

Context and Dynamics of Civil Society in the 21st Century

- the Workshop Report -

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Hosted by:
CWDS, HIVOS, ICCO, NOVIB & CORDAID



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Preface

It is with great pleasure that I present the report of the Workshop on Contexts and Dynamics of Civil Society in the 21st Century held in New Delhi in February 2003. While the workshop was facilitated by the Centre for Women's Development Studies (CWDS), New Delhi, it was jointly organized by the four Netherlands based Co-financing Agencies (CFAs) viz., the Humanist Institute for Co-operation with Developing Countries (Hivos), the Interchurch Organisation for Development Co-operation (ICCO), the Netherlands Organisation for International Assistance (NOVIB) and the Catholic Organisation for Relief and Development (CORDAID) in co-operation with CWDS.

Participants to the workshop included representatives from the above organisations, selected partner organisations of the four CFAs, resource persons from India and the Netherlands and representatives from the Royal Netherlands Embassy in India.

The need for such a workshop was felt by the CFAs on two considerations. In 2000, an evaluation of 20 civil society building partners of ICCO, CORDAID, NOVIB and Hivos was carried out and the report of this evaluation spurred a discussion within the CFAs on future optimal role and possible strategies of financing and supporting their present and future partners in India in the 21st century. The CFAs also wanted to develop a clear and coherent policy with transparent goal on civil society building in India. The second important consideration was to re-examine the role of CFAs and the nature of civil society building in the context of rapid social, political, economic and cultural developments taking place in the last decade of the 20th century in India.

The focus of the workshop, therefore, was to elaborate with key partner organisations, resource persons and others on possibilities and dilemma for partnerships and alliances between different actors – firstly among civil society organisations (CSO) and secondly between CSOs, Government, State and Corporate sectors. The workshop was also to explore possibilities in the context of the four dimensions of civil society building such as building organisations and partnership, alliances and networking, lobbying and advocacy and enhancing citizenship, for influencing national policies. In order to achieve an outcome, emphasis was given on lessons learned, secret of success, and on praxis rather

than on concepts and theoretical notions of civil society building. This workshop was meant to be the first step in a process of joint reflection by CFAs with their partner organisations, on the dynamic and complex processes of civil society building in India in a new era and amidst critical conflicts being witnessed in the field.

For preparation of the Workshop and to achieve its objectives a Core Committee was set up with representatives of CWDS, Hivos and ICCO and Dr. R.K. Srivastava from the Centre for the Study of Developing Societies, New Delhi, who co-ordinated the evaluation of CFA partners in India referred to above. The Core Committee held two meetings between June and November 2002 to set the agenda and logistics. The November meeting of the Core Committee was preceded by a meeting of the CFAs at the Hague in October 2002 which further clarified the topic of civil society building in India as relevant to the CFAs in the 21st century. The November meeting of the Core Committee fleshed out the focus of the workshop into sessions and themes which were finally adopted for the Consultation on 20th and 21st February 2003. While the CFAs identified their partner organisations to participate in the workshop, between December 2002 to mid-February 2003, I was finally able to receive confirmations from resource persons from India and the Netherlands who ultimately could make to the two-day consultation. Here I must record my gratitude to Dr. Shobha Raghuram, Regional Director, Hivos and to Ms. Nelleke van der Vleuten and Mr. Lennard Roubos, both from ICCO, for their constant encouragement, suggestion and support to enable me to facilitate this workshop.

This report is an evidence of sincere contributions of all participants to the workshop – their concern about present day crises and challenges and their commitment to face these and take position. The Report reflects a common concern emanating from the CFAs, their partner organisations working in the field, and the thinkers, intellectuals and activists acting as resource persons. This was the rare achievement of the consultation and I express my gratefulness to the participants for keeping their presentations, discussions and comments on right track.

The workshop did not draft or intend in the first place to draft a clear set of recommendations to anyone. It wanted to reach an understanding - based on interventions, experiences and assessment, of the participants for strategies and the critical role each was required to play in future. This report therefore serves

a common purpose of providing the direction and a platform to those also who did not attend this workshop.

This report has been intentionally designed to record as far as possible, verbatim presentations to maintain individual opinions, passions and sentiments intact. What is missing however is the rich background materials circulated in the workshop. I regret that these could not form part of this report. Other details such as agenda, list of participants and invitation letter appear at the end of this report. I believe that the report will carry useful messages to the CFAs, all their partner organisations and other civil society organisations at this juncture of the 21st century. I take this opportunity to thank all the participants for being frank, forthright and fully involved in their contributions.

To the four co-financing agencies and to the members of the Core Committee, I express my gratitude. Usha Wali of CWDS helped me immensely at the preparatory phase and later managed the Secretariat with Julietta Venkatesh from Hivos during the two-days of the workshop. I am indeed grateful to them both. The Administrative Officer of CWDS deserves thanks for taking care of the logistics and the Accounts Section for handling the financial matters. I am thankful to Sreelekha Nair for preparing a first draft of this report, and to Sundaresh, Swapna and Usha for making it ready for printing.

Narayan Banerjee

Introduction

“The gap between the world of knowledge and the world of action, although perennial, is probably the widest in the area of development. In no other field is there such a sharp divergence between rational statements about what is objectively possible to achieve, about the direction in which developmental change should take place and the real-life processes that criss-cross the lines of development and non-development, change and status quo. And, paradoxically, it is in the area of development that the justification of knowledge is often sought through action. Thus, while the codified knowledge about development seems to have increased a great deal, the reality of underdevelopment of the vast populations of the world is left far behind.

It is no longer credible to characterise this situation as one involving the usual time lags — either between knowledge and action or between the ‘developed’ and ‘developing’. It is not a question of the chronological time it takes knowledge to translate into action or the time that an ‘underdeveloped’ society takes to become ‘developed’. It is about the gap that has now become more or less a permanent divide between elites in the society who, aided by the knowledge-power nexus, exercise control of development, and the ordinary people who, in practice, are denied development. My purpose here is to examine the relationship between the prevalent form of social knowledge and the political power of elites, and show how this relationship has given rise to an ideology of development which totalizes developmental aspirations of people but denies them actual development, i.e. any role in defining or realising it for themselves.”(D.L.Sheth, I.P.Desai Memorial Lecture: 12, Centre for Social Studies, Surat, 2000).

The spirit of the above words was incorporated in the workshop on the ‘**Context and Dynamics of Civil Society in the 21st Century**’ jointly hosted by the Centre for Women’s Development Studies (CWDS) and four Netherlands based Co-Financing Agencies (CFAs) viz. Hivos(The Humanist Institute for Co-operation with Developing Countries), NOVIB (Netherlands Organisation for International Assistance), ICCO (Inter Church Organisation for Development Co-operation)

and CORDAID (Catholic Organisation for Relief and Development) on 20 and 21 February 2003 at the India Habitat Centre, New Delhi.

Fifty participants registered for the workshop (See list of participants). They included representatives of the CFAs, their selected partner organisations, the Dutch National Working Committee on India, the Royal Netherlands Embassy and resource persons from India and the Netherlands.

For several years CORDAID, ICCO, NOVIB and Hivos have supported Civil Society Building in India in coordination with their Indian partners whose focus has been to play the role of mediating institution between the State and its citizenry. Civil society is distinct from the State apparatus, but not separate from it. In the process of civil society building, the role of civil society organisations (CSOs) is generally understood to consist of four elements: institution building, network formation, lobby and advocacy towards the state and market forces, and citizenship building.

The whole spectrum of CSOs is rather diverse and complex. Amongst them are the various unions, movements, NGOs, churches, other religious institutions, traditional organisations at the village level, student movements, youth organisations, professional organisations and consumer groups. While some are formal and long established in nature, some are informal and exist for a short period of time only. Together they form a colourful mosaic of social formations in India.

One of the main themes in the CFA's work has been Civil Society Building(CSB). With the major repositioning of the State which has been taking place recently, a Steering Committee on behalf of the Dutch government decided on an evaluation to assess the particular relevance of civil society building in India today: the relevance of partner organisations in the process of civil society building; the effectiveness of their interventions and the specific contributions which the donors have made to this process. With this end in view, researchers from Arcadis BMB, Arnhem and Centre for the Study of Developing Societies (CSDS), New Delhi developed the conceptual framework and methodology for the India Study in 2000.

The evaluators concluded that partner organisations of the CFAs are highly relevant to the building of civil society. The special relevance of the partner organisations, they concluded, lay in their capability to contribute to networking and alliances and in their potential to influence the State and the Market. In this context, it is

to be kept in mind that CSOs in India are from different backgrounds and reflect diverse realities.

The main aim of this Workshop was to identify today's social conflicts and to try to suggest and locate concrete steps and democratic means available to CSOs to accelerate real social change.

A core committee, representing Hivos, ICCO, CWDS and Dr. R.K. Srivastava of CSDS set the terms of reference and the agenda for this workshop. The objective was that the workshop would attempt to bridge the gap between civil society per se and the NGO sector; to identify the challenges facing CSOs and their donors in finding and developing multiple objectives and strategies and keeping in mind the diversity in the development process and the rapidly changing socio-political scenario, in order to respond to the demands of the marginalised groups for the right to development and freedom from all forms of discrimination.

Welcome Address

Mr. Narayan Banerjee, CWDS, **Dr. Shobha Raghuram**, Hivos, South Asia Regional Office, and **Ms. Nelleke van der Vleuten** of ICCO welcomed the participants.

In his introduction, **Banerjee** pointed out that structural poverty and lack of access by the poor to productive resources are a major problem. These are also further exacerbated by the problems of the minority groups and women and the State is largely unsympathetic to them. Social resistance of the elite groups - to the process of decentralisation, often in collusion with bureaucracy, political parties and other vested interests, or to the assertion for the democratic rights by the marginalised sections and to the functioning of CSOs within the multi-cultural and political systems that exist today, has unleashed several conflicts between groups. He stated that building issue-based networks and forums from the local to the national level, was both a time consuming and an expensive process and did not easily fit into a project framework. Similarly, challenging the state, the market and other unjust power structures at local level is becoming increasingly difficult for NGOs and other civil society organisations. He mentioned that the vast intellectual and professional human resources located within the university system, academic institutions, professional organisations, employees' associations, corporate sector etc who tend to remain neutral should engage themselves in civil society building processes. Lastly, he drew attention of the participants to the resistance and even suspicion faced by secular minded NGOs, especially in the face of traditional forms of authority, which were asserting themselves and putting women's rights and gender equality at risk. He remarked that this was more visible in the *Panchayat* system and in the rising graph of violence against women.

Dr. Shobha Raghuram referred to the Workshop as being a unique meeting of organisations from very diverse backgrounds, but with the abiding commonality of many years of focused engagement in the field, to narrow down the extreme divides that mark this country across caste, gender and community. Another very central concern that marked the work of all the organisations, she averred, was to assist people to access their entitlements as enshrined in the Constitution, whether for those in the informal sector or for women. She called upon everyone to rewrite the Indian experience in the voluntary sector and to take a look at the

types of organisations they have been engaged with over the years. This history of voluntary experience cannot be homogenised; it is extremely complex – both in the nature of the institutions and in the diversity of approaches. These are again complicated by the fact that positions and efforts are often issue related.

She also pointed to the emerging rich debate that has been going on regarding the types of organisations that CFAs and other Development Aid Institutions may engage with. There are also others who are critical, within the limits of their organisations, of the fact that communities are not central to the discussions between CFAs and other organisations. She concluded by saying, ‘Transparency is required from all of us round the table and we look forward to a very open discussion’.

Ms. Nelleke van der Vleuten of ICCO mentioned that civil society organisations, like the trade unions, religious organisations, freedom movements, women’s movements etc, are very anxious to fight for development and social change- but they alone cannot develop and achieve the agenda of human development. The CSOs are officially being recognised as stakeholders in the development process by the state and the international community. They assist to increase the claim-making power of the citizens, of women, consumers, producers etc towards the state and the market. They endeavour to promote pro-poor policies and secular and democratic governance. They play the role of watchdogs or they work to implement development programmes designed by the government. They might act as mere sub-contractors for poverty alleviation programmes. The important issue here for all concerns is the grey – or should it be the golden area - in between. How can NGOs be most effective, not only in the short term but also in a broader horizon? How can these issues be addressed and how can these NGOs work together with other actors, both within the spectrum of civil society and beyond?

Having set the tone for the workshop, Ms. Vleuten went briefly into the background of the workshop stating, ‘Part of the mandate of Dutch CFAs is to support civil society building in the countries where we are working. Most of you are aware that about two years ago, a study had been conducted to assess the results thereof in India. As a result of the study, the CFAs decided that it was relevant to engage in a process for further reflection and mutual learning on issues related to CSB in India’. She quoted from the CWDS’ invitation letter (see annexure): ‘There are several critical conflicts going on at the moment. The workshop may examine those and suggest concrete steps, through available democratic means, to the CSOs, on whom society looks with high expectations. And we have to realise that civil society groups in today’s context themselves face

the crisis of identity and legitimacy'; and referred to the invitation letter which enumerated the four thematic issues, comprising the focus of the Workshop. She called upon the participants to reflect on their joint praxis and to identify areas for improvement and more concerted action, and finally, to develop a 'modest agenda' for joint future action and the kind of civil society that all would like to achieve in India. Of the four dimensions of civil society building such as organisation building of community-based groups, networking and alliances, lobbying and advocacy and building citizenship, this workshop, she said, would be interested more to focus on networking and alliance building and lobby and advocacy. The agenda of the workshop (see annexure) reflects that focus. On the issues of livelihood, right to information and social violence, the CSOs are required to reflect on questions like how do CSOs work on these issues, with whom do they link and for what reason and how? How do they relate to the state and the private sector forces while working on these issues and what are the possibilities and dilemmas for partnership with these other actors?

The next issue that the workshop intends to address relates to the existence and legitimacy of NGOs and to governance in the broader social environment. CSOs demand the state to be more accountable, democratic and transparent and the corporate sector to justify their licence to operate as corporate citizen. How do the CSOs, especially those who are not membership based, who demand these actors to be more accountable, democratic and transparent, put that in practice?

She concluded by saying that the last focus of the workshop was to reflect on the relationship between the partner organisations and the CFAs. How can the CFAs, as part of civil society in Netherlands best support civil society building process in India? Terms like partnership need to be defined and contextualised in relation to the themes of this workshop. What is expected from CFAs, what are the feasible dimension of CFA co-operation, who should set the agenda and how to overcome certain dilemmas that all face today?

Session I
**Civil Society Building in India: Context and
Dynamics - Panel Discussion**

I Civil Society Building In India: Context and Dynamics - Panel Discussion

Shobha Raghuram requested that in view of definitions and critiques of development models that have presently come up, the CFAs require the panelists, apart from analysing the development models, to look at the nature of engagements at alliance building or networking, role of the state and what are the perceived trends. She encouraged the panelists to come up with such recommendations which are tangible in the context of long term nature of the development work and in response to the kind and amount of pressures that development aid institutions are coming under. She mentioned that the amount of work that is being done demands result assessment, and the pressure on the partners and the donors together tends to create a difficult position where the CFAs not only have to monitor field results with the partner organisations, but also have to defend the sort of work the CFAs are doing at countries based in the North. Given those sort of pressures, the CFAs are concerned that they have much longer commitment to communities and it is in this context that the CFAs seek the advice from the panelists to take home.

Prof. Kristoffel Lieten, University of Amsterdam, who chaired the first session remarked that the context of civil society building is very important as the discussion is not just on the role of NGOs but on their role in a world fraught with numerous problems-inherited and cropping up everyday. Problems range from immense poverty and the increasing divide between the developing and developed world, to the everyday danger of overall military destruction, to depletion of world's resources and ecological disaster. The present world also faces the problems of drugs, of obscurantism, fundamentalism and terrorism. These issues have to be confronted within the society and the NGOs have a role to play. It is this setting that guides the actions and work of NGOs. The NGOs which started around 1980 marked their presence in the development field but now the challenge before them is different and they have an important function to perform and if they do then 'how' and 'with whom' is it going to be performed and what specific issues need to be addressed.

While quoting Mahatma Gandhi "Let all the winds and all the new ideas come into your house, but stick to your fundamentals, stick to your bases", Dr. Lieten

requested the panelists and participants to put aside the inhibition of going in for such type of discussion. Dr. Lieten's exhortation to the participants that 'one should not be afraid of confronting and being confronted by other approaches' is relevant as all - irrespective of where one belongs- in academic, political and government circles - have similar concerns, and those concerns are about the world problem mentioned above. With these opening remarks he invited the panelists to make their presentations.

Prof. Ghanashyam Shah, Jawaharlal Nehru University, began by saying that he considered civil society building to be a very important arena of public life. He said that when people talk about civil society they talk about society en masse. But to him society is not civil society. Civil society stands for citizenship, equality and mutual respect. Discussions on civil society in the last decade have observed a concern for the common good. Though this is the major concern of both society and state, the difference is that the state is well defined and is a political power with institutions and constitutions, whereas civil society is not that well defined and is fluctuating. Another aspect of a civil society is the common good not in the economic sense of the term but as the respect, human dignity and tolerance and equality of religions and respect to others' religion. The latter is particularly important in the Indian context.

The way civil society has been talked about in the last decade raises serious concern for all those who are in the field. Civil society is spoken of as a negation of the state. The state has failed, it has not been able to provide equality, livelihood to the poor and therefore it is the responsibility of the civil society that it has to perform and has to encourage the poor to find out ways for their survival. Market is the primary actor of the civil society and the poor who have an equal say in civil society would be able to carve out their place in civil society.

But this view cannot be accepted as we live in a society where the majority is poor and underprivileged. In such a society with glaring inequality, the state cannot keep itself away from protecting the poor and asking them to fend for themselves. The rich and the powerful get their work done through the state in one way or the other and dominate the civil society. Market has a minor role to play for the poor and marginalized. In this society, poor and marginalized - like Dalits (called as untouchables), who have been kept out of the social milieu even long after independence - have attained some position in the society. It is not that state has done whatever it could have done. But if you ask a Dalit to organize and assert without help of the state, they would not be able to do it. That does not discount the role of the civil society.

The role of the NGOs or the voluntary sector is to create space for the poor in the civil society. Where the space is insignificant, the NGOs must work to expand that space. The ways of expansion are many and varied. The minimum expected of civil society is to provide livelihood and to link the strategies of livelihood with awareness and consciousness of the right of the poor over the resources, over the state machinery and the decision-making process and the capacity to get themselves organised. In order to get organised as community organisations conscious efforts need to be made by the voluntary sector to bring in different sections of society together, for plurality is an important essence and sense of civil society and the process mentioned above is a long one and difficult. It is difficult because within society there is complete intolerance. Whereas it is easy to carry out economic programmes for the livelihood of a homogeneous group, the same may not be true of a culturally heterogeneous group. NGOs have to accept that challenge of bringing such groups in the process of organising and when culturally heterogeneous groups are forced to work together, they would realise and appreciate each other's importance. This will form a part of the civil society building.

The whole project of civil society building is a political issue. Considering the aversion of the NGO sector to talk about politics or politicization, one should be clear that we are not talking of the politics of a political party, which means elections. It instead means political consciousness of the people. Politicisation of the people is important for economic projects that give them strength to get organised, to struggle for the movements. There is no other substitute of the movements to empower the poor, and politicisation of civil society is unavoidable and essential. The process of civil society building cannot be de-politicised.

Ms. Kamla Bhasin, Feminist and Activist, commenced by saying that 'Civil Society' is a concept to which she is resistant, partly because she finds it difficult to move with the words. War and violence have become very much a part of one's life and the paradigm of development, which is terribly greed-based, has become stronger and stronger. Some questions need to be answered, if people want to strategise and work together.

One has to be very clear as to who all are included in civil society because some of those who are included at present are 'terribly uncivil'. Small business is acceptable but what about Multinational Corporations and those bodies who work with them, are supported by them or created by them? Therefore a clear and common definition is necessary when alliance building is being talked about, and the partnership issue is being raised. Are VHP, RSS, the Taliban, and the Right Wing

Christian groups part of civil society? If indeed they are, as they are fighting for a common good, for the progress of the society and they are citizens, are well connected, globalised with wide networks, does the process of civil society building here lead to social change, to empowerment of people and if so, what kind of empowerment and at whose cost? The Right Wing organisations on the other hand, consider many NGOs as pseudo-secularists, uncivil and anti-national. And for our government, some of the NGOs are against development because they raise some uncomfortable questions. She is not sure about the ways of dealing with the organisations that have been fighting against feminists and women globally or supporting the war in Iraq.

Ms. Bhasin questioned the perception that society looks at CSOs with great expectation. What society is being referred at and what CSOs is being talked about? She, for example, looks at the huge gamut of CSOs like RSS and VHP with fear, not expectation and the RSS and VHP have the largest civil society building programme in India today. They have CSOs in every village providing education—academic, physical, cultural - and entertainment. Their programmes aim at providing livelihood to Hindus at the expense, generally, of Muslims. The relevant question here is not just how many groups are created and supported by us but with what ideology and with what values and whether those values are being practised. Can the groups created by us deal with issues of communalism, conflict and violence? Ms. Bhasin, for example, quoted instances from Gujarat where very successful NGOs were doing excellent work in health and income generation but were keeping distance from the issue of the recent riot. The important issue in the context of the present deliberations was the capacity of the NGOs to take on the Government. NGOs, which are dependent on foreign or government aid, are not in a position to oppose either the state or the market. Can the CSOs be partners one day and opponents next? To Ms. Bhasin the biggest terrorism today is that of the free market economy, of the greed oriented paradigm which has systematically destroyed communities and vibrant civil society organizations - who looked after their own water, health, housing needs etc. Thereafter, we create new NGOs who are asked to bring them together, again, in small groups. But they were together, we destroyed them, fragmented them.

The second big question relates to the capacity building initiatives for NGOs by 'us' and 'them'. Years of such initiatives by secular civil society organisations proved to be not strong enough compared to that of right-wing forces - for instance, consider the huge demonstration of middle and lower middle class women in defence of Hinduism in Mumbai. As opposed to this, after the Godhra incident and riot in Gujarat, the massive mobilization of CSOs and Aman Ekta Manch

consisting of individuals, intellectuals, teachers, students, NGOs, lawyers etc. for a march of women for peace, harmony and pluralism also took place in Delhi. They thought that truth and morality were on their side, but the people of Gujarat were not on their side and they voted the government to power again. They turned out to be stronger. The question thus today is “how do we become stronger to deal with these issues”.

Ms. Bhasin remarked that many civil societies have not been civil to women. In almost every institution, which deals with power, with governance, women are on the margins and that includes NGOs. The culture of the organisations still excludes women and feminine values. Women and women’s organizations have done good work and strong feminist groups/networks have come into existence and decades of work has gone into building them. But others were also busy building civil society, which is reducing women’s spaces. “Today more Muslim women are wearing *burqa* (veil) and there is a higher level of female foeticide. There are fewer women in India, ratio-wise, than there were 100 years ago. There are more women’s organisations today organising beauty competitions which are really anti-women. Question today is ‘our’ strength vis-à-vis ‘their’ strength; our number vis-a- vis theirs; our resources vis-à-vis theirs”.

Ms. Bhasin urged the participants to adopt norms like secularism, pluralism, respect for diversity, genuine democracy from family onwards, gender equality and resistance to indiscriminate privatisation, globalisation and liberalisation as non-negotiable values. Coalitions need to be built only on a set of principles and they have to be practised in our work at every level. One such coalition, rather a rainbow coalition is World Social Forum or Asian Social Forum where political parties, trade unions, NGOs, peoples movements join hands. Her question to the CFAs was when a Gujarat happens, how do we build partnerships with them or what did they do either in India or in Holland to support ‘our’ effort or to shame our government. Without international solidarity, it is not possible for NGOs to move forward and take on issues like Gujarat riot.

Finally she narrated the story of Gautam Buddha and his cousin who killed a white bird and said that we have to decide whether the world goes with Gautam or his cousin. She felt the need for the feminine values of loving, caring and nurturing to be central again in the discourse of the CSOs. As professionalism started ruling the roost, these values are sidelined in the present scenario.

Dr. R.K. Srivastava, Centre for the Study of Developing Societies, began his intervention with the use and misuse of the term 'Civil Society'- both in global or national context- as it was important in terms of policy relevance for future work in this area. He found it interesting to note how labels have changed over time to describe grassroots stirrings-viz. NGOs, voluntary associations, micro organisations, community organisations, humanitarian organisations, non-profit bodies- to a neutral label as 'Civil Society'.

Different academic disciplines or approaches seem to have associated themselves with particular texts on what has only now acquired a neutral label as Civil Society. Because of some international developments like the cessation of the cold war and the pressures from environmental groups resulted in major procedural changes with respect to the acceptance of a wide range of bodies at the Rio Earth Summit in 1992. The precedent then encouraged a rethinking of the question of how non-government bodies relate to the UN system and international funding agencies. This has become especially acute as a result of the negative assessment of the capacity of the official programmes, international and national, to deliver development at the grassroots.

He offered to mention a few trends that highlight this rethinking. Erosion of the distinction between the international NGOs and national local NGOs, which may be their members in terms of their dealings with the governments and funding agencies, challenges to the representativity of the traditional NGOs by those perceived as being newer, grassroots social and citizen movements, unencumbered by any questionable secretariat or decision-making apparatus, academic research emphasising on community organisations, dramatic media attention on humanitarian organisations in relation to various crises, and paradigm shift among the funders to focus on the outcome of social service delivery rather than services provided are the major trends. All these have been combined to promote discussion of NGO related phenomenon at the cost of effective discussion on civil society and vice versa, notably in India. The need to use the label 'Civil Society' and avoid discussion on it might be seen as a part of the definitional game.

It is difficult to avoid the suspicion that the exploration of civil society has been bedevilled by the definitional games by parties with a special interest they seek to promote. Any classification of the actors in civil society has become a political act, whether in relation to the inter-organisational competition for resources, academic schools of thought or in political dynamics surrounding non-governmental, governmental co-operation, reinforced by such lead actors as UNDP and its ilk.

He quoted from a UNDP discussion paper of 1995 - "Good management of human affairs by governments through public sector organisations and in collaboration with organisations of civil society is a sine-qua-non of sustainable development as well. Sound governance calls for the co-operation between government and civil society organisations, sound governance is not simply something governments do." Dr. Srivastava maintained that such quotes only underline what was seen as the inadequacy of the earlier period. In practice, insightful analysis and laudable principles are elaborated at one point only to be reframed with a far more narrow and questionable interpretation at another. There is no attempt to clear the confusion whether it is deliberate or only the result of the compulsions of report writing – as CSOs sometimes include faith groups, co-operatives, trade unions, academic bodies, community and youth groups and these are sometimes described as NGOs. To Dr. Srivastava, NGOs constitute a critical and central element of civil society.

Dr. Srivastava justified his argument that 'definition games' narrow, rather than enlarge the debate on civil society by quoting a passage from the UN-NGO review process called 'General Review of Arrangement for Consultation with Non-Governmental Organisations' by the UN Secretary General. "NGOS fall roughly into two categories. The first one is the category of organisations which by their objectives and methodology are concerned with supporting the social movements and/or initiatives. The second category includes NGOs which have emerged from social movements and represent their institutionalised reality. The former category of NGOs emphasises on participation and empowerment and sees its only role needing to be focussed on capacity building for greater self-reliance at the community level. The latter focuses on advocacy and networking as tools to promote change in policies and governance." He said that the pre-emption began in the global north, received endorsement of the funding agencies located there, and when it reached India, it was willy-nilly accepted here.

The term 'Civil Society' as used in India is derivative and quite vague. One of the difficulties being that 'Civil Society' itself is discussed through a variety of terms whose partial equivalence has not been effectively explored. These include NGOs, voluntary associations, non-profit sector, not-for-profit-sector, micro sector, charitable organisations, benevolent societies, third sector, and so on and so forth. It all depends on who uses these terms and for what purposes. The debate is complicated by a degree of unwillingness to recognise weakness in the present arrangement at all levels, from the level of fund giver to the level of fund receiver. He stated that 'implicit in the idea of Civil Society is something good society' and it is readily and conveniently understood as encompassing all organised activity

which is not associated with institutional systems - government and administration, education, business and industry, organised religions, caste organisations, kin groups, etc. Thus, is the rest of society a non-civil society or uncivil society? Why do we exclude trade unions, research institutes, professional bodies, faith groups, foundations, philanthropic bodies, kinship groups, co-operatives, and so on from 'Civil Society'? Is it because of complications associated with groups more characteristic of non-western society and often unknown or of little significance to those who were active in defining Civil Society? The key policy implication is to understand and relate uncivil society with the civil societies and not to do so would be a grave error. What one finds in Indian discourse on development is a Civil Society that is young and has some equivalence or resemblance to Western society institutions or Civil Society. Donors, recipients or even scholars do not question the appropriateness of these assumptions. No effort, he asserted, has been made to detect traditional patterns of collective or community organisations natural to India – where development agenda is controlled by the community and where the effort is to draw on deep-rooted humanitarian impulses within micro-communities. What is perhaps further needed is to build associational life of sharing, co-living and tolerance – long articulated within various Indian traditions.

Dr. Srivastava sees the patterns in Indian civil society in terms of 'agriculture' metaphors. Like in the monoculture farming, the civil society groups are seen as conforming to a particularly approved pattern. Looked from the multi-crop farming perspective, it allows a limited range of different types of voluntary formations making up the Civil Society. Integrated farming perspective on the other hand encourages complementarities between various groups in the interest of the whole. Dr. Srivastava preferred a 'natural park' metaphor to explain civil society as it protects the natural pattern of growth. This corresponds to efforts to provide for traditional forms of organisation and to protect them from contemporary forms. The question of cultural identity is strongly associated with this dimension of civil society; excessive intervention, as with artificial landscaping, can make supposedly natural forms of civil society artificial and soulless.

Dr. Srivastava remarked that Indian civil society is like a complex ecological system of organisations that really needs to be explored. Simplistic approaches to this ecology may be tantamount to the equivalence of disappearance of the cultural rainforests. Those who hope to cultivate civil society and develop sustainable communities should learn lessons from the past errors of land resource managers.

While concluding he reminded that civil society is driven by social reasons and not by power or profit as the state and market are. Therefore, to apply business principles to non-profit practices is unwise. The CFAs and the Dutch Government, it seems, are keen to minimise costs and maximise outcome. It seemed to him that in the emerging scenario donors were likely to ask Indian civil society to do more with less resource and to increasingly integrate with the market. Those who can demonstrate that they can deliver the greatest impact and the greatest common good for the last of the society at the least cost would be the darling of the CFAs and their funders.

Dr. Rajesh Tandon, Participatory Research in Asia, began by saying that instead of a conceptual debate on civil society, he would like to present the findings of a study 'Invisible yet Widespread, the Non-Profit Sector in India' conducted by PRIA as part of a global study in India in States of Maharashtra, West Bengal, Delhi, Tamil Nadu and Meghalaya. The basic question that was addressed in the study related to the size of the non-profit sector in India and what was its economic contribution to society. The non-profit sector for the study was that which was organized, private, not necessarily legally registered, non-profit distributing (even if they created a surplus) and self-governing organisations with some elements of voluntarism in their functioning. Self-help groups, co-operatives, trade unions and political parties and faith based religious organisations were excluded from the study.

There are 1.2 million non-profit organisations in India today with more than half of them based in rural areas. What is interesting with a number of organisations is that some of them are based in urban areas but are working in rural areas. Nearly half are not formally registered. These are informal associations but they have an organised life of their own. Predominantly, they are small; three quarter of them have one or less than one paid staff. Most of them have volunteers and those with more than 10 paid staff constitute only 8.5 per cent or about 1/12th of the sample.

The study found that organisations with a religious identity but involved in some sort of communitarian social work constituted one fourth of the total universe of non-profit organisations. Those involved with community social service and education were one fifth each, sports and culture one sixth and health one fifteenth. Organisations with sports and cultural activities were very high in West Bengal and much lower in Maharashtra. Education, community social service, sports and culture are much higher in rural areas than in urban areas.

Nearly 20 million people work in this field either as volunteers or as paid staff, and volunteers are five and a half times than paid staff. This is 11.6 per cent of the total employment in the non-agricultural work force. As many volunteers and paid staff do not work full time, converted into full time equivalent, about 27 lakh full time equivalent jobs are created by the non-profit sector – which compared with 4/5th of all central government, 1/4th of central and state governments taken together and 1/3rd of all employees in the organised private sector.

It was estimated that the revenue of this sector in 1999-2000 was Rs.18, 000 crores, more than half of it self generated. In the international arena 49 per cent was self-generated, in India it was 50 per cent. Internationally, government fund accounted for 40 per cent of the revenue, in India it was 32 per cent. Foreign funding in the sector was only 7.4 per cent nation wide. Nation wide, if only paid employment is considered, it is nearly 15 per cent and if the volunteer contribution is included, it is nearly one third. In spite of the size of the sector in terms of employment and revenue, it was largely ignored and no benefits are given to those who are in the sector.

In India, individuals did not give for charity; households gave. Nation-wide, 40% households regularly gave for charity. Roughly Rs. 4,243 crores were mobilised through family giving. Fifty five per cent of it went to individuals and 45 per cent to non-profit organisations. People of all educational levels and economic status gave for charity. A large majority felt that it was their moral obligation to give back something to society to uphold their religious beliefs. More than half gave because they believed that the government was not responsible enough to do its own job.

Dr. Tandon also referred to another study by Common Wealth Foundation about 'good society' where it was mentioned that a good society was one which gave three securities – economic, social and physical. It was possible only when there existed both strong state and civil society. If one was seen as strong at the cost of the other, then it was not good society.

While referring to the question of identity of civil society, Dr. Tandon said that the PRIA study largely captured informal community based organisations – which were not project funded. It was difficult to build a common identity on issues which allowed to overcome the divisions between the traditional and the modern, the professional and the non-professional, the urban and the rural etc. The study also implied that networks and coalitions across very diverse entities could only

be sustained by a common agenda. And there were two ways to define that agenda in the Indian context: 1) India has the most good policies and legislations on its statutes. But neither do they work nor are operationalised. Therefore, focus on policy advocacy which can help translate existing rights and access to services already enshrined in the Constitution and policies, as opposed to creating new ones; 2) Panchayats and Municipalities provide a direct sphere of engagement for Civil Society. If we strengthen the way by which the rights and entitlements of the poor and excluded could be accessed through the local governing mechanism, it would create an arena for engagement. The choice for action therefore is to define a normative sphere around which the set of values that one wants to organise civil society. The question however is - what is the normative approach to civil society building in today's historical Indian context?

Prof. Lieten pointed out that the four panellists in their presentation developed the demarcation of what civil society was and made a differentiation between civil and uncivil society. One has to admit that the latter forces also existed within civil society. It is therefore important to make the above distinction very clear to reinvigorate the civil society organisations and it was equally important to note the fact of one's attitude to the state. The civil society organisations have to take a position towards the market, the values and their mission statements and these should be good basis for further debate.

The discussion that followed made the following points:

- ✎ There is an urgent need to counter the 'false' NGOs who worked in Gujarat to manipulate the political process as such incidents may be repeated elsewhere if the secular forces fail to unite.
- ✎ There is a need to strike a balance between volunteerism and professionalism, and strengthening of the voluntary organisations internally to counter the decline in values.
- ✎ There is the need to define the role of the market and private business partnership vis-à-vis NGOs. The ability of the market to stand with civil society organisations in the context of class related struggles, also needs to be ascertained.
- ✎ In terms of alliance building and partnership there is a need for broad basing the partnership, not limiting to only different kinds of Non-Governmental Organisations and State and the Market, but to also include the different

- groups within Civil Society that have not been very much involved till now like lawyers' association, doctors' association, judiciary etc.
- ↪ Issues of participation, transparency and decline in values in the NGO sector need to be introspected in order to emerge stronger to have a greater external impact.
 - ↪ The debate of what is civil society has to be taken up and it can only be done by addressing theoretical and conceptual issues. The voluntary organisations or civil society organisations, have grown through two processes – 1) they were against the State or they grew out of movements that looked at State failure; and 2) they came out of processes that looked at the failure of private capital or the inability of private capital to distribute.
 - ↪ There is a continued critique within the NGO movement about the role of the State, and perhaps about restricting the role of the State. There is far more ambivalence and increasing ambiguity about the role of the Market as well as what is meant by the term Market. There is a growing lack of clarity or perhaps a lack of clarity by choice amongst a large number of voluntary organisations on the role of the Market that needs to be resolved much as the role of the State needs to be clarified.

Session II
Livelihood Issues and Civil Society: Case Study
Presentations

II Livelihood Issues and Civil Society: Case Study Presentations

Dr. Kumud Sharma, who chaired this session, called on the participants to look at livelihood issues in the global and national contexts. The current economic regimes have increased the vulnerability of the groups with whom the CSOs worked and have led to intensification of struggles around resources and around livelihood issues. She requested the panellists to particularly emphasise the challenges and the dilemmas they were facing in the environment of changing state and market and to elucidate how they addressed these challenges.

Mr. Avdash Kaushal, Rural Litigation and Entitlement Kendra, mentioned that the livelihood of the people in Uttaranchal depended on land, of which sixty five per cent was forest covered and belonged to forest department, 15 per cent was snow-clad, 6% was occupied by government and hence inaccessible, and only 7% was available to people for cultivation. People carried out subsistence agriculture with traditional crops under rain-fed condition. This mountain farming system was being affected by introduction of cash or mono-crop cultivation with associated use of chemical fertilisers and pesticides harming the bio-diversity of the region and causing crop-failure and uncertainties in livelihood pursuit. Himalayan subsistence farming system should be recognised in its own right as a livelihood, separate from cash crop farming. Mountain pastures should remain as common land.

Kaushal gave the example of Van Gujjars – a minority group of the Muslim community – who lead a nomadic pastoral life remaining fully dependent on forest, for their food, fodder for their cattle, fuel and even wood crafting. With the existing anti-people forest laws and introduction of numerous wildlife protection projects, their very livelihood and survival is threatened.

Ms. Saleela Patkar, Myrada, commenced by stating that the experiences and lessons learnt by Myrada over the years are important in themselves while talking about livelihood and civil society. Myrada believes that before a man is taught to fish he must be able to reach the river. And in this intervention for livelihood improvement, major barriers exist between resources and their utilisation for many sections, the most visible of them being the physical ones such as powerful people not allowing the powerless to reach the river. The former, therefore, control

the resource and the market, and ultimately the lives of the latter. It is the job of Myrada to remove these barriers – social and physical. Myrada has learnt over the years that mere participation is not sufficient for empowerment. Real participation is the one that leads to empowerment through building people's institutions and managing the resources through that institution empowers people. Therefore institution building through real participation is the key objective of Myrada.

Myrada builds organisations on the basis of affinity and where people are willing to work with one another and develop mutual trust. In order for the poor women to reach the river, affinity is only the starting point. Many a times, without looking at the internal development and relationships of the organisation, projects and responsibilities are dumped on disempowered women's groups. Once such groups, in case of Myrada, the SHGs, come into existence in a village, all kinds of problems from drainage to drinking water, are referred to them – thus burdening the poor women with everything under the sun. Myrada also believes in local networks – of SHGs, to make them powerful and build solidarity. Once people get together socially some of their skills are enhanced, they get more confident and thus human capital goes up. They start savings and manage credit – so their financial status goes up. They gradually become catalysts within the community for intervention like natural resource management, road construction etc. They may not undertake these activities themselves but they certainly are capable of influencing the community to come together. Similarly, with the improvement of asset base of the community, vulnerability of women slowly reduces. The vulnerability reduces because of their affinity, because of their connections – with other women, with panchayat, with NGOs.

The mission statement of Myrada says that it will foster any change in policy that is favourable to the poor. But how can these informal groups – whom nobody wants to recognise as they are illiterate, poor and perhaps Dalits too, located somewhere in the corner of the world where nobody sees them, bring about policy change and be recognised by the mainstream. It is not that they have to go into the mainstream but at least mainstream can recognise what is good in them. And here the civil society has to invest and perform its role of accepting them, of recognising their legitimacy, and work with them on their terms and condition. For instance, it is not the Bank to decide on what rules SHGs can get a loan, but the Bank should respect the internal dynamics of the group and then decide to extend the loan. It is thus basically about helping the poor to reach the river – and this is really a highly intensive job – to build capacities of the poor.

The mainstream does not accept informal ways of working and high quality accountability has to be established.

Myrada also learnt that one good case study can not effect policy change – it has to be on mass scale where the approach was successful and had worked. Myrada therefore attempts at replication – for people to listen and accept the approach.

While speaking about livelihood, Patkar stated that people often equate livelihoods with enterprises – such as making pickles, bags, garments etc. by SHGs. She said that NGOs in general are not good at selling and buying or designing and producing goods for market. Similarly those NGOs who are good at all these, may not be socially conscious and therefore social objectives are in conflict with profitable enterprise for making good money. It is therefore best to leave the choice to the groups to identify such activities with which they are comfortable and know the risks. Usually they start in a small way, and then expand and diversify gradually – but strangely they tend to resist collective enterprises.

Myrada has had the experience of working with the corporate sector and Patkar gave the example of its experience with Titan watch industry in Dharmapuri district of Tamil Nadu. Here the groups received training and produced bracelets, jewellery, clocks etc. for Titan company. This was possible as there was a committed corporate partner who was willing to go along with Myrada. But it required Myrada to step out of its usual form of work and to set up a private limited company for the girls as co-operative or SHG model was unsuitable.

Groups promoted by Myrada are also engaged in watershed management but Myrada does it in its own way – through finding affinities with smaller groups and training them solidly. These groups now manage a lot of watersheds and their work is of better quality and sustainable. They take loans to undertake watershed management and do not want any free money.

Myrada has learnt the lesson that people have the ability to manage change themselves and what one needs to do is to look at their strengths and see how can they use those strengths to their advantage and direct the changes to happen in their lives.

Mr. P. M. Paul said that the **Centre for Community Economics and Development Consultants Society** (CECOEDECON) strangely began with flood relief in Rajasthan in 1981 but climatic conditions forced to change its focus to drought relief in 1984 and to rehabilitation programmes like land reclamation and sand-

dune stabilisation subsequently. The organisation moved on to community participation, with a long-term development plan for resource management, health, education and micro enterprises and micro grid activities. It then diversified into institution building, linkages, networking and advocacy. Therefore, the organisation itself has evolved through several processes.

From traditional institutions like *chowpas* or the *Panchayat* institutions, which were found inadequate, CECOEDECON created village development committees and Self-help Groups or Mahila Mandals at the micro level. At the macro level, Development Co-ordination Network Committees were formed to deal with issues like drought or child labour. Then there is a national level organisation to deal with national issues.

The major challenge faced by the organisation in its work was how to deal with repeated droughts with a long term plan, but long term plans get upset by drought. The organisation is therefore including drought mitigation as part of the long term plan. The livelihood base is threatened by low rainfall as the dams etc. built by the organisation are becoming ineffective. The organisation has thus decided to stress on off-farm activities rather than on on-farm activities. The people also keep large number of livestock and there is acute problem of fodder. Therefore, people need to be persuaded to keep livestock at a sustainable level. Similarly, CECOEDECON has formed a large number of SHGs but problems of marketing and linkages continue to remain.

Another important challenge is the implementation of available technology at the ground level. The problems in this case are also partly due to climatic conditions. Entitlements and rights issues are a big problem for the people who occupy the forestland. The land however has not been registered in their names. And where there is common, grazing land, the rich and powerful have encroached upon the land at the cost of the poor. The implementation of other vital policies which have been taken up with the Government of Rajasthan are: a) a drought policy with an employment guarantee, b) revision of the famine code and c) the agricultural support prices and the water policy.

CECOEDECON finds that creating linkages between institutions at the national and grass roots level has not been very successful. The organisation is facing the dilemma of how to balance need based issues and rights based issues and advocacy. How to use the Constitutional methods to help people in the face of the caste propaganda which the RSS and VHP are spreading e.g. drinking water and its availability to all the residents of an area. CECOEDECON feels the need of

full security for their work towards development and the use of international forums to aid them. The organisation appealed to the CFAs to help them in this regard.

Building civil society organisations when the fundamentalist forces are organising the communities, is not easy. To some extent the internal change in strategy has helped. But to effectively deal with the situation and build the capacity of the people of the area in order to achieve Civil Society Building is a major challenge to the organisation.

Mr. Vivekanandan, South Indian Federation of Fishermen Societies (SIFFS), said that fisheries, particularly the marine fisheries, is a fascinating and complex sector - where a common property resource is subjected to a very traditional community use for livelihood, and the state and market play a very crucial role in the same. Unlike subsistence agriculture, self-consumption rarely existed in marine fisheries sector – where everything is for the market and mainly for the global market. Despite this global market linkage, the sector remains traditional and one of the largest livelihood of old hunter – gatherer stage. Small number of people going out to sea for fishing, low productivity, poverty and marginal caste position in the society, together formed a complex social and economic situation unique to the sector.

The livelihood is spread over a 6000 km. stretch of coastline from Ratnagiri on the West Coast to Puri on the East Coast. The common situation along this stretch is that the narrowness of the continental shelf ensures that the fish resources are concentrated, fairly close to the shore, and small scale fishing ventures have been the mainstay of fishing with small sailing vessels.

The caste system, unlike in other livelihood sectors, is closely linked to the economic basis of life in this sector. For instance, in Mumbai, fishermen use large boats and have a much higher productivity and they are considered pretty close to the upper caste in terms of social status. In contrast, in the South, they operate small catamarans, which means low productivity, poverty and a low caste rating and social status. They have a very poor infrastructure, very low literacy and a considerable amount of social backwardness as a result of economic backwardness.

Age-old problems of small fishermen have been the seasonality in fishing operations and middlemen control over beach sales. Over 75% of the coast, the fisherman loses control of fish as soon as it is landed – because the middleman

moneylender who has advanced him money for equipments and consumption purposes take possession of the catch. New problems have arisen in the last two decades due to the introduction of mechanised fishing and permitting trawling by the state. Trawling particularly swept the sea bottom to get at the high value prawns and depleted the near-shore resources. Traditional fishermen are pushed to fish in deeper waters, and are compelled to adopt new technology and faced with various safety and other issues. At the same time shortage of wood for boat building due to de-forestation, lack of control over new technology and reduced opportunity for women in fish vending and drying due to changed landing patterns in mechanised landing centres are other problems.

Vivekanandan mentioned that till the late 1970's the fishing community had been largely left to its own devices such as their own religious beliefs, caste associations, traditional fishing methods and they almost remained at the margin of the mainstream. The decline in fish resources, and threat and competition from the trawlers galvanised the fishing community. Organisations and individuals in close touch with the community took the initiative to organise them to fight for their rights and face the new challenges. The threat to livelihood brought them in the open and started a new process from late 70s.

Two types of responses were generated. First, the co-operative response - of which SIFFS is a part. The SIFFS organised the fishermen into co-operatives and took care of the marketing and credit requirements of its members. From co-operative response, SIFFS was forced to a technical response, which meant equipping fishermen with new types of craft - which can compete with the mechanised boats, help fishermen to fish in deeper waters and provide improved safety standards. All these meant putting in place new systems, business methods and new techno-economic interventions through co-operative structure to establish greater control over new inputs that have come into fishing. The fisherman thus shifted from Catamaran to plywood board vessels fitted with imported motors. These interventions are mainly in Tamil Nadu and Kerala and will start soon in Andhra Pradesh. In order to fight the competition from trawlers and the issue of resource depletion, the response has been to organise fishermen into trade union format to fight the state in order to protect their rights. Thus this informal self-employed sector is basically fighting with the state to recognise and protect its rights. This fight with the state indirectly meant fight with the trawlers. Thus the fishermen are organised under two banners - cooperative and trade union, and under the latter banner they would officially go to the roads to ask for control on trawling and informally catch a trawler and burn it. All these have resulted in considerable amount of legislation virtually in all states today except in Gujarat,

such as enactment of legislations like the Marine Fishing Regulation Act, which exerts, to some extent, a control on trawling. Whereas the governments have not been very successful in implementation of the Act and managing natural resource, they have offered social security measures as a compensatory provision. In some states the marine fisherman is covered under accident insurance to the tune of Rs. 1 lakh in case of death, without paying any money of premium. Today fishermen, led by National Fish Workers Forum block roads and trains demanding fuel subsidies, protest displacements from coast due to mega projects and in Jambudweep in the Sunderbans due to Forest Conservation Act – where the fishermen are considered as encroachers.

The co-operatives are now faced with the problems of over-exploitation of natural resources caused by the fishermen's greed and ability to operate more effectively with new boats and technology. There are too many boats, too many motors and the fishermen instead of fighting the trawler, fight with each other, compete with each other. The challenge now is to impose self-discipline in the entire 6000 km stretch of coastline, comprising thousands of fishermen. It is very difficult to solve this problem within the trade union and co-operative frameworks. Presently, SIFFS and others are attempting to introduce community based management of resources coupled with certain self-imposed practices, and State and fishermen organisation partnership for management of resource such as migratory fish like oil sardines etc.

Also, investments in tourism, power projects and nuclear plants on the coast have created new situations and large-scale displacement of fisher folk. This new threat aggravates the already complex situation on the coast.

Dr. Kumud Sharma, while summing up said that livelihood security, which is threatened by multiple sources, is a critical issue and should be addressed looking at the context of policy and socio-economic environment. The threats to food security and livelihood from floods, drought, policy environment and technological changes and the new economic regimes impacting the market in the 90s have to be addressed while discussing the question of livelihood choices and security. The problem faced by grassroots organisations, micro enterprises, co-operatives, trade unions, self-employed in negotiating or reaching the market is a serious issue to be dealt with.

The challenge to civil society, as she saw it, was to debate whether or not to build a partnership with government, what difference funding made, what linkages they need to develop at the micro and macro levels and how to balance

development action with advocacy and lobbying. She felt these issues were critical to institution building and are challenges to civil society organisations today.

Discussion

- ↪ One of the issues raised was about the environment and the impacts that humans were making in the name of livelihood. This was presented mainly by those concerned with the forests and the coast. In these areas, new, foreign funded and sometimes pseudo-environmentalists were able to use their clout and funding to promote their projects, often without documentation or debate and with little or no regard for the livelihood of the people of that area. For example, in the fisheries sector, earlier the livelihood people were also champions of the environment, but in the last two or three years, there is a new trend and new champions of the environment have emerged and so there is a conflict, which is just growing. These new environmental organizations have a considerable amount of clout that they wield over policy making. Notifications come in because somebody has contacts with the right person in the government. They decide that a certain species cannot be caught or a particular group in a place has to be evicted. This was considered as a part of globalisation of NGO sector. So international environmental groups, which otherwise did not have a base in India, are now becoming suddenly very powerful and are able to influence policy. The CSOs should react strongly to this by putting the pressure back on these groups.
- ↪ A question was raised whether in the process of economic empowerment of women, other aspects such as violence, health and sexuality were also the concerns of the NGOs and built in to the process.
- ↪ In regard to engaging with the market and the government and the level of engagement and where it would lead, it was clarified that such engagements were both at micro and macro level and were on a daily basis and needed to be sustained without antagonising them in order to achieve results. As far as influencing the policy of the State government or local bodies was concerned very often the women folk - elected or from behind the scenes- were able to influence local leaders to take the necessary steps.
- ↪ In regard to the role of women in the fishery sector, considerable variations are noticed across the coastline, with women being extremely active in South Kerala and Tamil Nadu in fish vending and processing while in other parts the women have only a limited support role. So a common framework for

- organising the women has not come in. But where the women are very active, the NGOs have also organised the women for credit and other kinds of economic activities. They are also very much a part of the Trade Union activity. Kerala recognises them as workers in fishery sector and certain benefits have been extended to them also including the accident insurance. Kerala runs special buses for fisher women going to markets because normal public transport system will not accept women with the smelly fish baskets. But fisher women are indeed losing out on livelihood opportunities as a result of technological change, concentration of catches and the so-called modernization process. They are no more in net making because machines have displaced them. They are still in fish vending in some places but they are losing ground in support activities.
- ↪ To a question on how to deal with caste issues in affinity groups particularly in regard to deprivation of and atrocities on Dalit women, it was clarified that affinity groups are largely single caste based but in some groups there are all kinds of castes and over time the caste segregation breaks down. Such groups felt that it was best to keep quiet and not to talk about the differences as they unnecessarily get blown out of proportion. Experience shows that things have a way of sorting out on their own.
 - ↪ In the state of Orissa, where vast area is forestland, external funding is not so much for the wildlife protection or forest conservation but it is perhaps more to rehabilitate the forest officials who will be out of jobs because of the financial crisis in the state. Most of the tribal areas having rich mineral resources are now being occupied by multinational companies who are setting up big industries like steel or alumina plants and in the process tribals are being displaced. Nearly 40 per cent of the tribals and Dalits of Orissa are now threatened with displacement by industries, wildlife sanctuaries, irrigation projects etc. But poverty is the real issue to be tackled and there are not enough civil society organisations who are supported to carry out poverty eradication work. So the big challenge is to mobilise support from the local people and other CSOs who are interested or who have some concern, for the livelihood of the people.
 - ↪ Civil society organisations are all in the development process for two reasons – 1) because the State failed to deliver and 2) because the State failed to deliver democratically. There is a rich experience of democratic deliverance at the ground level that needs to be brought out and shared with others to help in defining democracy.

Working Groups and Reports

The session on **Livelihood Issues and Civil Society** was followed by discussion in three groups viz.

- (i) **Responsibility of Non-Government Organisations vis-à-vis Natural Resources and Poverty** – Moderated by **Coen van Kessel, NOVIB.**
- (ii) **Multiple Civil Society Strategies relating to Livelihood** – Moderated by **Annemiek van Voorst tot Voorst, CORDAID.**
- (iii) **Legal Aspects relating to Livelihood** – Moderated by **Lennard Roubos, ICCO.**

Dr. Kees Biekart chaired the session on presentation of working group Reports

Responsibility of NGOs vis-à-vis Natural Resources and Poverty

The two case studies which were the basis for discussion, were 1) the leasing of common lands to companies, because the government of Tamil Nadu felt the people were not economically strong enough to develop these lands and 2) the proposed leasing of the Chilka lake in Orissa, because the government was starved of finance and hoped to earn some money from Tata Industries. The group concluded that:

- ↪ People themselves should take up lobby and advocacy as in many cases where the NGOs had done so, the people have been left behind. This hampered the case, as the NGOs had neither the support of the Government, nor of the people. Hence NGOs should do the research and documentation, build people's capacity for advocacy, take care of the logistics but remain only as catalysts.
- ↪ NGOs should monitor the role of private sector, act as watchdogs and confront the private sector with consequences of their action such as in the case of Tamil Nadu and Orissa but their focus will have to remain on the State because it is the State that provides the space for the private sector to make investments.

- ↪ NGOs have a strong desire to be visible to claim the impact or success of a certain activity. This is driven by the fact that the donors want to see the tangible results of the activities of their partner organisations. Very often this desire to be visible leads to mistrust and impedes the impact or even leads to the collapse of a campaign. So this attitude and approach needs reconsideration.
- ↪ Balance has to be struck between level of commitment and level of professionalism. This is so, especially, when NGOs are expanding and growing bigger, adopting certain systems and becoming more professional and maintaining a certain distance from the people and yet remaining a vibrant force within the civil society in order to address current topics.

Multiple Civil Society Strategies relating to Livelihood

- ↪ Civil society, market and state are linked and interpenetrate each other to form a dialectical relationship. No matter how strongly civil society is opposed to them, it cannot eliminate them even if they challenge livelihood. Hence depending on the context, Civil society should challenge or utilise both the market and the state.
- ↪ The contours of civil society do not preclude the rich and privileged. But civil society is mainly concerned with the poor and deprived. Once this is fixed, the strategy vis-à-vis the state and market should be to prevail upon both to ensure and expand the livelihood of the deprived.
- ↪ To sharpen the basic strategy, the message that has emanated, is basic social commitment. A broad based, issue-based strategy on action has to be created to counter the evil impact of globalisation or of the displacement of tribals.
- ↪ Whenever there is a wrong, one-sided, unethical preponderance of one element, the civil society and the activists should challenge the market and/or state. They should maintain a judicious combination of rights approach and the creation of alternative space.

Legal aspects relating to Livelihood

- ↪ NGOs should be educated in the already enacted legislations that pertain to their area of work. They should also be educated in the mobilisation of support from ministries and other public sector departments.

- ↪ NGOs should lobby with the legal profession to gain support for NGO causes. In issues concerning *Dalits*, for example, the NGO concerned should recruit the help and sympathy of *Dalit* lawyers, bureaucrats and *panchayat* members, networking them into a force to fight for *Dalit* issues.
- ↪ NGOs should be educated to use various legislations to gain their end as in the case of the fisher folk. It needs to be remembered that when one is being empowered, someone is being disempowered elsewhere. Therefore the issue of the backlash, which can be legal, has to be kept in view and prepared for.

Dr. Kees Biekart made the following opening remarks:

- ↪ Although there is a broad consensus about what civil society is and its linkage with market and the state, it needs to be probed further how it can be used, in what sense, and what parts of civil society are critical.
- ↪ On the question of legitimacy of advocacy efforts – particularly in regard to whose name one is advocating and what position one is taking, needs to be further clarified.
- ↪ Nature of relationship between the NGOs and their constituency and how that has improved and could be improved further needs more discussion.
- ↪ The process of civil society building is an autonomous local process and can not be steered from outside. If it is steered from outside, it will not have a stable dynamics. If one agrees on that then the relationships of outside organisations trying to facilitate or support civil society building becomes a problematic one – including the role of external funders like the Dutch CFAs. Therefore what is the role of external actors – like the NGOs, CFAs.
- ↪ In regard to international alliance building, international advocacy, are the northern CFAs, NGOs actors in their own civil society or not and how are they involved in civil society building in their own society. Do they want to remain as donors only because they have the resources?
- ↪ Lastly, the issue of relationship between NGOs and civil society building – how to deal with the issue of legitimacy and the fact of stimulating or steering a particular process in the end of which the achievement may be less or the structure so created was not desired at all.

Responses from the Participants

- ↪ NGOs have no homogenised definition, and therefore have been variously defined as social movements, a political process, a highly instrumentalised institutional structure, as the 'third zone' or an independent zone, an externally driven formation in civil society which in itself can not be sustainable, outcome of social, political and cultural movements engaged in development and advocacy in a large number of sectors, helping build community based organisations to create a critical social mass base to respond to government action or non-action, engaged in major struggles with state and market for securing entitlements and rights, and lastly, formations artificially constructed in civil society as active resilient opposition within society.
- ↪ There has not been enough discussion in planning processes on what is non-farm rural employment issue about, the issue of commons and what is the state response when people organise for collective bargaining or collective form of ownership and production.
- ↪ Issues taken up by NGOs or civil society should be relevant both to the people and NGOs, have people's participation in these and people have been sufficiently equipped in all way for this participation. People have to take up their issues, NGOs can not.
- ↪ In principle or ideally NGOs should play the facilitating role and the community take up its own struggle and advocacy. But it does not happen in practice – for want of community leadership. NGO staff are forced to provide the required leadership by proxy or directly even if it is questionable. At the same time, paid staff of NGOs providing leadership, for example in a trade union, is not acceptable by political parties. But a political leadership has to come from somewhere to launch struggle, bargain with the state or market – as these are political fights – which NGOs can not give. Therefore, availability of leadership arising out of community is a problem for NGOs working on livelihood issues – where struggles for rights over-resources forms an essential component of the work.
- ↪ On the question of legitimacy, it was pointed out that the voluntary organisation drew its legitimacy from the people with whom they worked or represented and some amount of proxy-leadership is fair enough. At the local level NGOs can not hide their anonymity.

- ↪ A distinction needs to be made between people's organisations and NGOs when one talks of legitimacy or accountability. In making accountable to the people through structural changes within NGOs is largely an unworkable solution. It is the values and internal processes of NGOs which should reflect the accountability issue.
- ↪ External facilitation, and to a great extent steering, is a necessary precondition where intermediaries work with marginalised section of society – poor adivasis, women, children. It is therefore not an autonomous local process. The state of affairs may be ripe for an external facilitation and after a usually long facilitation, the leadership may emerge – but this leadership may only be capable to fight at micro level.
- ↪ CFAs want to be good donors and strike a balance between being good donors as well as knowledgeable and responsible to influence the macro or global processes. CFAs see and assert themselves as members of civil society in their own country. Therefore, CFA funds being both governmental and coming from civil society, CFAs create a space for lobbying in their own country as well as in the countries in the South.
- ↪ Development aid institutions are being asked to undergo a structural adjustment kind of programme to show result, to be accountable. But there must be some serious commonality between the North and South how the accountability and transparency issues are approached. For instance, in rights-based issues, there is a conflict between the South and North both on perception and in regard to quantitative result assessment.
- ↪ The Dutch Government is calling for plans of work and demanding results to be shown for the money that is being spent. While this makes the funding process more transparent and accountable, it also lays a burden on donor staff. CFAs work is being increasingly viewed as company plan, in terms of turn-over figures. CFAs are largely working with dis-privileged constituencies and therefore the effectivity and efficiency of the aid has to be judged on the issue of quality of aid. No amount of extraneous instruments can solve this problem and the CFAs should find internal solutions through simple but hard procedures.

- ↳ NGOs in the South are accountable in two different directions. Accountable to the donor, who has its own priority, morality and humanity, and accountable to the people. These two directions of accountability run counter to each other for different reasons. One is political, in the sense that there is a paradigm shift in global priorities. The old view of moral responsibility towards poverty has changed in the era of globalisation and poverty is increasingly seen as the fault of the poor. Moral dimension of poverty has receded in global perception, in the discourse of market efficiency, but in the South poverty still remains a moral issue – in the sense not that poor are unable to do what they can do for themselves but most of the time they are not allowed, are prevented to do. Therefore, poverty is articulated as rights issue at the receiving end whereas capability issue at the giving end.

- ↳ Legitimacy has to do with goodwill – how a particular organisation is looked upon in the area where it works. With the new arrangements in place, the NGOs or civil society have to face multiple and over-lapping governance where legitimacy gets distributed in a very different way. This needs to be realised by NGOs.

- ↳ The dilemma of two-way accountability mentioned above should be transferred to donor agencies. They have to be doubly accountable to the people to whom they are giving money as well as people from whom they are borrowing/receiving.

Session III
Right to Information and Citizenship: a Panel
Discussion

III Right to Information and Citizenship: a Panel Discussion

Mr. Gerard Oonk, National Working Committee on India, who chaired the session, pointed out that the problems of obtaining information often became a confrontational issue, be it from State or private sector, even in the Netherlands.

The first thing was to ascertain the relations between the concept of information and transparency, accountability, the possible effects and where the responsibility - or blame - might lie. Secondly, should the Right to Information be limited to the State only or should it also encompass the market and civil society? And whether the CSOs themselves are prepared to be transparent and to provide information about themselves. And lastly, how people's knowledge and information can translate into power and how the informal strategies adopted by CSOs can impact on people who are in power and critical engagement with bureaucracy – from confrontation to dialogues.

Ms. Preeti Sampat said that **Mazdoor Kissan Shakti Sangatan (MKSS)** is a people's organisation as a 'non-party political process of people's movement' working in central Rajasthan. The organisation has been struggling for rural labourers' and small farmers' right to development for past one and half decade. Minimum wage, as an issue related to livelihood, that the people were supposed to receive for developmental work from Panchayat, but did not receive, was a major issue for the organisation and a lot of struggle and protests were launched.

The minimum wage at that time was 44-45 rupees per day while the workers were actually getting 25-30 rupees. Since panchayats were supposed to show that they have actually paid the minimum wage to the workers and maintain their records of accounts accordingly, the question before the MKSS was where the balance amount was going and how to access those records. Thus arose the articulation for Right to Information and its importance. The MKSS wanted to find out what was happening to all the money coming in the name of development for the poor and how to get at that information. The struggle for right to information began with this issue – to demand and to see the Panchayat records by way of right of the people. Since there was no Act on Right to Information at that time, the MKSS had to depend on the goodwill of the *Panchayat* officials or *Sarpanch* to get the information out.

Having obtained the records, MKSS sat with people to verify the muster rolls and the entries there with each of the labourers whose names were recorded as to how much they received as payment and how many days they had worked. Material registers were also compared with those of the caretakers at the site. Grave discrepancies were noticed.

The power of information and the fact of how important it is to know what is going on in the name of the poor especially on paper was very revealing to MKSS and it demanded action. The mode of action decided was to hold public hearing, of social audit. That is what was organised to verify the information on the wages as well as the materials used for the works of the *Panchayat*. In order to mobilise people for the meeting, the organisers went to each hamlet talking about the issue and making people aware of the need to speak up for their rights and to be vigilant. This set the atmosphere for the public hearing. All the members of the *Panchayat*, villagers from all the villages involved, journalists, lawyers, government officials and eminent citizens renowned for their integrity were present in the hearing. Details of the records were read out, workers stood up bravely to give testimony that the records were false. The pressure on the *Panchayats* was so high that three *Sarpanchs* returned the money after such hearings and others promised to do so. MKSS then realised the value of such public hearing in redressing injustice. Though such gatherings had no recognition of the government and lacked formal authority, the social pressure created on the corrupt officials was immense and forced them to act for the public good. Therefore, public hearings served two purposes – to check corruption and to empower people to speak up and to be aware what was happening behind their back or in their names.

The first public hearing of such kind took place in Kotkirana, a small village in central Rajasthan in 1994. Between 1994 and 1996 there were a series of such public hearings. In a similar instance in a small town in Rajasthan in 1996, a 53-day *dharna* had to be organised to force the authorities to take note of the situation, but it had to be followed up by another 40 days sit-in to pressurise them to give some information out. But it was not till 2000 after much pressure that the Government of Rajasthan passed the Act on Right to Information.

The Act that was passed in Rajasthan is a better one compared to many other states but it has many weaknesses. There were no penalties imposed on non-complying officers, who do not give any information within the stipulated period of 30 days. Because of this loophole the officers could not be made to divulge the information, making the whole affair very tedious. The public hearing that happened in a

Panchayat in Rajasthan in 2001 is illustrative of this predicament. There was demand for information in 2000 from this particular *Panchayat* and even after one year there was no progress, despite the Act being in place. It is especially significant because the right to information has the potential to be used as a weapon against corruption. It is a tool of empowerment because when a common man demands information in a bureaucratic set up based on the knowledge that he has the right to do so, it changes the power equations. People have felt empowered to hold their own officials accountable.

Apart from its empowering capacity, the Act of Right to Information is a very important tool for a healthy and informed democracy and democratic process. Moreover, not just the government but the private sector, the corporate sector and the NGOs themselves have to be more transparent if they affect the public interest in any manner.

Ms. Anjali Sharma, Parivartan, summarised a case study where the Right to Information had successfully been used by Parivartan in Delhi. She introduced Parivartan as an organisation that was formed in 1999 to provide a platform for citizens who were concerned with the increasing corruption and bribery. There were a lot of discussions on scams and corruption during that period. Whereas it was difficult to challenge corruption at an individual level, there was no platform where people could collectively act against this extortion.

Basic mode of action of the organisation was to act as pressure group and get the legitimate work done from the government departments without the payment of bribe. Working mainly with the Income Tax and Electricity Department they were able to get 2100 out of 2500 individual grievances resolved. But involvement and participation of the people were minimal in the resolution of their cases and as a result they did not feel empowered nor did they feel that as a collective they had a tool to use against bribery.

In October 2001, Right to Information Act was passed in Delhi. After this Parivartan decided to involve the local population in their work. A complaint was received from the residents of Pandav Nagar, regarding the state of the roads, particularly one road in the colony, which had not been repaired for 10 years. Parivartan wrote to the Municipal Corporation of Delhi (MCD) and the MCD replied that the road had been repaired four times in 10 years and the last time the amount spent was Rs. 6.5 lakhs. Parivartan also asked for a certified copy of the completion report. When the person, who had signed that report, got news of this, overnight he got the road repaired! This made the people realise the power

of the tool in the form of the Act. Thereafter, the residents of this colony used the Right to Information to get more work done and even when the Corporation officials came to warn them that their questions were not appreciated, they did not wilt, in fact they carried the fight into the Municipal Corporation of Delhi's (MCD) territory!

The Right to Information was used again in a slum re-settlement area near Shahdara in East Delhi in January 2002. The drainage system, sewage system, toilets and roads were all in a very bad shape in this 25-year-old resettlement colony. Parivartan framed an application with the backing of the residents, to the Municipal Corporation asking for details of all contracts, which had been sanctioned only for the previous two years from the Engineering Department. The Corporation tried to delay the process and then started claiming exorbitant processing and photocopying charges. Finally, with the help of a retired MCD Engineer and also after *dharna* and many rounds of protests, Parivartan was able to get a reply, but the reply was in the form of daily entries for materials and contracts, which were indecipherable. Undaunted, Parivartan went ahead and got the documents deciphered. They then presented the residents with details of 120 contracts, most of which had never been undertaken. With the full support of the people, Parivartan, taking a leaf out of the MKSS book, organised a public hearing in December 2002. Journalists, supporters, civil society members etc. were invited. Though the MCD officials were invited, no senior official turned up. The local MLA and Councillor came, but they came with at least 100 supporters who tried to break up the meeting. At the meeting it was proved that Rs. 70 lakh out of the Rs. 1.25 crore sanctioned, were definitely misappropriated.

With this experience there were clear signs of people becoming aware that they had a right to know as to what happened to their money and got themselves organised to demand information from the MCD. Residents Welfare Association started asking for advance notice of all maintenance work. They have asked for measurement books to be simplified, so that they can check them and for boards carrying details of the cost and dimension of the contracts to be displayed at the site. Parivartan is also working or trying to make the Right to Information Act more user-friendly.

Ms. Razia Ismail, Indian Alliance for Child Rights, commented on the differences in treatment of common citizen and Members of Parliament by the State when information is demanded. The state pays for processing of question made in the Indian Parliament whereas a common citizen has to pay for the legitimate information sought from the State. Even educated people do not know

about their right to seek information and therefore do not ask. The awareness regarding the right is not pervasive enough. It was mentioned that citizenship came into play when citizens exercise their vote. While India is considered one of the best democracies in terms of voter turn out at elections, the level of knowledge and consciousness of voters before they enter the election process is not something to boast of. She observed that in making the content and substance of citizenship, there are more players than citizen himself or herself. While talking about how a citizen can educate oneself, she cited the example of Annual Reports and performance budget of various Ministries submitted in the legislature and Parliament which spells out how a department or Ministry actually plans to utilise their allocation. These documents are given to all MPs. But they should in fact be public documents and the public should be informed how the government is actually going to spend the taxpayers' money. Similarly, India had been a founding member of SAARC, but the Annual Report of this organisation has never been made public.

The Right to Information Act does not really provide access to information, because the citizens are not educated sufficiently to know what to ask for. It is important to acknowledge that it is not possible to personally check on the performance of the Government or Corporation. Most citizens have to accept as fact what they are shown on TV or what they read in the newspapers. The level of access, she felt, is tied to the level of consciousness. A citizen by all counts should be a mover, an actor, an opinion former, monitor and auditor. A citizen has the right as well as the responsibility. But if the citizen does not know the base from which he should be operating, the operation is obviously going to be limited. Government is not proactive in sharing information.

India is considered an active and vibrant democracy. However, the Right to Information had not made it easier for citizens to know and be educated. 'For the Right to Information to work and for the Act to become operational, those of us who consider ourselves knowledgeable should recognise the gaps in our own information and understanding and become sufficiently angry about it', she emphasised. People, whose daily lives depend on the provision of services, are likely to act. It is interesting to remember how the country was affected, when the Backward Classes discovered the possibility of taking their rightful place, based on their numbers in the land. The 'possibilities' that are available to people to change their lives for the better must be more accessible and available than what they are at present.

The Right to Information is a crucial means of action in this democratic space. It is important not only in its own right but also as a means of securing other rights that enable people to take control of their own lives. She listed the various areas that the Right covered, that included government, the public and private sectors and civil society. The State should not only have the obligation to inform people when they demand it but it also should share the information for welfare in a positive manner. Ms. Ismail explained that the national government could be made answerable to the local population using the International Conventions and Treaties that the government had ratified. Nevertheless people are not aware of these acts and treaties. Information dissemination is very insufficient in this regard. She remarked that our society should generate a stronger wish to ask. She concluded by citing the view of a politician that control of water, energy, trade and market and information together formed the pillars of power and if one can deny the access to these to the people, one is generally successful in controlling those whom one wishes to control. It is necessary, she said, that we look at the whole principle of entitlements, of citizenship as being intrinsic to the right to struggle for right to information and to become greater and more active in establishing what is in the best interest of the people.

Mr. Goutam Modi, Centre for Workers' Management, said that the trade union movement has really struggled for right to and for information and has survived by obtaining information in various ways, legal and illegal. For Trade Unions, their right to information is enshrined in the law but often they have to resort to different methods, of stealing or clinching the needed documents. The other method of attaining the Right to Information is the age-old method of collective bargaining. Typically every labour law or industrial dispute law across the globe has something to the equivalent of the Notice of Change wherein there are certain categories of changes if employers wish to make, have to be given by way of information to workers or unions before any negotiation begins.

The Right to Information as it has been won by various grass roots movements in various parts of India is not just about transparency, accountability and responsibility alone; it has been a struggle for power. Lack of information is not also about transparency but it is about power relations in the society. Looking at it from the point of view of the political economy of information, restrictive policies imposed by the government have resulted in corruption and this corruption has led to poor dissemination of information. It is to be noted in this context that the drive to control an economy through restrictive policies is no different from the drive to control an economy through monopoly capital.

The control of information according to several well known scholars emanates not from the public space but from the private space, and one has to take a hard look at the private sector – because private sector is not just about private sector, it is also about party funding, about policy funding, funding legislation and getting question asked in Parliament, it is about everything that happens in public space emanates in the private space.

There is a debate raging across the globe on unorganised and organised labour today – because the Trade Unions have not been able to cut through the layers of private capital. Modi said that the private sector can be separated into two parts:

- 1) The media, except for a very small minority, is publicly owned or owned by Trusts that are accountable to public. The vast section of the media, TV channels across Western Europe and of course the media across the rest of the world is privately owned. Reflection is therefore required on who controls the media.
- 2) The other side of the private sector are the services, manufacturing, stock markets etc. which control the resources, assets, nation-states. There are multi-national corporations which are larger than many nation-states and are capable of controlling governments.

Finally, regarding civil society, there are two areas where this information is most required – such as information on the private sector and of private capital investments in fascism. If civil society does not come out clearly on this, incidents like what happened in Gujarat, will continue to happen

There is a lot of ambivalence about negotiating with capital. The progressive sector, like trade unions does it all the time. But there should be no ambivalence about the level at which one negotiates and the level at which one opposes. The leadership for the Right to Information must come from progressive minded civil society organisations including the funding agencies and recipient organisations and then it will be difficult for anyone to withhold information.

Dr. Oonk remarked that three important realms have been touched upon by the panellists – viz. public policy, bureaucracy, and private sector and social organisation, and the discussion could be held around information, mobilisation and empowerment.

- ↪ An important point that came up was that of the question of applicability of citizenship laws to multinational companies. De-listing from the Stock Exchange amounts to absolving oneself of all responsibilities towards people and it becomes unclear as to whom one is accountable. However, in some States today, companies do not even need to de-list, they are able to manipulate the Stock Exchanges. As a result Stock Exchanges as regulators have lost their functional role and have become agents of monopoly capital in the States.

- ↪ State monopoly on information often leads to inefficiency and lack of access. One of the important bits of information needed to understand what is happening in fisheries is the data related to fish landings. Till the mid 80's, detailed information on the species called Cortechia was being collected and published by the Central Marine Fisheries Research Institute (CMFRI). Some of the States started collecting this data as agricultural statistics and the two data would never match. When approached the Central Government said that they could not accept CMFRI data, it should be State Government data. The situation in many states is such that they don't have the machinery and also don't have data on the fish catches except some broad aggregates. None of the scientific statistics that were available till the mid 1980's are now available, and in many of the states where it is available it is worthless because the State Governments are just cooking up the data, either out of incompetence, oversight or even deliberately. If one goes to CMFRI, they demand money for the landing data. So where would the Right to Information fit in this? The Right to Information Act was suggested as one method of obtaining such information, but again, the cost laid down for it was very high and one has to fight the price finally.

- ↪ Another suggestion was that MPs should be made to feel responsible for their constituencies and simultaneously, make public the need for information and the methods being used to get it.

- ↪ Lateral lobbying, public hearings as MKSS was doing, could be very helpful. The public hearing type of exercise would be useful because one is not asking for technical information for technical reasons, but it is important because livelihoods of people are affected. As has happened in the past, rather than getting coverage in the newspaper for a press conference, it is better to organise an event like a daylong seminar to get one's message across and lobby one's idea. So it is necessary to make one's process visible. Under the Right to Information Act, a competent Authority is specified. So if the Authority is contacted for any information it is his responsibility to respond by getting the

- necessary information and then communicate the same to the concerned person within 30 days. The problem in the states as far as all Acts are concerned is that the penalty clauses haven't been imposed properly. All Acts specify a penalty and under the penalty clause any competent Authority or official who does not provide the information within the stipulated time, is subject to action under the disciplinary conduct rules of that particular department.
- ↪ Because of corporate and global hold over newspapers, the quality and nature information given to civil society through media has gone down. The NGOs should sit together, do some research themselves or ask the scholars to do it on issues like Hinduisation of the media, increasing danger of American companies taking over the Indian news media, etc.
 - ↪ It was mentioned that studies need to be initiated on how 'uncivil society' is gathering and using information and influencing people by misuse of the information channel and this is a challenge in itself.
 - ↪ It was also pointed out that a reasonably good campaign was run on rewriting of the history textbooks. A campaign that needs to be launched is the one on rural education as the scale of rights involving primary education in the countryside is quite extraordinary.
 - ↪ On the question of whether the Right to Information Act was disempowering, it was felt that it could be when the authorities concerned used a processing fee or other excuses to avoid giving information. Similarly, earlier certain informations were available free but now one has to pay a fee. But for a majority of people who don't even have access to government officials or any NGOs or a pressure group, it is not possible to demand information in any way other than through this Act. So for them it is empowering. The Central Bill is much weaker, compared to many state Acts that are much more progressive. There is no penalty clause; many departments like Anti-corruption and Security have been left out. The National Campaign for People's Right to Information based in Delhi can be contacted by any group struggling for or having problems in accessing information.
 - ↪ It was pointed out that advantage of the right to information Act can be taken by people in capital cities or urban areas but it is difficult for people living in rural areas to ask for an information and get it as there are several levels from where permissions are to be sought before any information is given out.

- ↳ The boomerang effect of the Act and the need for transparency and a self-regulatory set of standards were repeated, because, as was stated, Civil Society cannot demand transparency without itself being transparent. The CFAs responded by assuring transparency in all their plans and procedures. Other points, regarding corruption and the lack of political will to give information, were also reiterated.

Session IV
**Civil Society Organisations and Governance: Major
Challenges – a Panel Discussion**

IV Civil Society Organisations and Governance: Major Challenges – a Panel Discussion

Prof. Ghanshyam Shah, Jawaharlal Nehru University, chaired the session.

Mr. Ajay Mehta, National Foundation for India, felt that there was a certain complicity in mutual dereliction in the relationship of civil society, not necessarily between CSOs, and the Governance. The Constitution underscored the rule of law that would work towards a just society and it guaranteed that citizens had certain rights. The ground realities however are different. There is a movement away from the enormity of expectations of Society and the Constitution. There are many ways of understanding this phenomenon – either through classical Marxian view of bourgeois state versus the oppressed classes or one can say that the vanguard Welfare Socialist State is being resisted by traditional forces such as caste, hierarchical values etc.

He agreed that the distinction between the uncivil society and the civil society is not a good one. But there are instances of the State and the Civil Society accommodating into each other's terrain. His experiences of working for an NGO in southern Rajasthan and the theorising and conceptualisation he had done have contributed to the understanding that there is a mutual complicity of dereliction. Mr. Mehta quoted the case of the poor, tribal peasants in southern Rajasthan where 70 per cent of the land is vested with the State and the rest of it is private property, most of it with the poor peasants. Over the last 50 years, the vested land – which legally is common property - though has been informally privatised and people have access to this land, but not legal access. This provides the base for a kind of dereliction. The conventional wisdom would say that within the scenario of a lot of poverty, corruption, high handed officials, lack of implementation of good and progressive policies, there has been a definite shift in policy in good direction such as participatory watershed development, joint forest management, Panchayati Raj, democratic decentralisation etc. But on the ground this is not resonating, not happening. This offers a classic case where people should protest, movements should occur. The State is bad, it is derelict and peoples' protest should be the natural response. But that is not the reality. The reality is quite opposite – the poor actually endorse their patrons – the derelict state functionaries. They endorse the patrons because they need land – both for livelihood and identity

and status. The State therefore accommodates their aspiration, informally, by allowing encroachment. The officials and elected representatives preside over this informal access to land.

In an economy that is largely dependent on land for livelihood, status and identity, the aspirations and needs of the people are being accommodated, though not formally, by officials and elected representatives of the State by allowing people to gain access to land which in effect means allowing encroachment. This in turn meets the aspiration for power of the officials, who are permitting encroachments. By giving access to land, the officials and elected representatives generate a certain discretionary power over the poor as what they were doing was illegal and not permitted by law. The law permits common entitlement, for example the joint forest management committee as a group can gain access, but an individual can not. But when a poor or middle peasant encroach on that land, in a sense he is vulnerable to the power of the State which can evict him whenever it so desires. The consequence of this is a kind of emasculation of State authority as well as of the collective strength of the villagers. Social loyalties move upwards and lie with the patrons, not within the community. Encroachment on pasture or forest land is largely negotiated through the patrons and it is not the villagers coming together and saying that the laws of the state are wrong and the norms of encroachment should be guided by poor getting more, the middleclass less and the rich least. But what is happening on the ground is that encroachment is adhoc and arbitrary. It vitiates the social base to action that is required to have the kind of transformations that civil society is interested in namely the social base of good governance. The activists and social movements, say the '*Jungle Zameen Andolan*' which are into regularising the encroachments, do not take the trouble to analyse who are encroachers – the poor or the rich, so as to privilege the poor and to ask the rich to give up their encroachments of the common resources. One therefore notices a sort of fatigue with NGOs in this regard and a greater fascination for social movements, trade unionism and so on. The challenge is to fight the conspiracy of engineering disempowerment of people, of democracy and development, and social relationships that weakened solidarity and forged vertical relationship of dependence.

It is a funny situation where policy is becoming progressive but its implementation is reasonably stagnant. The Joint Forest Management of the 1990s is a good policy but state officials are reluctant to encourage it. Even the poor show very little interest in JFM – which provided some collective rights on forest land, trees and other products. Because, the poor or not so poor have privatised forest land by negotiating privately with elected representatives or state officials, not through

any consensus internal to their community. But now, in the post 1990 situation, they have been given some collective legal access to the forest land and earlier encroachments have been rendered illegal. In such a situation, if the Right to Information framework is applied, who is going to exercise that right against whom. The so called encroachers had depended on the Patwaries, Revenue Inspectors, Forest guards and others for a series of illegal benefits, how are they now going to challenge them for the Right to Information. The challenge, therefore, is to break the vicious circle where people were quite comfortable having informal access because it benefited them personally debilitating the collective right. What sort of institution is needed to reverse this situation of access to resources based on patron-client relationship and not on entitlement, not on collective action but on private deals. Within this scenario, all social movements, activists, NGOs have a role to play. Presently, thanks to Government, donors and Civil Society, a lot of experience has been accumulated. In the pre-1977 period, people were being empowered through state. It was the era of the vanguard state to bring about social revolution. In the post-1977 era, the state began to admit that civil society has a role – which in turn encouraged the donors, the privileged society and obviously the NGO sector – and we have a lot of experience of its outcomes.

The point being emphasised here is that it is a complicated or ambiguous situation where poor not only like but are obsessed by their patron as they got assets and benefits which they would not have got ordinarily. They dislike their oppressors but they also have a relationship with them that is beneficial, which results in an ambiguous situation.

The second ambiguity is the lower middle class who form the majority in the development sector. They come from modest backgrounds and are perhaps first generation educated. They are in the social movements or in the voluntary organisations not out of choice. They have aspirations of power, because they come from a society that privileges people with power, as it is hierarchical. They do not go to social organisations because they prefer it, but they make the best field workers because they are willing to work in remote areas because of their aspirations of power, status and financial security. It is these people, who, if given dignity and a stake and made to feel like professionals, could bring about a social transformation in the villages. Mr. Mehta remarked that the NGO sector was the crucible in which, with further discourse, change could be made to take place.

The last ambiguous category is the Western educated class. They speak the language that donors, policy makers and the media understand. They have the security

and self-confidence of their class and usually become leaders of social transformation efforts through NGOs or through social movements. They bring crucial skills, idealism and democratic values to social movements. At the same time they can unconsciously exaggerate the contributions they make to the social problems or movements. But they lack the skills to make sure that the poor give up his patrons for a collective entitlement. Thus they might be taking the discourse in a direction which forgets the very important tangible factors.

Considering the fact that the aim of this workshop is to look for strategic spaces and interventions, it is to be noted that whoever had learnt from working on development, empowerment and social transformation and had a good understanding of it, should be privileged to address these critical challenges, whether they were NGOs or social movements. Mr. Mehta felt that there should be no switch from institution building. But to privilege social movements, merely because they protested against the Government is not right. He had not seen much of norm-making by social movements. He questioned their principles and the principles that they demanded of their constituencies and doubted, if they were in anyway superior to that of the State against which they protested. That being the case, he ended by saying that such social movements should not be privileged.

Dr. Kristoffel Lieten, University of Amsterdam, felt that to talk about governance is to talk about the State. Civil society often uses the word 'governance', when it in fact means the State. He asserted that the State was absolutely essential in the development of society, both developed and developing. Without the State there can be no rule of law, no Constitution, no courts, no justice and no redistribution of surplus to build infrastructural works – which are important for economic development. Consequently, human development works can be initiated in terms of education, health and poverty alleviation programmes. All these have been initiated by the Indian State. Therefore, the State in a society plays one important role, market place another important role and in additions to these two important partners there is a civil society or the society in general. This is the triangle where conflict takes place, and also where opportunities and possibilities take place and have to be looked for. The importance of the State in this scenario is unquestionable. Within that State, NGOs also have played a role since around 1980s. But their role has been minimal as compared to State, for example in the fields of education, health, sanitation and building of infrastructure. On the other hand, the role of NGOs has been important in the sense that they have addressed specific groups, they have taken on the defence of the marginalised groups and minorities in society and formed specific approaches which no government was

able to do or follow. They tried from bottom up to mobilise people, through the process of participation, involved people in the direct development process and, this aspect of working close to the people is the most important contribution and aspect which NGOs have given to the development process. But even then the overall contribution is minimal and one should accept this with a sense of humility. However, one important role that NGOs could play is to correct bad governance and that would be one function in terms of their importance as civil society organisations.

There has been a transition in the conceptual understanding of NGOs. In the 1970s and 80s NGOs meant those organisations who were involved in development processes at the micro level. Then there has been this change over to the term Civil Society – coinciding with the IMF, World Bank approach to liberalisation of the State to give more importance to civil society. Dr. Leiten cited the example of Afghanistan which has now become the playground of the market and civil society organisations.

The civil society organisations are of numerous types but what are being talked about are of those who are in the process of strengthening the position of poor, marginalised people in relation to the State structure so that the economic, political and livelihood rights, which are laid down in the Constitution and in the numerous Acts of the State are also implemented or in the process of being implemented, and therefore needed a better governance and a better government. This is the task, the obligation, which NGOs have taken upon them.

In this process of claiming from the State what is due to the people, especially the poor people, there are many actors. In the functioning of civil society there are a number of good partners – the NGOs, but there are ‘others’ – and the ‘others’ are partisan, very often associated with political parties; also State allied with self-seeking groups who want to become good partners in civil society. It is assumed that the State is an enemy, and has to be confronted, and any organisation which has something to do with that State – which does include political parties, is to be eliminated from civil society. Which means civil society is NGO and NGO is civil society. This is not acceptable.

Civil Society in a sense should be country specific. He compared the position in India and Pakistan. There are fundamental differences between the two - one with vibrant democracy and the other with landlords and military coming to power. In Pakistan, NGOs are a very dominant partner in Civil Society. In India, all kinds of organisations – student, civil rights, labour, women’s organisations

etc. – have made democracy work and all of them have one thing in common - they are associated with political parties. And if Civil Society in India does not want to touch political parties, then they will not be able to connect with all these vibrant organisations existing in Indian society. The fields, in which NGOs are active, are the same fields in which all these organisations linked with political parties, are also active – fighting for policies in the organs of the State, in Panchayats, in Parliament; mobilising people against bad policies of government or their implementations, sensitising people about policies or change in policies and influencing social behaviour in terms of secular or ecological movements.

Since they are in the same fields and if the NGOs decide to go it alone, and exclude the partisan groups in Indian society, political party-linked, State-linked movements, from their own movements, as is actually happening, then they are weakening the front. Civil Society Building is essentially a political movement (not religiously or philosophically neutral) and political movement means trying to recruit as many allies on your side as possible and in the process trying to control what they are doing. In India, if these are not political allies, they are mass organisations, which are usually politically aligned.

The second thing to happen is that there is also the danger of de-legitimisation of NGOs. When NGOs are working in areas where there are other organisations, particularly progressive party organisations, and they refuse to have an alliance or to share a common front, then they are liable to attract suspicion that they have a secret agenda or are foreign funded (which they often are), and thus break the common front in that area against dangerous and bad policies or non-implementation of policies.

So therefore, in speaking about governance it is important for NGOs to state, however difficult it might be, with whom they are willing to work and with whom they are not. Inviting other organisations or political parties to share one's aims and objectives and sitting on discussions, is important, because, after all, governance is about the State at various levels.

Discussion

↳ The social movements and the people who are part of it disagree with the way the State use the term encroachment. The poor encroach to get access to land where social or distributive justice has failed. Three identifiable situations were cited where the poor were able to justify encroachment, (i) by getting arrested for encroaching they had registered their presence on the land and could

- now fight legally for its disbursement, (ii) the land once belonged to them and actually government was the encroacher and (iii) the land was wasteland lying unused and they were developing the same by their labour. The question here was which side should Civil Society take. It was argued that violation of law through encroachment puts the poor in a vulnerable position, rather than empowering them. Similarly usurping large tracts of common land by Government and then not managing them properly is also not justifiable. But the civil society actors have to find ways that empower the people and this has to be done through engagement with the state as well as with the people.
- ↳ The idea of working with political parties, recruiting them as allies or asking them to sit on board meeting may not appeal to the NGOs. It may appeal to various social movements or other types of civil society formations in India. The experience of NGOs in working with the State and political parties has not been very happy. It is difficult for organisations to work with the State and at the same time remain a critique when it is required. However, there has been a noticeable fatigue within NGOs regarding the model they are following so far, and the model of working with the State and political parties can be tried. Similarly, market model seems to have come to stay and there is a sense of inevitability – and in that situation it is difficult to link up with the State.
 - ↳ The relation between the government and the NGOs turns into one of tolerance at one time and confrontation at another time. In the State of Orissa, for example, the Government sees the NGOs and such organisations as organised do-gooders. In good times they are only competitors whereas when the Government's strategy and action are challenged, they are treated as law and order problem. So NGOs are left wondering about the kind of roles that they should play in governance or in promoting what one would call good governance. The Government of Orissa had gone on record that organisations could only make the people aware of the roles, which it had scripted for them and nothing more. The NGOs were therefore perplexed as to where they stood.
 - ↳ Intervention of Civil Society in accessing resources is to be clearly defined and given importance. It is also important to recognise the efforts of NGOs as the non-recognition often creates fatigue within and outside NGOs. A distinction between good NGOs and others was also pointed out. NGOs, which have a good track record, functioning within the Indian Society and can allow

- confidence building measures by being transparent and also by having various linkages are considered good.
- ↪ Referring to the movements away from normative State and governance, it is important to know the role of the state. Movements with entitlements and rights approach are quite justified when the State does not fulfil its responsibilities. The State violates its own norms, which are made for the people; it is even more disturbing that Civil Society has not formulated norms of its own. It is not enough to make an ad hoc claim that the State is wrong, unless Civil Society can offer an alternative view of what is right. It is necessary to create the social base for rights to be experienced – for instance, in regard to right to food, education and information. These are required to be experienced on everyday basis. But that social base has not been created and rights based approaches therefore do not resonate with the people and an activist is required everytime to sort out corruption.
 - ↪ The concluding remarks of the chair was (i) those who are trying to rebuild society, can not do so without creating new values, and (ii) in regard to politics, one may like to avoid because it is dirty but NGOs or civil society are doing political work and therefore how problematic it may be, it can not be avoided.

Session V
Social Violence and Development Agenda: a
Panel Discussion

V Social Violence and Development Agenda: a Panel Discussion

Professor Dhirubhai Seth, CSDS / LOKAYAN, chaired this Session. In his opening remarks, he said that he preferred to believe that social violence is a broader, long-term concept where political and communal violence is also central. He felt that Civil Society Organisations were beginning to enter a phase, where they are assuming a more institutional and structural role, at a time when both the family and State are receding, and violence and governance are emerging in the arena of civil society. Therefore both issues of development and conscience of civil society have to actively deal with the issues of violence. He added that what weighs heavily with all, is not only the communal violence that has taken place, but also the fact that it threatens to become a pattern and an instrument of electoral politics, forcing a change of equations among people which would have very long-term implications and has to be faced boldly and squarely.

Ms. Indira Jaisingh, Lawyers' Collective, began by saying that the law has a critical role to play not only in times of social conflict, but also in peace situations. Very often there is a silent conflict going on all the time though it appears to be seemingly peaceful. A situation which is seemingly non-conflict is actually riddled with conflict which is silent, hidden, invisible. One ought to give visibility to this silent violence. She thought that law has a critical input to what has happened in Gujarat. The National Human Rights Commission had stated in an unambiguous term that there had been a break down of the constitutional machinery in the state of Gujarat. That the Indian Constitution has nothing to offer in a situation in which a constitutional body is telling that there is a breakdown of constitutional machinery is unacceptable. That set the Lawyer's Collective to reflect as to what kind of legal strategies one could think of in a situation of such extreme conflict. The conclusion reached was that ordinary laws, meant for peace time, break down in such situations. Therefore, in order to address the situations such as what happened in Gujarat, one needs the laws of war. It was a civil war. Answers were available in International law, in International Human Rights instruments for the law of genocide, the law against torture; for instance, rape has been considered an act of genocide, an act of torture. In Gujarat, it was difficult to prove rape because the raped women were killed or burnt. Therefore, if there has been a failure of constitutional machinery, if indeed it has broken down, the

answer has to be sought in International laws and conventions to which India is a party. The challenge therefore, is the domestication of such standards in Indian law to deal with situations like Gujarat.

Mr. Harsh Mander, Action-Aid India, pointed out that Gujarat violence has demonstrated that terrorism, war, communal hatred are always male dominated enterprise. Bodies of women and girls have been transformed into the principal battlefield for the real or imagined war between the communities. There was enormous evidence, for example the use of bangles, that it had been systematically planned over a very long period of time. It was a planned massacre, which used sexual violence to the extent and with the kind of brutality that it did, and it raises many questions. It shows the transformations in social relationships and polity that had enabled such a massive mobilisation, which was substantially centred around the very brutal treatment of girls and women as part of this war and of this manufactured hatred.

After the massacre in Gujarat there exists a kind of counterfeit peace based on fear. The peace that is based on justice and dignity and that which is based on utterly unequal compromises and fear are vastly different. There is very little of the 'just peace' in Gujarat. Village after village is left unsupervised – neither the State nor the hoodlums are there. Each village or town has an established border and there is very little physical movement or social interchange. There are villages where minorities can not return as they are openly terrorised.

In villages where the minorities have been permitted to return, there is a complete economic boycott and second class citizenship has been worked out for them with no redress for any wrongs. This minority community has become "the new untouchables". It has been worked out during last one year and there has not been any overt resistance. There is almost a fatalistic acceptance by the people who have been subjected to this treatment. Thus what one sees now in Gujarat is the peace of fear, peace of compromise and the peace of seeing nothing. This raises the basic and fundamental question about the future social relations and values in the words like secularism, communalism and peace.

Mr. Ali Asghar, Confederation of Voluntary Associations(COVA), began by saying that strong inter-community civil society organisations are very effective in mitigating conflict and preventing violence, and cited the case when fifty Hindu and Muslim women stopped a potential communal riot in Hyderabad on March 15, 2001 after a prayer at the Charminar Mosque.

He said that working with specific communities or marginalised sectors without focusing on the issue of integration with the rest of society generates conflict. Most often when the oppressed is empowered, they begin to assert themselves, thus altering the power equations in society and leading to conflictual relationships.

Covert violence manifests in the form of silent approval of injustice. This is strengthened by seemingly casual and irresponsible remarks originating from Ministers and institutions created to protect women's rights. He suggested that alongwith development agenda, civil society organisations should give due attention to intervention with civil society - the middle and upper middle class – to address this kind of covert violence that occurs on a daily basis in the society.

Mr. Asghar believed that responsibility for development should be shifted from the State to NGOs. Symbolic, emotive and non-substantive issues feature today in the political discourse. Governance and development issues neither fetch votes for the political parties, nor are they sufficient to throw them out of office. Within this scenario, concerned NGOs should step in and take over the responsibility from the State of caring for the marginalised and the poor. It is important to situate the governance and development agenda back into the political discourse and then only it will be possible to address issues of violence.

Electing to use the words, social violence, civil society and development agenda, **Prof. Subhorajan Das Gupta, Jadavpur University**, drew the relationship between the three saying that 'the aims and objectives of development agenda are to counter and challenge social violence, so that the Civil Society in which we live, turns out to be more humanized or less de-humanized'.

The development agenda should not only refer to quantitative indicators like GNP, technical up-gradation or the rise in personal income, but should simultaneously concentrate on qualitative indicators such as the quality of life as well as quality of the mind. Both are intrinsically related dialectical and mutually reinforcing factors and are not separate categories. It is the well-being of the people encompassing both qualitative and quantitative – is the objective of development. When the rupture takes place between the two – the qualitative and quantitative – the result is lopsided development and it becomes a dangerous development which is unable to check social violence. The examples are, Nazi Germany – a formidable economic might with a disastrous end, Gujarat – a rich industrial State heading towards carnage. In other words, slaughter and massacre do not take place merely in utterly backward Bhagalpur but also enviably forward

Ahmedabad. Therefore development agenda should concentrate not merely on giving a livelihood to communities but also inculcate the basic ingredients of tolerance and humanism to make their mind free. Instead of limiting to the concept and practice of livelihood it is essential to infuse the spirit of education where the basic principles, and elementary expressions as used by Gandhi are inculcated.

The understanding of the relationship between ethics and economics, quality and quantity, even between spirit and matter is crucial because otherwise social violence will be seen or interpreted as something primarily isolated, accidental, autonomous, self-propelling, spontaneous and fragmentary. Violence is not esoteric, rooted in time and space and the material context in which people live, and to reject this is to condone violence indirectly on one hand and propose and support violence directly. Examples are – the persecution of Christian in Indian states is regarded as something isolated, the murder of Graham Stain accidental, the Godhra backlash as something spontaneous, autonomous, and fragmentary, which should not arrest the wheels of development.

Thus development agenda that is blind to social crime should be rejected. NGOs, activists, academicians and those in social movements should work to bring the mind, the spirit, the ideology, the basic principle of human tolerance through the processes into a free play.

Dr. Kumud Sharma, Centre for Women's Development Studies, began her presentation by pointing out that the violence had been a central issue in the women's movement for decades. It also could claim some successes. Nevertheless, there is violence against women in the form of rape, foeticide, domestic violence and a whole range of issues that need to be addressed. All those working on development issues had to be aware that there could be no achievements at the grassroots level without addressing these vital issues. Equally there is a lot of cynicism about the concepts used in terms of civil society developmental actions - like 'people-centred development', 'gender-sensitive-development' and so on. Today, the civil society and development face a major challenge – emanating from multiple sources.

The post colonial state not only gave itself a Constitution that talked about equality and justice and set other normative standards, which are under threat now from violence of different kind, but also laid down that secularism and pluralism were basic values. But what is happening now is rejection of the normative framework and challenge to the multi-cultural plural society which was India's strength.

Developments in the last 50 years, through relations of power, dominance and exploitation in the social, political and economic spheres have continued to throw the biggest challenge to democracy, participation, equality and empowerment. This emphasis on plurality and differences which is at the heart of liberal democratic discourse and the approaches to citizenship and democratic rights, creates a kind of uniform category of citizens and this is where the democratic public sphere reflects today the politics of heterogeneous interest groups and severe imbalances in the distributive power and democratic and citizenship right. Democratic processes have failed in a major way to protect progressive politics, which is based on plurality and acceptance of differences. The problem lies in the increasing intolerance to pluralism in a society that is getting increasingly polarized. There is a need to re-build that pluralistic framework within our democratic society and development work.

The nature of politics and the democratic institutions today are more in combative mode instead of competitive and have close nexus between politics and violence. The nature of electoral politics today aligns vote banks along caste, community and ethnic lines and this in turn has fostered new political divides and conflicts between different ideologies and positions. Caste mobilisation, community divisions stemming from communal politics have posed serious threat to the plural society and have given growing communalization of public space. The new economic and cultural models – such as cultural nationalism and new economic regimes, are not only accentuating the struggles and conflicts but also dividing people vertically. The conflict arising over struggles for basic resources is getting intensified. And in all this violence has always been used to intimidate, subjugate and marginalize the sections, whose assertion always poses a threat to the powerbrokers, and this is where there is always a kind of retaliation.

Institutional response, which had been created by the State to support citizens, e.g. hospitals, law enforcement agencies, the judiciary, had all abdicated their responsibility at the time of crisis in Gujarat. Civil Society groups who were working on developmental action had to face this challenge. There are cases of double standards in the delivery of justice to the victims of the two communities.

The role of the voluntary sector acquires a new urgency in the context of these challenges. In spite of the criticism of Civil Society groups, it had to be acknowledged that they had contributed towards the creation of democratic spaces. At the grassroots level they had introduced many innovative experiments and dealt with many situations when government had failed. Despite their weaknesses, lacunae and gaps, Civil Society groups went to work at the grassroots

level with a lot of ideological zeal and this has contributed positively. They have a very important role to play in today's context, especially in the face of the new challenges that the 21st century offers. What is to be done perhaps is to redefine their priorities and responses to the present day challenges. To do this, Civil Society groups working in many fragmented ways would have to unite and work together.

Discussion

- ↪ In response to the question raised about the role of co-operatives in the violence that took place in Gujarat when co-operative movement and village institutions are very strong in the rural areas of Gujarat, it was mentioned that in one of the very radical 22000 membership based organizations working on tribal justice, land, forest rights etc., at least 25 per cent members took part in rape, murder etc. and the organization knew about it, but no action was taken against such erring members. Apparently, there were two standards of justice being applied - justice in one context and silence and neutrality in another.
- ↪ It was pointed out that various reports indicated violation of CEDAW conventions in Gujarat pogrom and whether a redressal process existed in international fora against a State or Nation on such violation.
- ↪ To a question on how Gujarat, in its present agony-torn state, could be perceived as recovering in the future, since it had implications for the rest of India, the response was that anger and despair were rampant, but unless some way of resisting injustice and of finding a space for forgiveness was achieved, the future would not be bright.
- ↪ There was a plea to donors to permit NGOs to leave aside their regular work and to rush to the aid of the needy in a crisis and in times of grave provocation. It is essential that grass roots level workers should be given this space. The donor agencies said that they had been working in similar situations in Africa and East Timor, so they appreciated this attitude of the NGOs. If NGOs felt that they were expected to stand aside and do nothing because of foreign funding, there had to be more one-to one discussions to clear this misunderstanding.
- ↪ A point was raised as to how International Law could be domesticated and what part CFAs could play in their own country to help the process. The response was that some how India had to be pressurised into ratifying the International Criminal Court Treaty. There were several situations where there

- had been no remedies within the domestic forums in India. The possibility actually existed if India signed the International Treaty. So it was time for Civil Society to build a strong movement towards this end. But what had happened at the international level was that India and the U.S. signed a mutual treaty saying that they would not subject their respective citizens to the jurisdiction of the International Court of Justice even when they knew that they were guilty.
- ↪ It is also most important to garner the knowledge of the International community to apply in India. If one wants to vindicate the rule of law the perpetrators of the carnage in Gujarat should be made accountable in the Courts of India with the use of International instruments. Cases like the Bhopal Gas tragedy are a proof of how International Law is not sufficient to get justice and how Universal Jurisdiction has to be utilised.
 - ↪ A very pertinent observation that was raised in the discussion was that most CSOs that have been working on various projects have completely ignored the youth. And today the fundamentalists are reaping the harvest of the work they have been doing with the youth in only the last five years or so. It is even more imperative now for CSOs to plan to work long term with youth and inculcate values and right perceptions in their thinking. It was also felt that the path of religious extremism that the youth are getting attracted to all over the world just as in India is in a way a failure of CSOs.
 - ↪ It was reiterated that somewhere along the line, the agenda of communal harmony and peaceful co-existence have to be woven into the fabric of all the work that CSOs do. There was a suggestion that the CFAs should work with other funding agencies to block the flow of money from abroad, to those who are engaged in spreading communal hatred.
 - ↪ The concluding remarks touched on the lack of intervention by the Gujarat Government to stop the carnage or prevent it and called for an explicit Constitutional remedy for the future. Possibilities of indirect and inferential use of Constitution is very limiting at the ground level when the State acts as community instead of playing its expected role as an elected neutral authority. Methods of Constitutional intervention should be explicitly spelt out for such contexts in the future such as independent Constitutional committee directly helping the President, a Rapid Constitutional Force, independent of the ruling party at the national level, to act when Constitution is directly undermined and a section of the population is treated as second class citizen.

- ↳ One basic issue that has to be attended by the CSOs is that there is a need to de-communalise many issues that are being communalised in a narrow context and purpose. It is very obvious that people are still possessed by the pre-partition politics of communal parity as against citizenship rights when they enter into a discourse involving two communities.

- ↳ Civil Society, it was submitted, is a socio-natural phenomenon, which has emerged in a certain historical context. And so it cannot escape the role it is expected to play. In this context it has to be recognised that the roles of family, market and the state are also changing and receding. Seen against the violence in Gujarat it is very clear that the role of family, which had a monopoly over morality, socialisation, ethic and so on, is shrinking. The state, in this case, has claimed its share in the violence. Whenever there was market competition in urban or rural areas in Gujarat, it led to the cynical use of violence and riots. In this context, Civil Society is not emerging as a positive, uniform force. It is a contested terrain. A large part of Civil Society is occupied by forces, operating within CSOs, who want polarisation, who have a vested interest in violence and want to use it for electoral purposes. But there are others also in Civil Society Organisations who do not hold this view. So the challenge is to restructure and revise this contested terrain, to introduce new values and activities to inform.

Concluding Session

Concluding Session

This session was held as Plenary Session after the Panel discussion on Social Violence and Development Agenda in place of Working Groups on (i) Right to Information and Citizenship (ii) Civil Society Organisation and Governance and (iii) Social Violence and Development as mentioned in the workshop agenda.

The session was conducted by **Ms. Annemiek van Voorst tot Voorst** and moderated by **Dr. R.K. Srivastava**.

Ms. Voorst requested the participants – NGOs, CFAs and resource persons to critically assess the workshop and give their feed back, as to what they had gained and what they felt needed further study. Inputs from this session would enable all participants, particularly the CFAs to decide on their future course of action.

Mr. Roubos stated that it appeared to him from the various presentations in the workshop that NGOs working for development, justice and peace had felt the need to re-strategise and reset their agendas to have an impact on Civil Society, especially in situations like Gujarat. He wanted a clearer picture of what actions were to be taken by NGOs in this regard.

Dr. Biekart felt that the whole concept of Civil Society Building was not a neutral effort, especially for those who were doing it at the ground level. Lack of neutrality means that there is competition and there is tension. Which means that if one tries to contribute to the process of civil society building from outside, one takes risk. The risk of facilitating or contributing to CSB has not been discussed enough and may be that should be done. Contributors to the process of CSB would have to analyse their contacts and to make choices, and these choices can have their own impact, because the choice was not neutral and therefore it is political. It is a subject that has to be dealt with both by those who form the Civil Society and the Dutch CFAs who want to facilitate and contribute to the process of Civil Society Building in India.

Ms. Van der Vleuten felt that enabling NGOs to respond to emerging issues was a way of making choices and contributing for CFAs, and it was also giving the space that was needed in such situations. None involved in the aid chain should remain passive because of the lack of communication. Working in an aid chain meant that all parties should communicate their needs and intentions to each other.

In the Netherlands, the CFAs had written to their Government to take some action in the event of the recent carnage in Gujarat, as the Netherlands has bilateral relations with the Gujarat Government. Letters had been written to some partner organisations sharing the CFAs' grave concern. NGOs were also told that it was necessary, in their state or outside, to take up these issues and they would receive a response in this regard. She felt that this has to be done more widely. It is important to make it clear to all participants that the CFAs are open and concerned and that they know what is happening and would invite their partners to take suitable action. By giving space and supporting the NGOs who fought against communal violence etc, it would be the first – or may be the only practical response that the CFAs could offer.

Dr. Oonk added that the non-funding agencies in Netherlands had already discussed with the CFAs, Amnesty International and other groups about the plan of action in the aftermath of Gujarat violence. He felt that much more than only writing letters, needed to be done in close collaboration with NGOs in India. He was keen to try, in a common effort with other agencies, to raise these issues in various ways. The issue has not been discussed very much in Europe because of the present paradigm that extremism is mainly rooted in Islam. But of course terrorism could come from many different sources. He called upon all the Indian CSOs who were really concerned with working on this to try to address this issue with a broader vision.

Mr. Jayant Kumar felt that a continuous analysis and understanding of Civil Society is necessary because the concept itself was relative and left room for many borderline groups. Although immediate criteria could not be worked out, the need to understand how to choose and whom to choose as working partners and strategies had to be tackled. Whereas CSOs had over the years practised the ethics of exclusiveness, he felt the time had come to practise the ethics of inclusiveness in order to counteract the violence and fundamentalism, which was being practised by certain groups. In India, violence is not only based on religion but also caste-based and that is something different in India in comparison to other countries. Further, he deplored the fact that Civil Society had not been very effective from Babri Masjid to Gujarat, but partly it was due to threats to the field workers and he wondered if there was a way to counter this.

Mr. Kaushal stated that the Gujarat-like situation occurred all over the country and anyone who tried to defend or fight for minorities – of any type – had to be prepared to be branded as agent of foreign organizations and to be harassed. There are NGOs who are working on certain issues like environmental issues

who have to face opposition because they are seen as working against development programmes. Regarding advocacy, Mr. Kaushal said that it was an art that had to be learned. He also felt that NGOs and CFAs should be treated as equal partners. He preferred that NGOs should not have to look upon funding agencies as 'donors' only. He appreciated the fact that his partner agency did not do so. He praised the need for accountability to tax payers' money and also felt that both funding agencies and NGOs who work at the grassroots level, have to uphold it. Mr. Kaushal applauded the help and support given by the funding agencies, but dissuaded them from direct involvement in agitations, as this could hamper the actions of the NGOs as in the case of the Narmada agitation.

Ms. Siddamma wanted it to be noted that violence was not the monopoly of Gujarat but it happens in other parts of India as well. For instance, there is violence against Dalits during elections in Tamil Nadu. She strongly felt that NGOs working at the grassroots level should be able to educate people and make them aware of the danger involved in getting entangled in violence. She felt that such awareness could protect them and pre-empt a situation similar to Gujarat.

Prof. Das Gupta suggested that the Indian partners and the CFAs put down the points that have emerged in this two-day workshop to redefine the extent and contours of Civil Society, redefine the role of development and of course of the role of funding agencies. Thereafter a constructive approach to retrogressions which have taken place could be chalked out.

Dr. Lieten felt that it is important to consider the repositioning of NGOs especially from the point of view of what Society would like them to do. He was impressed with the idea of NGOs as 'search machine', finding out and providing information to those who need it for their actions. The role as 'facilitator' seems to be the best for NGOs, supplementing the available information. He had heard a number of very interesting stories of NGOs in states like Himachal Pradesh, Orissa, Rajasthan and Delhi where the NGOs have been able to complete their work successfully. He termed this as the 'old mode' of Civil Society intervention. He differentiated this from the 'new mode' where the people have started complaining that the space has gone down in the last few years. The difference may also be due to the fact that in the old mode the State had not fully absolved itself of its responsibilities. And that kept India out of the negative impact of globalisation. Government gave something to everybody, though not equally but more to the rich. This situation has changed in the 1980's and 1990's and Gujarat is a reflection of that. The despair of many people who have been working in the Civil Society Building process that what they had constructed in 20 years was destroyed in one year's

time has to be seen in this context. Restrategising and prioritising of objectives and activities by NGOs have to be dealt with in this situation. Thus the reformulation of priorities and the broadbasing of NGOs work such as in the areas of communal violence, secularism, gender issues, harmony in society and looking for new partners in society could be taken up in the near future for further discussion.

Ms. Veena Gowda reiterated the points of the earlier speakers that secularism should be inherent in the NGO work. NGOs cannot afford to work in isolation anymore and also cannot keep their work secluded from what is happening in the wider society. Even thinking to realign with the state, with the funders or even with the community and the legitimacy that is derived from it, makes sense. She reacted to the suspicion that foreign funded agencies had their agendas got set elsewhere and was grateful to the CFAs for their openness. She however wondered as to how much foreign funding can fund activities such as reactions to communal violence. Because that will be interpreted as political activity.

Dr. Raghuram explained how, for the last 12 years in India, the Hivos Regional Office had consistently protected secular values, by looking at all proposals, institutions and their relationships with the larger community in terms of secular values. It is laid down very clearly that the development agenda has to be based on values of equality, in terms of dignity and protection of fundamental rights and in terms of economic and social justice. She thought that what had happened in Gujarat was an acceleration of what had been happening everywhere. There were small aid responses to existing partners with aid relief camps on trauma and displacements care for children and so on. Regarding Gujarat incidents, she felt that it is not only the NGOs and social movements that have failed but India as a whole has failed and every citizen of this country should own the responsibility for that failure.

She agreed that the development agenda was political because of the disadvantage that power had created in society. Therefore, development-aid institutions must take positions on most matters. It needed to be learnt how NGOs in different contexts and on different issues work with social movements and communities, because ultimately the NGOs and community organisations are public institutions and they are bound by statutory requirements to be clear in that relationship. She was happy to see that the discussion brought up the problem of the role of the State and it was stated that NGOs must not step in where the State does not function. Instead they should assume the role of demanding State performance. Foreign funds or any other nationally generated private funds must not be used

to have the state roll back the gains that have been fought for by the people. She thought that it would be a very unfortunate position to take.

She felt that in the face of rising violence across society it is important to consider and discuss the development agenda in a long-term perspective, where aid institutions could work with partners over a long-term period and on long agenda. She concluded by saying that one gets the feeling that there is not enough investment in peace – and it is worrisome to see that politics of aid goes along with the politics of resistance.

Mr. Vivekanandan said that he was never involved with the debate on Civil Society. Similarly he never gave a thought to what name people gave to his organization – viz. NGO or Micro Finance Institution. He believed that Civil Society was one term that the donors use most. He said that it was pointed out that civil society is not Society or Mass Society. In civil society one talks of equality of individual citizen and about citizenship. But there are many situations – where people are organized around their group identities and therefore that exercise and civil society building should be mutually compatible. It requires, he thought, further reflection to understand how that exercise leads to citizenship and CSB or does it turn out to be counter productive. As a practitioner, he preferred to organize people around their community identity rather than citizenship. He cited his association in forming Fishermen Trade Union in Andhra Pradesh where traditional caste structure was deliberately used to foist the Union. He wondered how it related to CSB. He thought that communal violence in Gujarat was totally different from other violence that one normally witnessed in society including caste violence. He believed that social violence caused by Dalits in Tamil Nadu was good one in the sense that they finally woke up against discrimination. He however felt that NGOs and social movements are not strong enough to tackle the issues of violence as experienced in Gujarat. He believed that many of the social movements are euphemisms. They have certain agenda and parameters where they are effective and beyond that they do not go deep and dig roots.

Ms. Kalpana emphasized on the relationship between NGOs and donors and believed that over the years the relationship has changed to partnership. But one feels wary when a donor says that study peace and conflict and we shall give money. That is nothing but setting the agenda. She noticed that issue of accountability comes up frequently – accountability of donors to their citizens and accountability of NGOs to their constituencies. Since both are up against

various kinds of forces – right wing, economic policies etc. – it is necessary to create larger partnerships – like the World Social Forum.

Dr. Coen said that the issue of role of the State and role of the NGOs has been raised in the workshop but it was equally important to know the role of CFAs as to what they were doing beyond funding.

Ms. Van Voorst, in response to Ms. Kalpana's remark, felt that NGOs should be very clear about their strengths. To be effective they should form social alliances, which would be to their benefit, such as Parivartan's alliance with slum dwellers in Delhi on the issue of Right to Information. She urged NGOs to work with other specialised organisations or movements who could help with work in their constituencies. She did not see the need for a separate programme to do this as the issues of pluralism in work related to caste and religion.

Mr. Sundar was worried that the discussions about Civil Society Building had laid more emphasis on the facilitators such as NGOs and other organizations, and tended to ignore the facilitated, namely the communities for whom the interventions are intended. He felt that they were a little different, and not enough attention had been paid as to how to build partnerships across civil society formations of the facilitated. This is also relevant in the scenario when engagement with the State and the Market is increasingly becoming imperative. Lastly, he felt that it is very important to build solidarity across different formations and coalitions as presently substantial isolation exists in the field.

Ms. Van Voorst expressed her gratitude for the inputs received during the two-day workshop and mentioned that the situation has changed completely and the CFAs would have to look at their own positioning as NGO, as CFAs, as movements and also consider their financial relationship. She promised they would get back to their own partners on their policies and activities.

She added that the workshop echoed some of the confusions in the minds of those who have been associated with the Civil Society Building in India. Who is civil and who is uncivil and with whom to ally with whom not to, etc. are some of the fundamental questions that cropped up again and again but were not answered satisfactorily. Various sessions indicated the dilemma the NGOs face at the grassroots level on advocacy. It was stated in unambiguous terms that any analysis of Civil Society has to take the power dimension into account. CFAs and NGOs should state their vision and their position clearly in times of crisis. A so-called

non-political position of Civil Society Organisations often leads to situations where violations of basic values and rights are left unaddressed.

The concluding session did not answer the main aim of deciding concrete steps and democratic means of accelerating real social change, but they did throw up valid suggestions for new strategies or viewpoints with regard to programmes and planning. They are summarized as follows:

Space to Manoeuvre

The NGOs asked for more elbowroom to manoeuvre in times of crises. Many had been fence sitters during the Gujarat crisis because, they implied, they felt their funds were earmarked for projects only. They also asked for more trust from their partners.

CFAs answered by agreeing that NGOs should have more space to be able to alter their priorities in cases of dire need. But it was pointed out that funding was based on long term planning and in certain cases some extra funds had been released in emergencies and for specific purposes and could be made available to NGOs with a proven track record. However, the CFAs agreed that it was necessary to work out joint strategies with their Indian partners in order to tackle crisis.

CFAs seemed to be eager to find out the perception of NGOs regarding the role of their Dutch partners. No clear thinking had been done on this point and it was left to be dealt with at a later date.

Revised Strategies

NGOs felt that there was need to revise their strategies on a priority basis, because the agony suffered by Gujarat could well become a pattern for political purposes. Many NGOs quoted similar harassment regularly, though not on such a large scale against minorities but on a caste basis in other States.

Some emphasized the need to build alliances with other Civil Society Organizations, specialists, and the community in order to fight negative forces. Some NGOs suggested inclusion of an early warning system, by educating the marginalized groups against the probability of violence or being used by pseudo NGOs for undesirable reasons, as in Gujarat and other areas. Some felt that they were comfortable with present policies and programmes and thought that NGOs

were not really as strong as they appeared to be and perhaps also, not sufficiently deep rooted to carry the burden of Civil Society Building.

Alliance Building

NGOs agreed that alliance building was necessary, because most of them did not know the basics of political struggles and the aftermath that would follow. They were wary of building local partnerships because of the likely political fall-out. Most of them had avoided any semblance of politics because they had been conditioned into thinking it was 'dirty'. The workshop opened the eyes of many to the fact that Civil Society Building was indeed political and they could not avoid accepting this fact.

There was considerable apprehension at the thought of joining hands with other organizations, when they themselves were unsure of what choices to make. They however, agreed, that in the changed environment it was necessary to alter one's outlook. Alliances were emphasized as a priority but given their varied fields of work, the question still arises, with whom should one ally?

One of the main roles of the NGOs, it was emphasized, is to monitor the State and attempt to correct bad governance. At no time should they take on the role of the State and allow the State to rollback. CSOs, which are strengthening the position of the marginalised so that their economic, political and livelihood rights are secured, are therefore striving for a better governance and therefore they must try to recruit as many allies as possible in their struggle.

It was suggested that instead of totally remaking their programmes, partner organisations should integrate the issues of promoting secularism, emphasizing pluralism and combating communalism into their present programmes and should seek out social movements and specialists to assist in this effort.

It was concluded that Civil Society Building is not a neutral effort and that contributing to the processes of CSB from outside means taking risks. A thorough prior analysis of the local context is required, and both CFAs and the NGOs have to make their own political choices. CSOs need to identify strategic partners to align themselves with. A joint response is required against violence in some states of India today. Investments are needed in the field of human rights training and advocacy capacity enhancement of the NGOs. The development agenda should be inclusive of democracy, and promotion of peace and human rights. Also CSOs/NGOs need to reflect on the way in which they would like to engage themselves with other actors like the State and the Market.