of the State. At times, some of these organisations also indulge in violence, which the state feels justified in curbing with a heavy hand.

Given the nature of their programmes, as well as the extremely slow pace of social change (which has not fully taken cognisance even of guaranteed rights), the State's attitude to women's groups has been accommodative and tolerant, and not hostile.

It may be relevant here to reexamine the categorisation we had attempted in an earlier chapter of voluntary organisations and their agenda of change.
This will assist us in the task of categorisation of the five voluntary organisations we have chosen to examine.

The following are the four categories:

a) Voluntary activity which attempts no transformation in the system, or attempts a transformation which is temporary or transient. In this category may be seen acts of charity or philanthropy.

b) Voluntary activity which aids the State in its effort at social transformation, e.g., assisting administrative endeavour to facilitate poverty alleviation programmes, or assisting in unravelling of bottlenecks in the delivery mechanism of the state.

c) Voluntary activity pressing for social transformation within the politico-legal system of the state in any of the following ways:

(i) pressing for the implementation of State laws, e.g., Equal Remuneration Act, Minimum Wages Act, etc.;

(ii) Pressurising the State to desist from certain actions seen as adverse to the poorer and weaker groups — e.g., through letters to the press, publication of reports, organising protests against particular projects or actions in the manner of Baba Amte against the Narmada Project or Sunderlal Bahuguna against the Tehri Dam;

(iii) Imaginatively using available judicial legal opportunities and avenues for bringing about transformation in the system — e.g., the use of social action litigation to
compel employers to pay minimum wages, or through social action litigation pressing for amendments to correct lacunae in existing law; and,

(iv) Pressurising the system for transformation which can be brought through additional legislation, and which can easily be accommodated within the system - e.g., demanding legislation against misuse of amniocentesis tests, or successfully pressurising the State for the passage of the Sati Act, 1987.

d) At the far end of the spectrum is activity which has the objective of bringing about structural transformation in the system. This implies changes in the economic and political arrangements in the society. Political ideas which lean towards this kind of transformation and which challenge the legitimacy of the State have flowed from the Naxalite stream of the CPI (ML).

In the light of our earlier discussions on voluntary organisations we may find it useful to categorise possible state reactions to each of the four categories of voluntary activity, given their understanding of social transformation.

a) The State reaction to the first category of voluntary organisations - i.e., those aiming to effect no change, or those opting for temporary, transient social change - will be either positive or indifferent. The State may encourage this kind of activity, for example by granting income tax...
concessions to such charitable and philanthropic activity.

b) The state reaction to the second category of voluntary activity - i.e. aiding the state in its delivery mechanism, poverty alleviation programmes, etc. - will be positive. This is indicated by the large involvement of voluntary organisations in development which was envisaged in the Seventh Five Year Plan.

c) The third category of voluntary organisations raise issues which though permissible within law, may compel the state to adopt defensive postures. These issues may relate to non-implementation by the State of its own law (e.g., the Minimum Wages Act), high-handedness on the part of the agencies of the State (e.g., torture in the police stations or death in police custody), denial of civil liberties (e.g., custodial rape), policies perceived as anti-poor (the forest policy, or policies related to development leading to displacement). The reaction of the state to such voluntary activity is usually defensive and sometimes hostile.

Such voluntary activity may, through mobilisational and organisational activity, highlight structural anomalies and may even result in some incremental
changes. Thus protest around the issue of nonpayment of the minimum wage, calling for implementation of ceiling laws which would undercut the power of the rich landlord, calling for redistribution of qair mazarua land etc. tends to highlight the "shortfall" between what the State promised, but did not give. Strictly speaking these should pose no challenge to the existing system since these demands do not fall outside the system. In fact, they may be seen as serving the important purpose of objectively broadening the base of the prevailing democratic mechanism. They should be seen as serving to accelerate the speed of reform and thereby buttressing the system itself. Protest tends to pressurise authority into conceding what is within their capacity to grant, and which it may otherwise not concede.

However despite the fact that voluntary activity of this category of voluntary organisations appears to fall within the prevailing politico-legal structures. yet, the State may in some cases feel compelled to respond with a degree of hostility, fearing a decline in its legitimacy arising out of the fact that transformative action is being initiated by an agency other than itself.

d) State response to the fourth category of voluntary activity - that which addresses itself to the issue
of structural transformation through revolutionary means— is uncompromisingly hostile. Such organisations are usually repressed with the armed might of the State. Certain acts of the radical groups may be perceived as clearly posing a challenge to the State, e.g. the setting up of "a panchayat to settle a land dispute", or setting up a "Peoples Court" to dispense "justice". Obviously the State will not compromise on such clear and blatant undercutting of its legitimacy. Since violence is on the agenda of such organisations, there is ample justification for the State to use armed might against them. There is also a general legitimacy which attaches to state action against such organisations.

However it must be made clear that the characterisation of the type of voluntary activity and the type of state response is not always so clear as to form water-tight categories. Sharp State reaction in the form of armed action may come even in cases where mobilisation is within the law, given the specific politics of the area. And activity which we have put in an earlier category (e.g., asking for minimum wages), may be perceived as anti-State activity. Similarly empowering activities carried out by groups, around issues like minimum wages, control of village commons.
land, may be perceived as anti-State even though the state itself has conceded the right.

The police firing at Arwal, in which 21 people were killed, is an instance where mobilised peasantry asking for their rights, had to face the wrath of the State which intervened in the interests of the richer class.

The violent response of the state to demands which appear legal and legitimate such as mobilising for minimum wages, attempting to acquire government lands held in illegal proprietorship by landlords, cultivating of tankbeds, etc., has to be seen in the light of the wide mobilisation of peasants in the area of central Bihar by several mass organisations which are following a radical left programme.

The civil liberties groups we are concerned with are themselves neither participants nor activists in the struggle, or part of the mobilisational activity. They are sympathetic commentators and document this struggle which is visible in parts of Bihar, Bastar and Andhra Pradesh.

It is in these reports of the PUDR and PUCL on Bihar, Andhra Pradesh and Bastar that the issue of mobilisation of the poor classes around issues of redistribution of land in excess of ceiling.
redistribution of qair mazarua land, the implementation of minimum wages or other manifestations of socio-economic exploitation has been investigated, reported and discussed.

In most of the PUDR and PUCL reports on this specific question of peasant mobilisation has been located in the socio-economic frame-work which is characterised by intimidation of the peasantry by landlords, low wages for the former, heavy concentration of landholdings, unauthorized possession of common lands by landlords, etc. The implication of such a mode of analysis is that any violence emanating from mobilisation is to be seen in the context of the socio-economic arrangement in which it is located, and not merely as apolitical action. This mobilisation cannot be viewed as a law and order problem alone, but is directed against a brutal socio-economic arrangement where powerful landlords may often be supported by the police.

Civil liberties groups have often reported upon incidents of deprivation of civil liberties which have emanated from clashes between landlords and peasants, or upon police interventions in such clashes, and upon the mobilisation of peasants under the leadership of front organisations and fringe groups of the CPI (ML) in Bihar, Andhra Pradesh or Bastar regions.
In presenting the case of the peasantry and tribals of the poorer sections, or while presenting a report against police highhandedness in the backward areas, the civil liberties groups expose themselves to the charge of being part of the radical left (or Naxalite in popular terminology). This charge is further substantiated by the emphasis in their reports on the socio-economic context of the issues of peasant mobilisation.

However it is difficult to accept this criticism of commentators who consider this mode and pattern of reporting on violence and mobilisation as evidence of civil liberties groups being either pro-secessionist or pro-extremist. In the numerous reports of the civil liberties groups there is no advocacy of secessionism, or any attack on the sovereignty of the State. In fact these groups decry violence and have frequently publically declared non-acceptance of violence as a strategy to solve problems.

The PUCL and PUDR have been critical of the policy of violence which has been followed by the extremist groups, the terrorists and the People's War Group. However, true to their civil libertarian orientation, they have a deep distrust of 'overpolicing' by the State as it tends to increase police high-handedness even against the innocent and is potentially dangerous for civil liberties of the people. They maintain that:
"the State has ample powers to combat terrorism without transgressing the law". 12

Their own numerous investigations have not left them room to doubt that the State has the proclivity to arm itself with more and more powers. 13

The groups recall the recent killing of journalist Ghulam Rasool of Hyderabad and the attempt of the police to pass it off as "naqalite" killing, thus raising renewed doubts about the authenticity of police encounters. 14

It is the contention of the PUDR and the PUCL that even in the course of meeting "naqalite/extremist activity, the police shall not compromise on the 'rule of law'. 15

A criticism of the civil liberties groups accuses them of being vocal in condemnation of police use of force against extremists and militants, but not forthcoming in their condemnation of the killings by the militants of the innocent. This however is not based on facts, because condemnation of terrorism and militancy has been frequently expressed. For example:

... we strongly condemn the murder of innocent persons both of [sic] Hindus and Muslims, committed by the militants. 16

Their consistent policy has been thus outlined:

... we are actively against the policy of combating private terrorism by recourse to state terrorism.
Such a policy is both undemocratic as well as unproductive....

Also,

The question here is not whether the Naxalites subscribe to the views implied in the Constitution and the democratic process. But rather the question is in dealing with the problem, whether we are going to abandon totally our belief in democratic values and sacrifice fundamental human rights.

Certainly the reports of the civil liberties groups do provide a critique of the State, state-behaviour and police high-handedness, but to consider this criticism—which is the very rationale of civil liberties groups—as an attack on State sovereignty, or as advocacy of secessionism, appears quite incorrect.

Successful organised effort at alteration of apparently unjust socio-economic arrangements by agencies other than that the state does tend to undercut the legitimacy of the State. This makes the state suspicious of the mobilisational activity carried out by peasant groups.

And when reports of the civil liberties groups highlight this mobilisation by peasant organisations, document their small successes, and sketch a picture of a denial of civil liberties, often highlighting the police-rich class nexus, the state may view them with a jaundiced eye.
Here it may be useful to comment briefly upon the mobilisational and organisational work being carried out by peasant organisations linked with the left parties in certain areas of Bihar, Madhya Pradesh and Andhra Pradesh. Much of this work is being done by mass organisations and fronts of the CPI (ML).

In Bihar, for instance, there are the Maoist Coordination Centre (MCC), the Party Unity Group, Indian People's Front (now with seats in the legislatures at Bihar and the Centre), the Liberation Front under Vinod Mishra. While some fringe groups of the CPI (ML) have retained the violent revolutionary methods - the People's War Group in Andhra Pradesh being one such - others like the Indian People's Front have taken the shape of political parties, and yet others work with agrarian workers, poor peasants trying to mobilise them for demanding their rights.

The changing patterns of behaviour, and apparent change in objectives have raised questions about the left ideology. Says Pranava Kumar Chaudhary:

All these movements from below serve to accelerate the pace of reform from above as they are not against the existing laws as such. So instead of developing in the direction of revolutionary peasant violence for the seizure of power, these movements are objectively broadening the base of present democratic mechanism.
However, when the civil liberties groups report on the activities of these peasant organisations, and when they project the issues of rights in the socio-economic context, they are mistakenly perceived as underwriting the same agenda of structural transformation as the peasant organisation they are reporting on.22 However, it must be pointed out that the civil liberties groups—the PUCL and PUDR—are not engaged in mobilisational activity. It is their 'subaltern' perspective, their "conscious bias in favour of weaker sections who have the least access to democracy", which has made this kind of reporting inevitable.

These groups are working well within the framework of legitimate and constitutionally sanctioned avenues of protest—i.e., discussing and reporting on state high-handedness, arbitrariness of police or the anomalies in the development of the state. Occasionally there is the creative use of the judiciary with the objective of increasing the sum total of liberty for a group of people—usually a marginalised group. These groups fall in the third category of our classification of voluntary organisations.

The issue of the ascribed 'naxalite' label seems to have a close parallel with the issue of 'terrorism' and the civil libertarian response.
The civil liberties groups stress the humane treatment of under-trials, a strict maintenance of rule of law, restraint upon the use of state power, and a curb upon state high-handedness. The State agency for law enforcement, while dealing with terrorists who are pressured by no human rights constraints (and in addition enjoy the advantage of the first strike) may find themselves at a disadvantage. The state and police also find themselves under criticism for any compromise on humane principles or on the rule of law in course of dealing with terrorists.

The response of the state to this is usually in the form of a criticism of the civil liberties groups. This criticism is shriller and sharper when the arena of the terrorist operations are sensitive border states and the terrorists themselves are perceived as indulging in senseless violent activity against the innocent people. The apparent position of the civil liberties groups appears as being supportive of terrorists and as subversive.

The position of civil liberties organisations is made more vulnerable when external groups of civil libertarians too emerge critical of the State on the same issue.

The state response towards this critique both from internal and external groups of human rights
activists ranges from casting aspersions upon the integrity of the domestic civil rights groups, highlighting the inhumanity of the terrorist action, declaiming that the libertarians are not forthcoming with a critique of terrorism as much as they are of the state, and as an extreme measure even calling civil liberty groups, foreign agents who are attempting to undercut the nation's integrity and sovereignty.

However, the endeavour of the Human Rights Groups has been/is to control and restrain state high-handedness rather than to pose any challenge or threat to national sovereignty. But in an atmosphere charged with the tension and strain of meeting terrorism, especially in the sensitive ethos of border states which are contiguous with unfriendly neighbours, public opinion becomes impatient with the commentary of the civil right activists upholding the rights of the under-trials, questioning the validity of the TADA and calling for a restraint on the police force.

However the civil liberties groups have not felt constrained to alter the pattern of the criticism they have always offered against the state high-handedness even while discussing police treatment of terrorists in Kashmir and Punjab and there appears no justification to perceive this criticism as threatening the nation's sovereignty or integrity.
However, the critique extended by the Amnesty International Report and Asia Watch Reports (apart from being linked with the "hostile" internal civil liberties groups of the country), have been criticised as false and unsubstantiated. The government has also responded that it will set up an Indian Human Rights Commission.\(^{27}\)

The CFD has the comprehensive objective of strengthening economic, social and political democracy. It is also inspired by the J.P. ideal of a Total Revolution which is interpreted to mean "a revolutionary transformation in all spheres of life". This revolution aims to bring changes in the social, moral, cultural spheres and subsequently political and economic changes too. This change is to be peaceful and non-violent. It stresses peoples committees which will generate people's power at the lower levels and imagines "a country-wide network of people's committees [which] will constitute the post revolutionary democratic state".\(^{28}\)

However this revolutionary agenda of the Total Revolution appears not to have disturbed the state and no hostile responses have been apparent on the basis of this proposed agenda of change of the CFD. The likely reasons for this could be the very slow progress of the idea of Total Revolution which is to be worked by a mechanism of peoples committees.\(^{29}\) A loose federation was attempted in 1986, at the all India level — the formation of "Sampoorna Kranti Manch". This had
representatives of members of groups believing in the Total Revolution idea. Subsequently it was disbanded at the National level. 30

However on two or three instances the CFD had to face a criticism of the state. One relates to the criticism on the Kashmir report, it co-authored in 1990 and later in 1991 on the protests it raised against the Kupwara incident where charges of mass-rape against the army were subsequently cleared by the Press Council of India investigation.

An incident leading to strain with the government arose from a CFD publication in 1985 entitled "Report to the Nation: An Inquiry in Punjab" in which allegations were made of the violations of the democratic rights of the people after the Blue Star operation in Punjab in 1984. The publisher and printer were arrested and the book was banned.

The CFD is an active organisation currently extremely vocal and vigilant in the issue of the violation of civil rights in Punjab and Kashmir. In May 1989 it came out with another report on civil liberties violations in Punjab. It has been a part of a team to study the problems of Kashmir in 1990, and then again in May 1992 along with the PUCL, Radical Humanist Association and the Manav Ekta Abhiyan. It is also part of a combined initiative of some groups termed the
Coordination Committee on Kashmir which has so far submitted six periodic reports, held a two day seminar and organised a rally on the issue of Kashmir.

It appears possible to list CFD in the third category of our classification on voluntary organisations.

Suraksha, with its agenda as an 'anti-dowry demand organisation' and family counselling activity, raises no issues which are sharply hostile to the state. There is some element of criticism of the police who handle cases relating to crimes against women, and of the working of the family courts and the lok adalats and about the general slowness of the Social Welfare Board in releasing funds. But there has been no hostility on part of the state towards Suraksha as a women's support group.

In its growing role as a development agency, Suraksha has acted as an agency of the state channelising income-generating opportunities. Similarly, the state is cooperating through the Jal Nigam with UNICEF and Suraksha in developmental activity of sinking hand-pumps. In the course of its rural awareness raising programmes in the villages, Suraksha has served, in a small way, to bring about improvement of the road to the village, worked towards obtaining improved medical attention for the area, and for more
hand-pumps, through its contacts and efforts. It has moved applications on behalf of the villagers for these developmental necessities.

Thus while attempting awareness through rural camps, and discussing the issue of legal rights constitutionally available, Suraksha's effort is towards 'empowering' villagers in the economic sense. Of course awareness of the location of the individual in a system, the comprehension of the complex array of restrictions which delimit and restrain the individual, and the conscious process of struggle to break free from perceived and comprehended restraints, which is also empowerment, has not been aimed at.

Social awareness and some degree of empowerment may develop from the economic intervention (income-generation projects), educational effort (balwadi and adult education), and awareness raising (information on legal rights and women's rights) and some health improvement programmes. To an extent the innovative Tractor Programme itself may help in the process of women's empowerment.

Suraksha has commented upon the need for changes in some laws (relating to the dowry legislation), and has spoken of the need for strict application of some law (that relating to the equal share of the woman's inheritance in the self-acquired property of the
father), and has also pressed for the registration of all marriages. However, in the course of its development activity, Suraksha has raised no issues regarding women's position in the context of caste, class and patriarchal dominance.

The programmes and activities of Suraksha raise no issues which are hostile to the State, and therefore Suraksha may be placed within the second category of voluntary organisations.

Manushi has been prolific in reporting on women's struggle against oppression both by the state and by the richer groups. In an article on women in the Shramik Sanghatana31 Manushi documents the process and mode of women's gradual empowerment - how women could gradually identify those patterns of exploitation which they shared with their men-folk and those which were specific to them. The former were long hours of work, low wages, the latter were the harassment, beating and even rape by the richer peasants, landlords and chowkidars of the crop protection societies. Women, assisted by activists of the Shramik Sanghatana, through the medium of women's shibirs, were able to build up resistance against oppression. They learnt to protest creatively, through strikes, and gheraos, boycotting of elections and even by the collective breaking of liquor pots as token gestures against alcoholism.
In another article, there is a commentary on the issue of peasant mobilisation in Andhra Pradesh under the Ryotu Cooie Sangham against illegal landholding, bribes and fines extracted from labourers by landlords, against low wages and compulsory labour. The article also talks of the Ryotu Mahila Sangham which is the subsidiary women's wing organised around the issue of the exploitation of women by the landlords. The article documents how this mobilisation and organisation in the taluks of Jagityalla and Sirsilla, against the vested interests has led to the declaration, by the State of the area as disturbed, under the Andhra Pradesh Suppression of the Disturbance Act. This makes clear the rich class-state nexus in keeping the exploited group docile and unresisting.

Manushi has also reported upon the mobilisation of women in the Uttarakhand region protesting against liquor and drunkenness as well as against the forest policy of the government, and the larger development policy. Not only did the women oppose the government contractors who came to fell trees, but also the armed police sent subsequently. Their unique form of protest chipko or embracing the trees to protect them was able to generate an environmental consciousness through the country. Further the women were trenchant in the criticism of a development policy which ignored important interdependancies. "Planning without fodder,
fuel and water is one-eyed planning", was their slogan. The women pointed out also to the unequal distribution of the advantages of development in their area.

Another article has documented the process of exploitation in the tobacco/bidi industry in Nipani, and has commented upon the women's strike and process of unionisation as well as the empowerment of women as a consequence.34

Manushi has, in course of two articles pointed to the behaviour of the states which has continued to underwrite women's inequality. The lacuna is that only men are recognised as heads of household, and when the state bestows land as relief, or extends some other state aid, it is given only in the name of men.35

Manushi has also moved a writ petition in the Supreme Court seeking changes in the law which governs the Ho tribals in Bihar in which women are denied the right of inheriting land.36 According to the prevailing law, land can pass to the male relative in the absence of a son. Widows and daughters are given only usufructory rights. This inequality appears highly unjust in the light of the fact that eighty per cent of the agricultural work is done by women.

In some editorials Manushi has stressed upon "Changing the rules of the political game"37 and has
suggested "Why Can't We Report to Each Other?". In an earlier chapter we have examined the suggestions made within Manushi for self organisation, of building citizens' countervailing power against the state authority, and of exerting community pressure to secure accountability of the state functionaries to the public. In the Manushi columns there is an indictment of the processes followed by the police and law-courts, especially in cases of crime against women. Manushi raises the issue of "redefining justice" of "shifting the weight of social opinion in favour of women". This is seen as becoming possible only through "conscious and sustained women's action". There is a realisation which has developed from an initial despair and demoralisation:

We have learnt the value of women's organised action. We have realised that rights are never given to anyone - they have to be demanded or struggled for! This kind of structural change apparent in the columns of Manushi are perhaps more far-reaching and potentially effective than even a call for a violent or armed revolution. These suggestions are practical, implementable and potentially subversive of the prevailing system which Manushi sees as unjust. This has to be perceived along with numerous suggestions scattered in course of many articles of Manushi, e.g.,
community organization, neighbourhood politics, decentralisation.

In an early editorial Manushi had called for a complete review and redefinition of women's place and role in society:

Let us examine the whole question, all the questions. Let us not only redefine ourselves, our role our image but also the kind of society we wish to live in. 42

The agenda of change in Manushi goes far beyond a criticism of patriarchy to restructuring society in a manner which is fair and just to women.

However, there has been no overt or covert hostility between the State and this women's organisation. Apparently the critique of the state and government embedded in the writings has not been fully comprehended, since Manushi is still generally known as a 'women's journal.' 43

Thus over the years, Manushi has vocalised a criticism of the state on several issues. There has been, in Manushi's columns an indictment of the state in wake of Deorala sati, a protest against the prevalence of capital punishment, a criticism of health care and of the poor conditions prevailing in some resettlement colonies of Delhi.

Manushi may be placed in the third category of our classification of voluntary organisations.
In the complex issue of reconciling rights and state control, voluntary organisations have played an important role.

By constantly keeping the issue of civil liberties alive, they are able to prevent the state from exercising the soft option of excessive regulation. They act as watch-dogs keeping open a space for the people, preventing the state from authoritarian action. They are also able to, therefore restrain people from turning towards extreme and radical activity directed against the state.

These groups are able to protect the opportunities for democratic discourse for discussing and debating issues, and preventing an erosion of democracy.

The groups have also highlighted the socio-economic issues linked with denial of civil liberties, e.g., the caste, class, gender constraints within which they operate. The terrain of structural violence throws up unique configurations of repression, e.g., the rights of poor women who may be criminals, or minority women who are poor, or dalits who are poor and displaced.

In this study an attempt has been made to document how voluntary organisations have worked to enhance people's spaces. When traditional avenues of change - political parties and elections are not able to
comprehend many of the people's demands and when the politico-legal structure too is not responsive to their particular demands, voluntary organisations and voluntary activity may step in to create new support mechanisms, new spaces for the people. Voluntary organisations emphasise the importance of democratic pressure built from below.

We have through the medium of studying the work of some voluntary organisations attempted to throw some light on the issue of civil liberties and democratic rights. We have attempted to highlight the possible restrictions in the utilisation of civil liberties and democratic rights - problems which may stem from a legal short fall, improper law, uncorrect implementation of law as well as from the structural arrangements in the society, and the role which voluntary organisations can play in overcoming these problems.

It is apparent that in issues where voluntary organisations restrict themselves to a limited agenda of social transformation - one which does not challenge the prevailing structural arrangements of society - the state behaviour is tolerant, accommodative and even supportive of their work and activity. When however voluntary organisations continually highlight state lacunae and undermine state legitimacy, the state may respond sharply. At the same time however, the state
may also work to remove the lacunae pointed out. The action of the Indian State of working towards the setting up of a Human Rights Commission may be seen as an institutional change made in response to critical commentary by voluntary organisations. This also highlights the importance of the pressure-group and lobbying activity performed by voluntary organisations.

The material generated by three civil liberties groups — the CFID, PUCL and PUDR and the women's group — Manushi, also documents the denial of civil liberties at the level of the grass-roots and among the economically weaker sections. These specially highlight how the economically powerful and entrenched interests may align themselves with state agencies, at the local levels, and thus limit, restrict or even deny the rights of the weaker groups. They highlight too, how peoples right are inextricably linked up with the developmental choices made by the State — i.e., large dams, mining projects, afforestation, programmes favouring industries, etc. This is a telling commentary upon the nature of the state.

The reports have also highlighted the importance of empowerment and mobilisation of the weaker groups at the grass-roots level in order to bridge the gap between guaranteed rights and their actual implementation by state agencies.
The reports of the civil liberties groups, and of Manushi have thrown light on the pattern of entrenched interests, power structures, denial of rights and even mobilisation patterns.

An important addition to information has been the empirical illustration of the various kinds of mobilisation existing in society. Implicit is the recognition of the importance of this kind of protest, and mobilisation. Permissible spaces between the law have been used by groups - or by voluntary organisations on behalf of groups - to empower oneself, or empower a social group. Examples of these are cooperatives, unions, income generation programmes. Also a responsive judiciary can be made to respond and influence change by using the medium of social action litigation. Mobilisation can take the form of strong social protest against infringement of liberty or rights. It may also include the work of Marxist Leninist groups among the poor agricultural workers and wage labourers or poor tribals on the issue of minimum wages, implementation of ceiling laws, restitution of illegally occupied common lands and tanks.

As discussed earlier, the mobilisational activities may be seen as supplemental to, or critical of the State.
The study of the work of the five voluntary organisations has contributed to the development of a civil liberties, democratic rights consciousness, and a critical socio-economic awareness of the context in which rights and liberties are located. It has also generated a critical awareness of the state as well as of its agencies in the course of implementing rights and guaranteeing liberties. This critical perception is most vital in the specific context of the role of state agencies vis-a-vis the least powerful sections of society — the women, the dalits and the poor.

The study has attempted to relate the discussion of rights and liberties from Part Three and Part Four of the Constitution to the realities of the socio-political situation in India.
NOTES

1. **Shramshakti, The Report of the National Commission on Self Employed Women and Women in the Informal Sector** (1988) has pointed out that the even the State violates Equal Remuneration Act. "Virtually nowhere did we find equal wages being paid to men and women for the same work - not in any occupation ... Even when the Government is the employer, the payment to women is less than to men for the same work ...., p.l ix.

2. On the other hand the practice of democracy and widening education too has aided in the politicisation of people, as well as in widening, growing expectations of what the State should do for its citizens.

3. **Commission of Sati (Prevention) Act 1987.**

4. The Eighth Five Year Plan too envisages a role for the voluntary organisations, though it does not give them the same prolific treatment as the Seventh Plan which had an entire chapter on voluntary organisations.


6. The "A.P.: Press, Para Military and People", PUDR (Delhi), 1992, has a boxed item "Excerpts from the counter affidavit filed by the Director General of Police, Andhra Pradesh, in the matter of Mandadi Narsimha Reddy and another versus state of Andhra Pradesh, which describes the activity of a praia court of an extremist group. These aim to solve people's grievances in order to enhance their own credibility. Their armed strength ensures ready compliance of 'judgement'. Punishment is dispensed in cases of exploitation and harassment of poor even in personal matters and, states this document ".... the extremists have also been emboldened to question the Sarpanches on the utilisation of the Jawahar Rozgar Yojana funds, forest functionaries on the goat grazing tax issues and compromised criminal cases pending in the court", p.4

7. Arwal has been pointed out as an instance of grave police repression and was investigated by the Indian People's Human Rights Commission. At the root of it lay a dispute over 27 decimals of land between one claimant and nine landless families who attempted to acquire it.
8. Swapan Das Gupta criticises the civil liberties groups for locating the discussion on peasant mobilisation in a socio-economic context. "The projection is deliberate because by conceding to Naxalites the moral right to wage a violent struggle, the state is inevitably committed to a policy of pandering". See, "The Fifth Column: The Stage-Army of the Good", Times of India (New Delhi) May 21, 1990.

However on the other hand, A.K. Ray points to the contribution of the democratic rights movement in the country as having "provided the necessary challenge to a section of former and potential Naxalities in India just as the peace, environment and feminist cause has dented the social base of the New "Left in the West". See "The Democratic Rights Movement Acts As 'Watch-dog', Times of India (New Delhi), 6 June 1990.

9. Says Swapan Das Gupta, "There is little doubt that some civil liberties groups have operated as cover for extremist groups committed either to secessionism or the overthrow of the state through violent revolution". See, Swapan Das Gupta, op.cit.

10. See letter in the Press of Justice Rajinder Sachar to the Editor Times of India, 29 May 1992, "The PUCL has no political affiliation. Its aim is to work for protection of human rights and protest at its violation by anyone, including the government and private groups. The PUCL has times without number proclaimed that it condemns violence in public life. Reference also made to this letter in PUCL Bulletin, No.24, July 1992, p.16.

11. Banning of the People's War Group, PUDR (Delhi) 1991. Also see letter of some prominent individuals connected with the civil liberties groups, protesting the ban on the People's War Group and others, to the Editor, Times of India (New Delhi) 18 June 1991. "We do not endorse the violence of these groups but such bans invariably tend to end up in the suppression of all forms of political dissent....". Also, "It is not our belief that Naxalite violence should be condoned. Recently Naxalites have also been involved in kidnapping even petty officials, frequent destruction of buses and attempt to sabotage the railway lines, endangering the lives of hundreds of people. Any government is bound to take a firm action against all such offences". "People, Paramilitary and People", PUDR (Delhi), 1992, p.6.

13. The PUDR quotes the figures APCLC has compiled to support that the police may be misusing the vast powers that have accrued to it. In 1991, 17 people were killed in police custody, 12 in police firing and 106 in encounters and one was missing after arrest. Ibid., p.7, The report also documents frivolous use of power given to the police under the TADA.


15. Says the report "Police are bound by the Constitution, and the rules of law applies even to those who do not politically or philosophically subscribe to it. That is what democracy is about". Ibid., p.7.

16. Is Kashmir Burning, op.cit., In a letter to the Editor dated 29 May 1992 the President of PUCL, Justice Sachar protests a similar charge, "while I fully agree with your calling the terrorists an uncivilized lot. I must protest against the gratuitous and incorrect comment that "civil liberties organisations ... tend to maintain an eloquent silence on the murder of innocents ..." This is a deliberate misstatement...." see, PUCL Bulletin, No.119, July 1992, p.16.

17. See, "Is Kashmir Burning?" op.cit., p.27.

18. K.G. Kannabiran has pointed out that this stand was taken in June 1978 when the civil liberties committee (made at the initiative of J.P. under the auspices of CFD), walked out protesting the decision of the Andhra Pradesh Government to hold investigation into "encounter" deaths "in camera". This he maintains is the present stand of the APCLC. The above statement was made to the TLN Reddy Commission of Enquiry on Disappearance in Andhra Pradesh. See, PUCL Bulletin, No.119, February 1992, p.12.

19. John H. Schaar quotes Seymour Martin Lipset. "Legitimacy involves the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the Society". See, "Legitimacy in the Modern State", William Connolly, ed., Legitimacy
And according to Juan Linz, legitimacy is "the belief that in spite of shortcomings and failures the existing political institutions are better than any others that might be established and that they therefore can command obedience". Juan Linz, The Breakdown of Democratic Regimes: Crisis, Breakdown and Reequilibration (Baltimore: The John Hopkins Press, 1978), quoted in Leslie J. Calman, Protest in Democratic India: Authority's Response to Challenge (Boulder: Westview Press, 1985), p.6.

20. Arun Sinha comments: "Here began the experiment of working with people from outside the faith and from outside the faith within the faith". "Lessons from a Bihar Movement", Economic and Political Weekly (Bombay) 23 April 1988, pp.824-826. Also see, Shailendra Kumar, "Bihar Naxalism Degenerates into Casteism", Indian Express (New Delhi), April 12, 1992.

Also see PUDR and PUCL reports on Bihar mentioned earlier.

21. Pranav Kumar Chaudhary, "Marxists Leninists in Bihar are Introspective", Times of India (New Delhi), 30 July 1990. He also refers to: "the growing chasm between the Liberation group's revolutionary perspective and real life practices in bringing about immense tensions within the group".

Since voluntary organisations have always been a mixed bag, groups which are not political parties appear at the open fringe of the voluntary organisations' spectrum. Thus included are the Chattra Yuva Sangharsh Samiti, the Jharkhand Mukti Morcha (now a party with seats in the Parliament), the Bhoomi Sena in Thane Maharashtra and the Shramik Sanghatana in Dhule, Maharashtra.

The above mentioned Maharashtra organisations are non-party groups attempting to politicise the poor, instruct the rural poor in their rights and teach them the method of organising so that they can build up their own movements. They educate on non-alcoholism and gambling too and are decentralised and non-hierarchised. It may be noted that one group inside the Shramik Sanghatana is influenced by Marxist ideas, See Leslie Calman, op.cit., pp.164-174.

22. The Kashmir Report (1990) of the PUCL, CFD, RHA raised controversy. See, letter to the Editor of
M.V. Ramamurthy, Vice President, PUCL (Andhra Pradesh), entitled "The PUCL Report", Indian Express, 6 May 1990. This criticism has been met with other articles. For example, See Editorial PUCL Bulletin, No.99, June 1990.

The protest reaction of the civil liberties groups relating to the issue of mass-rape by security forces at Kupwara, Kashmir, created a controversy, for a subsequent Press Council findings challenged the authority of the report. It was seen as maligning the armed personnel and lowering their morale. However the Press Council investigations have been criticised too. See Patricia Gossman of Asia Watch, letter to the Editor, 6 February 1992; and see article "Kashmir-Crisis and Credibility", PUCL Bulletin, No.114, September 1991, pp.7-12. Later again followed an article "Crisis of Credibility : A Statement issued by Forum for Women and Politics" PUCL Bulletin (New Delhi), No.118, January 1992, pp.9-12.

24. See, Swapan Das Gupta, op.cit., Also see a letter to Editor by Dr Hari Om, Indian Express (New Delhi) 15 May 1990.


26. This impatience is evident from some letters in the press which voice the feeling that human rights groups are weakening the State.

This substantiates an editorial comment in Lokayan Bulletin. "There is a growing realisation that a weak and insecure state ... can help generate a mind-set particularly among the better off citizens, that all such dissent and protest activity is anti-state, anti-national, inherently destabilising and therefore needs to be put down with a heavy hand". Lokayan Bulletin (Delhi), 5:4/5, p.3.

Says Nayantara Sehgal, "In a situation dominated by fear psychosis civil liberties begin to look very
unimportant". "We have a Right to Know", Indian Express (New Delhi), 27 October, 1985.

27. In September 1992, the Centre called for a conference of Chief Ministers on the issue of setting up a Human Rights Commission. The major issues to be examined were to be custodial crimes, atrocities against scheduled castes and scheduled tribes, women and children, enforcement of laws for bonded labour, child labour and prison reforms. It would also try to find a way to sensitise the police and the administration.

The issue of institutional reforms, status of the proposed Commission and its relationship with other existing Commissions such as the Scheduled Castes and Scheduled Tribes Commission, Minorities Commission and Women's Commission has to be determined. See, "CMs to discuss new human rights panel", Indian Express (New Delhi), 14 September 1992.


29. Though groups inspired by the Total Revolution idea are active in Bihar, having established Lok Samitis in the areas they are active, e.g., the Nav Bharat Jagriti Kendra, the Jan Jagran Kendra, the Rashtriya Lok Samiti, etc. See, Philip Elridge and Nilratan, "Voluntary Organisations and Social Movements in Bihar", mimeographed paper (undated).

30. However it is retained at the state level in Bihar.


1990, pp.2-27.


39. See these statements: ... these police stations are centres of systematic violence ...", "... we know how humiliating the trial is for the woman victim, how cumbersome and long the legal process and how expensive to buy justice". Ibid., pp.5-6.

40. "What we need to ask ourselves, is whether, when we demand justice, it is only implementation of the existing laws we want? ", Ibid., p.5.

41. Ibid., p.5.


43. Kishwar attributes this also to the Journals absence of political identification with any political party and also to complete non-dependency for funding to any agency. Interview with Researcher, 7th January 1993.