Civil Society and Governance

Rajesh Tandon
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The views expressed herein are those of the authors and do not necessarily represent the views of the organisation the authors are associated with.

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Preface

This book is the outcome of a research project which explored the interface between civil society and governance in the Indian context. This research was conducted during 1998-2000 by PRIA as part of a global research which aimed at exploring the impact of civil society on governance in twenty two countries across the world. Institute of Development Studies at Sussex, U.K. played the role of co-ordinator of the global study. We bring in this book the findings of our research in India.

The last decade has been particularly important in pressing us to rethink about the role of the state and its people in the matters related to governance. The changes which swept through the communist regimes in the Eastern Central Europe and military dictatorships in the countries of Latin America ushering in capitalist economy and establishing democratic regimes not only affected the political and economic landscape in these countries; along with that they also proved the collective power of ordinary people in defining and achieving what they considered as essential for good life. A simultaneous change all over the world in the form of liberalisation of economy and more space and role to market made people think, particularly in the developing countries where the states were starved of resources and have become ineffective in meeting the demands of people, as to how to reform the state so as to enable it to play its role. The current debate on the role and potential of civil society in influencing governance owes its origin to these significant shifts which have taken place in the sphere of polity, economy and society.

This debate becomes particularly relevant in an old democracy like India where the state has not been able to meet the need for water, shelter, education, and as recent events show even the food
requirements of a large number of people, but where a democratic framework of the state also provides space and freedom for people to engage in collective action to question the state, to demand a revision in policy, to implement the laws which were so elaborately codified in the constitution, and to improve the functioning of its institutions. This makes the interface between civil society somewhat different from countries which share a different political, economic and social context. It is this interface between civil society and governance taking place in a context where democracy has been there for a few decades and has travelled some distance, but where economic and social inequalities of various kinds still create a great divide among people, that this book illuminates.

While our research follows the broad parameters given by the Institute of Development Studies, we have stretched these parameters to look at the issues from the vantage point of the marginalised. We have attempted to focus on some of the important issues and concerns of the poor and marginalised sections and their struggle to address these issues in three selected governance areas of public policy, accountability, and local governance. Fifteen cases of successful interface between civil society and governance selected in this research for intensive analysis have provided us with significant insight into potential of civil society in influencing governance and the obstacles actors in civil society encounter in the pursuit of the agenda of good governance. In this book we have synthesised the findings from each case study and tried to present them in a form which provides a broad pattern of civil society initiatives taken to influence governance in contemporary India.

The book is divided into six chapters. Chapter one provides a conceptual understanding of the twin terms civil society and governance, objectives of the research, research questions and methodology of the research followed. Chapter two traces the history of civil society in India. It gives an account of the collective assertions in the colonial period and after India gained Independence. In Chapter three, a broad mapping of the civil society in India is attempted. It takes associational life as the basic principle and categorises civil society initiatives accordingly.
Chapter four contains the analysis of the case studies. It has three sections: section one addresses the inclusion of interests of the marginalised in public policy, implementations of policies and reform of the oppressive policies; in section two, civil society interventions in making the state accountable are analysed; and in section three, an analysis of civil society interventions in the arena of local governance is provided. In Chapter five we summarise the findings from the empirical investigation and based on that in Chapter six certain conceptual and practical implications have been dealt with.

We are thankful to the Ford Foundation for providing financial support for this research. In completing this book we have benefited from the writings and ideas of a large number of people and here we take the occasion to acknowledge this debt. Those who were intimately associated with the research and undertook the case studies — Bishnu Mohapatra, Neera Chandhoke, Vinita Tatke, Sudha Pai, Manthanji, Yogesh Bhatt, Anthony Gregore and G. Placid, Urvasi Butalia, Sanjiv Pandita, Devi Prasad Mishra, Alice Morris, B.K. Joshi, Mihir Bhatt, Subarayan Prasanna — contributed in building the individual case studies. Neera Chandhoke, Bishnu Mohapatra T.K. Oommen and Mark Robinson were particularly supportive of our effort and commented on the earlier drafts of this work. James Manor and his team at the Institute of Development Studies provided us with the opportunity to be part of a network of scholars from other regions pursuing similar studies and we benefited from their ideas through e-mail correspondence and interaction in the international conferences which James and his team organised periodically.

To all those who made this work possible we express our deep sense of gratitude and thanks. We have benefited from their ideas but the interpretations the book contain are our own and we alone are responsible for any error.

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December 2001

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Introduction

This work explores the relationship between civil society and good governance in the Indian context. It examines the contributions civil society makes in promoting and nurturing responsive governance at different levels of societies in a national context. While the overall impact of civil society on good governance remains the moot point of this research given India's socio-economic scenario, our approach towards the issue of civil society and good governance has a swing towards the disadvantaged sections of the population viz. poor, women, children, lower castes, tribals etc. Hence, this research focuses on those civil society initiatives which are concerned with the issues of, and participation by the under privileged and marginalised.

Research Objectives

The broad objective of the research is to explore the impact of civil society interventions on the promotion of good governance.

Specific objectives of the research are: contexts and background which create conditions for civil society intervention; nature of civil society intervention; processes of civil society intervention viz. form of intervention, resources civil society mobilises, strategies used, leadership within civil society, and alliances which civil society leaders form with state, political parties, private sector, and other civil society players; factors which are responsible for facilitating or negating the impact of civil
society intervention: Outcome of the intervention and; implication of the intervention for governance.

The research sought to meet the above mentioned objectives through a set of explorative research questions:

— Under which context and in relation to which issues do civil society interventions influence the state to be responsive towards the disadvantaged sections?

— How does the state create an environment, as well as conditions for the initiatives of civil society?

— How does the nature of interface of civil society with governance vary at different levels of the state and at different layers of the state institutions?

— How does the state respond to civil society and how the response of the state affects civil society?

— What kind of strategies, approaches and leadership in civil society combine to bring about an impact on governance?

— What kind of alliance and partnership develop between civil society and other players during the intervention and how that influences and enhances the quality of governance?

— What kind of human, institutional, material, and information resources do civil society players need in order to effectively influence governance?

— What type of civil society leadership is crucial in assuring the legitimacy and sustainability of civil society’s actions aimed at influencing governance?

— What are the immediate and long term results of this intervention and what implications do they have for governance?

— How do conflicts and fragmentation within civil society affect the governance?
Under what kind of political and ideological environment civil society activities can be legitimately and effectively pursued in relation to effective governance?

**Conceptual Framework**

**Civil Society**

Though the term has existed since early times, civil society as an intellectual concept gained clarity and lucidity with the advent of modernity in the western world during the 17th century. As any intellectual construct, civil society concept evolved with developments in other spheres such as, economy, polity and knowledge. Many events like the growth of the institutions of private property, spread of urbanization, replacement of the despotic state by the liberal state etc., contributed immensely to the meaning of the term ‘civil society’. However, it is the rise of capitalism that led to a clearer distinction between political and non-political and thus prepared ground for the emergence of civil society as a separate domain, to be seen independent from, yet vis-à-vis the state.

The early modern theorists like Hobbes and Locke (Social Contract School) in their writings on the origin of the State, treated civil and political society interchangeably and as a direct contrast to the state of nature which was their imaginary construct to describe absolute lawlessness and chaos. The civil/political society was rule bound—putting limitations on individual rights, and bound by civility—mutual respect for others’ rights. Both civil and political society were indistinguishable from and reinforced each other. However, these theorists, by putting limitations on the state in the exercise of power and granting autonomy to certain individual rights (Locke, for instance, gave emphasis on the autonomy of the individual in matters related to private property), somehow

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1 See Chandroke, 1995 for a conceptual history of civil society
made a distinction, even if it was not clear, between political and non-political spheres of human existence.

If the early modernists treated civil and political society as synonymous, the classical political economists of the 18th century saw economy as a major force influencing the social life. The theorists like Adam Ferguson, James Stuart, Adam Smith, commenting in the wake of the rise of capitalism, saw society as characterised by production, economic exchange, complex division of labour and the dominance of private needs, albeit guided by reason. This rational pursuit of self interest gave rise to social cohesion. The freedom to pursue economic interests, according to these writers, was to be accompanied by political/legal liberty and to be regulated by the rule of law. These classical political economy theorists were the first to separate the civil—even though they treated civil society and economy as synonymous—from the political.

It was Hegel, writing in a different tradition from the liberals, who first clearly distinguished civil society as an intermediate stage between family and the state. The domain of civil society, according to Hegel, was characterised by individuals striving for the fulfilment of their private needs, and the resultant tension and conflict. He, therefore, treated civil society as a transitional stage that needs to be transcended. He saw the possibility of resolving the conflict within the existing framework of society-state relationship. It was Marx, who rejected the existing framework of society-state in capitalism as capable of resolving the tensions generated in the civil society sphere. He looked at civil society itself to find a force from within, to replace the existing framework.

Since then the concept ‘civil society’ has been bestowed with many meanings and has undergone many revisions. Some theories of civil society describe it as a ‘space’ independent of the state and the market; others equate it with voluntary sector. For Seligman civil society is an ethical ideal which holds the public and the private in a balance (Seligman: 1992). For Tocqueville and more recently for Putnam, civil society is a network of associations and applications which safeguard democratic space
between the state and the family (Tocqueville:1990; Putnam:1999).

The contemporary interest in civil society has arisen out of the collapse of communist regimes in East and Central Europe. Resurrection of this concept and its use in the past decade has been necessitated as significant shifts in the roles of the state and the market began to be articulated. In the contemporary interpretations of civil society, therefore, three distinctive approaches can be noted. The first approach is essentially derived from the Anglo-American tradition and builds on the work of Tocqueville. In this approach, civil society is seen as an intermediary layer between individuals and families, on the one hand, and state institutions, on the other. Even where state institutions evolve within a democratic polity, they begin to dominate different aspects of human endeavour—health, education, social services and a wide variety of areas where citizens interact with the state. The representative form of democracy creates a distance between state institutions and their decision making from individuals and families who are relatively powerless. Building solidarity and associations across citizens help them to mediate and negotiate their aspirations and interests with the state. In this formulation, civil society becomes an area for expression of common interests of citizens and for empowering them to collectively articulate them vis-à-vis state institutions.

The second meaning of civil society has arisen from the challenges posed by citizens to communist regimes in Eastern Europe. As citizens began to protest against authoritarian states in Eastern Europe and former Soviet Union, on one hand, and military dictatorships in Latin America, Philippines and South Africa, on the other, these movements began to represent the aspirations of collective forces of individuals. The thrust of these movements was to democratisethe state and create fundamental freedoms and liberties for their citizens. In such a formulation, civil society began to be equated with the process of

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1 Also see Keane, 1988, 1998 for a discussion of the role of civil society in reforming the state.
democratisation in political structures and systems.

A third approach to the notion of civil society has its roots in the growing universal acceptance of free market and private enterprise as engines of economic development. Public Sector (the state and its institutions) and Private Sector (the for-profit business enterprises) have been undergoing realignments and shifts in their roles and relative contributions to societal development. As questions about the role of the state in economic development began to be raised, there evolved a growing demand for liberating economic activities from the clutches of state hegemony. In this formulation, non-state actors included for-profit private enterprises, just as it included not-for-profit civil society actions. ‘Third Sector’ (assuming that the state is the first and for-profit business is the second) formation is now being reconceptualised as civil society.3

Different perceptions, meanings, and manifestations are thus associated with the term ‘civil society’ in the contemporary context. Any study of civil society, therefore, needs to first decipher an appropriate interpretation of the concept and then its contextualised application in a given historical location.

In this work civil society is defined as the sum of individual and collective initiatives directed towards the pursuit of common public good. This definition of civil society acknowledges the presence of individual initiatives in different cultures. Individual action, howsoever limited and small, contributes to the well-being of society as a whole. This has been reinforced through various religious and spiritual traditions in different societies in different periods of history. Collective initiatives take on different forms in different periods of history. In today’s context, they take on a variety of associational forms based on the nature of association between citizens and their families. Today, traditional associational basis of caste, ethnicity and community are being replaced with more contemporary affiliations based on neighbourhood, profession, class and work place.

This definition also points to the varying degrees of

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3 See Tandon, 1991 for an interpretation of “Third Sector”. 
collectivisation which may exist in a society. While some collective initiatives are more formally organised, many others remain transient, temporary and informally managed.

The above definition then looks at the meaning and interpretations of public good. Historically, public good has been the domain of public institutions, so-called state institutions and political formations. With a decline of state institutions, on one hand, and growing differentiation in the needs and interests of diverse population, on the other, it is no longer tenable to repose all responsibility for public good in the hands of public state institutions. However, public good is not a homogenous concept and different sections of the population may interpret public good differently. This may also vary from a local reality to a global issue.

This approach to public good, therefore, implies differences, conflicts and contestations in the very meaning of public good. Not only among different classes, but also among the socially and economically disadvantaged groups the nature of public good varies. As a result, civil society becomes the space where establishment of common public good is a process of struggle between different sections of society.

This approach to understanding civil society, therefore, makes it amply obvious that this is not a virtuous concept promoting good and happiness for all. There are differences and conflicts within civil society, there are inequalities and hegemonic forces operating in the functioning of civil society. This is true at the local and national level just as it is happening in the international arena.

In the current literature, civil society is viewed as a non-party political sphere where individuals come together and form associations voluntarily. A clear cut distinction is thus made between the boundaries and functioning of the state and civil society. It is important to note that while civil society retains its autonomy from the state, that autonomy is rarely absolute. We look at civil society as a relatively autonomous sphere as the boundaries of state and civil society in many instances get blurred.

Our definition of civil society includes not only formal
organisations but informal organisations as well. In India, there are a large number of associations, networks, and alliances with varying degrees of formalisation. Some of them even lack any organisational form. Many such groups have taken up important issues like forest dependent people’s rights to minor forest produce, the tribals’ right to cultivate on the encroached forest land, etc.

In India, there are also a number of organisations that help others to play their role effectively by extending them support like the charitable trusts, voluntary development organisations etc. These assisting intermediaries, as we refer to them, also fall within the broad contours of civil society and would form part of the research.

**Governance**

Historically, after the World War-II, it was assumed that the job of governing nation-states was the responsibility of the governments. Democratic political frameworks of governments suggested three independent and inter-related functions: legislative, executive and judiciary. In different societies over the past fifty years, these functions have been organised differently, though still carrying a common aspiration.

With growing disenchantment of ordinary people with institutions of the government, with declining capacity of these institutions to respond to diverse interests and expectations of their population, with increasing gap in the policies of governments and their practical elaboration, with growing distance with and alienation of the poor and the marginalised from the elite-dominated institutions of government, with continued persistence of problems of poverty, exclusion and marginalisation in many countries of the world, and with growing importance of national and transnational private business interests, the concept of government has now begun to be changed to the concept of governance. In its elementary meaning however, governance, is equated with the functioning of the state and consequently good governance is equated with
efficient functioning of the state and its institutions and promotion of equity and social justice.

It is World Bank which first brought the concept “good governance” into development discourse in recent years. The Bank’s experience of failure of its economic policies in African countries led the Bank to attribute the failure to “bad governance” i.e. administrative inefficiency, corruption, lack of transparency, etc., in these countries. The conceptualisation of “bad governance” then led to the conceptualisation of “good governance” which include parameters like administrative efficiency, rule of law, accountability and transparency. The Bank however, did not associate “good governance” with any particular political regime. This association between “good governance” and democracy is vigorously pushed into the development discourse by the bilateral aid agencies by making aid conditional to promotion of regular election, promotion of human rights and rule of law.

There are two elements in this current conceptualisation of governance which we find questionable:

In all these conceptualisations governance is equated with government. We see governance in a society not just the responsibility of the governments; governance becomes the

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4 World Bank defines governance as the manner in which power is exercised in the management of a country’s economic and social resources.
For DFID governance means how the rules and systems of the state — the executive, legislative, judiciary — operate at central and local levels and how the state relates to individual citizens, civil society and private sector.
UNDP views governance as the exercise of economic, political, and administrative authority to manage a country’s affairs at all levels. It comprises mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.
OECD defines governance as the use of political authority and exercise of control in a society in relation to the management of its resources for social and economic development. This broad definition encompasses the role of public authorities in establishing the environment in which economic operators function and in determining the distribution of benefits as well as the nature of the relationship between the ruler and the ruled.

joint obligation of citizens and all institutions in a given society, including institutions of the government engaged in legislative, executive and judiciary functions. Secondly, the current conceptualisations equate good governance with administrative efficiency of the state – thus it is assumed that once the elections are held, corruption is checked, transparency in the dealing of the state is maintained, human right is promoted and good governance will ensue. It does not take into account the social sphere where inequalities of various kinds exist and affect not only the functioning of the state but also influence the chances of groups placed in the low socio-economic hierarchy such as low castes, tribals, women to benefit from the state policy and programmes. In our conceptualisation of good governance, therefore, not only democratisation of the state but democratisation of the social sphere also assumes significance.

In this work governance is defined as the joint responsibility of the state, market, and citizens to mobilise public resources and promote public decision-making towards the advancement of common public good.

Good governance, therefore, will entail not only reform of the public services, efficiency and cost effectiveness of public agencies but also ensure participation of the poor, the marginalised and the under-represented. Following points need emphasis for elaborating the elements of good governance:

- universal protection of human rights;
- promotion of equity and equality of opportunity;
- rule of law that is implemented in a non-discriminatory manner;
- efficient, impartial and quick judicial system;
- transparency in functioning of public agencies and officials (right to information);
accountability of decisions made about public issues and public resources by public leaders and officials;

- devolution of resources and decision-making power to local levels and bodies in rural and urban areas;
- Participation and inclusion of all citizens in debating public policies and choices.

Main Areas of Governance

The agenda of good governance is vast. The range of issues of governance from local to national level could be myriad. In order to have a focus, we have concentrated on three dimensions of governance:

1. *Public policy*
2. *Accountability*
3. *Local self-governance*

1. Public Policy

Government of India since independence has formulated a large number of legislations, policies and programmes concerning the welfare of the citizens. Many of these have been particularly targeted for the benefit of the poor and the marginalised. However, the nature of the state as it evolved during the 1950s-1970s created a situation where many of these well-intentioned policies and programmes were being undermined. The state, which was constituted on the basis of liberal-welfare principles, over the years became a mechanism to serve the affluent and privileged sections of the population. Besides the appropriation of benefits by the affluent sections, the nature of policy formulation has alienated the common man. Both at the national and the provincial levels, the bureaucracy is vested with the power to formulate the policies which are expected to benefit the common people. This process
which does not involve the opinion of the people in decision-making fails in many cases to take cognizance of their needs.

Civil society organisations, nevertheless, have been interrogating and putting pressure on the state to broaden the scope of making public policy exercise to include the interests of the marginalised which are absent in the current policy provisions. At the same time there is an effort towards the implementation of the existing policies and resistance to the policies which are perceived as oppressive. It is believed that many social movements and civil society organisations focusing on the issues of environment, gender, health etc., have brought the affected people to the forefront and have pressurised the government to register their opinion. As a result, the top down approach in policy formulation and implementation is influenced from the bottom-up.

2. Accountability

The question of accountability like all governance issues is a reflection of the deviation of democratic developmental state from its set procedures and goals. The constitutional granting of democratic rights, promotion of equality, delivery by public institutions, promotion of collective good—in short the responsibility for creation of an environment in which citizens exercise their democratic rights and enhance their life chances by availing the benefits of developmental endeavours was assumed by the state with much alacrity in the opening decades of independence. Needless to say this requires the elected representatives and public officials and institutions to be accountable to the citizens. But despite the democratic form of governance and the constitutional granting of rights, the non-accountability of the state to its citizens, which the state depicts by either observing silence or by continuing it in action, has generated a feeling of discontent among the people towards the state and its agencies. This feeling of discontent has manifested in the contemporary times in the form of collective action in the public sphere.
3. Local Self Governance

In recent years, decentralisation and devolution are generating pressures for local self-governance. With the constitutional mandates for Panchayati Raj Institutions and municipalities, it is likely that good governance would become a major concern at local level in these institutions. Nevertheless, even after the Constitutional Amendments were passed to effect changes in the local governance and make decentralisation functional, the decision-making capacity of the local bodies is still limited in many respects. The reasons are many—the differences in the provincial legislations regarding the power and role of Gram Sabha, lack of people’s participation in local administration both in rural and urban areas, and the apathy and resistance of higher administrative personnel to devolution which emanates from their fear of losing authority and control over their subordinates as well as on the public.

The Gram Sabha, the adult community of the village which elects the village panchayat members, in fact, is civil society operating at the village level to monitor the functioning of the local governance institutions and enhance the quality of local governance through their active participation.

Research Methodology

The comparative research project developed a common methodology. However, its application in India was as under:

- Historical overview of civil society and governance in India was carried out in the first instance. This helped identify considerations for developing focus and specify types of civil society players and nature of issues of governance to be explored in Indian context.

- Civil society structure of associations in India was evolved. It helped to categorise various types of civil society organisations, based on which a set of civil society initiatives were selected.
A series of conceptual papers were commissioned from some of the best thinkers and practitioners of civil society discourse in India. These helped to sharpen objectives.

A number of case studies were identified for in-depth documentation and analysis. A set of criteria was evolved for selection of cases.

The criteria provided by Institute of Development Studies (IDS) were further fine tuned to select a list of potential cases. The following criterion has been adopted for the selection of cases:

- Thematically, the cases address the three research areas—Public policy, accountability, and local governance.
- The underlying assumption in all the cases is that these civil society initiatives have a positive impact on issues of governance.
- The cases address the issues of civil society and governance from the vantage point of the poor and the marginalised.
- A combination of cases that look into the issues of governance at the local, provincial and national level.
- A combination of cases where impact as planned has been achieved by civil society action on governance, and those where results are ambiguous.
- Cases where different types of civil society organisations (as per profile) have been addressing governance issues.
- A combination of strategies (confrontation, cooperation, etc.) have been adopted by civil society.
- Instances where diverse set of civil society organisations have forged together (vs. where only one civil society organisation has been active) to address issues of governance.
- More recent (past 10 years or so) cases.
- Cases which have not attained much national or international importance and about which not much written material exists.
The chart below shows the selected cases:

**Table 1. Selected Cases of Civil Society Intervention on Governance**

<table>
<thead>
<tr>
<th>Case</th>
<th>Governance Focus</th>
<th>Civil Society Actors</th>
<th>Rationale for Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing rights for the pavement dwellers in Mumbai</td>
<td>Inclusion in policy</td>
<td>Society for the Promotion of Area Resource Centres, National Slum Dwellers Foundation, Mahila Milan</td>
<td>Urban poor</td>
</tr>
<tr>
<td>Chhatisgarh Mukti Movement, Madhya Pradesh</td>
<td>Inclusion in policy</td>
<td>Chhatisgarh Mukti Morcha</td>
<td>Casual workers in a backward region in the state of Madhya Pradesh (now Chhatisgarh State)</td>
</tr>
<tr>
<td>Distribution of land patta to the Kol tribals in Chitrakoot, Uttar Pradesh</td>
<td>Implementation of policy</td>
<td>Akhil Bhartiya Samaj Seva Sansthan Patha Kol Adhikar Suraksha Manch</td>
<td>Bonded tribal labourers</td>
</tr>
<tr>
<td>Textile workers’ fight for health and safety, Ahmedabad</td>
<td>Implementation of policy</td>
<td>Kamdar Swasthya Suraksha Mandal</td>
<td>Health and safety of workers in textile mills</td>
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<tr>
<td>Universal primary education in Mumbai</td>
<td>Implementation of policy</td>
<td>Pratham</td>
<td>Primary education</td>
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<tr>
<td>Case</td>
<td>Governance Focus</td>
<td>Civil Society Actors</td>
<td>Rationale for Selection</td>
</tr>
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<tr>
<td>Fishermen’s struggle against mechanised fishing in Kerala</td>
<td>Policy reform</td>
<td>Kerala Swatantra Malya Thozhilali Union</td>
<td>People’s right and control over their subsistence natural resources</td>
</tr>
<tr>
<td>People’s movement against the ISFP project in Chilika, Orissa</td>
<td>Policy reform</td>
<td>Chilika Bachao Andolan, Orissa Krushak Mahasangha</td>
<td>People’s right over their subsistence natural resources</td>
</tr>
<tr>
<td>Displacement related to the Subernarekha Dam in Bihar</td>
<td>Policy reform</td>
<td>Visthapit Mukti Vahini Icha- Kharkai Bandh Visthapit Sangh</td>
<td>Displacement and rehabilitation, people’s right over their subsistence resources</td>
</tr>
<tr>
<td>Campaign against rape of women</td>
<td>Accountability</td>
<td>Women’s Groups</td>
<td>Violation of the fundamental right</td>
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<tr>
<td>Dalit assertion in Western Uttar Pradesh</td>
<td>Accountability</td>
<td>Rashtriya Shosit Morcha</td>
<td>Violation of democratic rights of weaker sections</td>
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<tr>
<td>Campaign for clean air in the metropolitan city of Delhi</td>
<td>Accountability</td>
<td>Centre for Science and Environment</td>
<td>Pollution hazards of citizens in urban locations</td>
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<tr>
<td>Case</td>
<td>Governance Focus</td>
<td>Civil Society Actors</td>
<td>Rationale for Selection</td>
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<tr>
<td>Alternative budget analysis</td>
<td>Accountability</td>
<td>DISHA</td>
<td>Disparities in resource allocation for the tribals</td>
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<tr>
<td>Protest against the acquisition of common grazing land in Kadadra</td>
<td>Local governance</td>
<td>An informal network of members of Sarvodaya movement</td>
<td>Non-involvement of people in panchayat decision making</td>
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<tr>
<td>panchayat, Gujarat</td>
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<tr>
<td>Tribals' Struggle for the <em>Nistar</em> rights, Gadchiroli, Maharashtra</td>
<td>Local governance</td>
<td>Vrikshamitra</td>
<td>Restoration of traditional rights as a part of local self governance</td>
</tr>
<tr>
<td>Devolution in urban governance, Bangalore</td>
<td>Local governance</td>
<td>CIVIC</td>
<td>Decentralisation of power in urban governance and involvement of people in decision making at the local level.</td>
</tr>
</tbody>
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Historical Overview

Introduction

The most distinctive characteristic of the civil society initiatives in India is that the discourses and actions belonging to this realm are not directed towards the installation of democracy or a normatively appropriate form of government; they are in fact, directed towards making the democratic system live up to its ideals. India has a formal democracy with constitutional laws, codified rights and freedom, periodic elections, multi-party system and representative parliamentary form of government. It is also a democracy that aims to promote socio-economic transformation of a society marked by hierarchies of various kinds, through right to equality, equal opportunities, and principles of positive discrimination. But after fifty years of democratic welfare system the inequalities still persist. Neither socially nor economically the majority of population have taken advantage of the laws and policies, ironically due to their disadvantaged position in the social and economic setting. The inefficiency and irresponsiveness of the state *vis-à-vis* the citizens has ensued a crisis for legitimacy of the state institutions. This gulf between what is enshrined in the constitution and provided through legislation and policy provisions, and their actualisation forms the backdrop against which civil society and governance interface needs to be addressed in India.

A profile of the civil society initiatives *vis-à-vis* the state in India is discussed here. Thematically, equality, rights, freedom, citizenship, social cohesion, have remained the dominant issues
characterising the public sphere and collective action in India. But the context in which they are addressed keeps changing. Before India attained independence the colonial state was the backdrop against which these ideas and ideals derived their meaning. After independence a modern democratic state framed after the liberal ideals and committed to development became the backdrop against which the contextualisation took place in the public sphere. Civil society initiatives in contemporary India are concerned with the gap between what is constitutionally provided and its frequent violation, the way the poor and subaltern relate to the state and to the society, and collective action in the public sphere against the dominant interests and an unresponsive state.

Within the last fifty years civil society space has been redefined and restructured from time to time. In the 1960's the emphasis was on the fruitfulness of developmental endeavours and efficacy of state institutions. This upsurge in the civil society sphere followed the failure of the state to fulfil the aspirations of the people who could not appropriate the benefits of development. The lopsided distribution of economic benefits together with slow economic growth and food shortage gave a setback to the expectations of the common people. Excessive bureaucratisation and dominance of institutions of local governance by the rural elite resulted in the exclusion of the common people from decision-making. This questioning of democracy and development continued in the subsequent decades. With the emergence of ecology, human rights, women and dalit movements, the civil society domain in the 70's was beginning to be filled with new ways of addressing collective concerns. A plethora of social movements raising questions concerning citizenship, legitimacy of state institutions, ability of the state to implement policies,

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1 Scholarly debate in the 60's and 70's centred on the appropriateness of democracy for developing countries; unrestrained expression of dissent, allowed by democracy, hampering socio-economic development; and the collapse of democratic institutions as the cause and consequence of subaltern mobilisation. See Kohli, 1991; articles by Kohli, Hart, Bardhan, Manor in Kohli (ed.), 1988; Mohapatra, 1997 for these debates.
participation of the common people in the state institutions have animated the civil society sphere in contemporary India in a significant way. A distinctive characteristic of these new initiatives is that, unlike their predecessors in the 60's, they are not influenced by political parties and largely operate outside the orbit of party-politics. The civil society domain of 70's is also significant because it witnessed a periodic shift in the nature of the state which led to the redefinition of the relationship between civil society and the state in India.

The national emergency clamped in 1975 by the ruling Congress party was in operation for nineteen months (June 1975-March 1977) during which the democratic system was undermined. There was a curtailment of the fundamental rights of the people, the people were denied their rights to move to the court, the Indian press lost its freedom, public meetings were banned and there was mass arrest of political dissidents. Ironically the government took recourse to populist measures such as poverty eradication, abolition of bonded labour, and implementation of land reform legislations to seek legitimacy during the emergency. Thereafter, due to globalisation and liberalisation the civil society domain has become the ground for the complex interplay between society, state and market. Gradual withdrawal of the state from the economic arena and the filling up of the space vacated by the state by the global capital have led to an increasing emphasis by the subaltern groups for the state to play a dominant and responsive role within the framework of sustainable development and democratic participation. The 90's is also significant for the upsurge of Hindutva forces which have surpassed other particularistic loyalties in posing threat to the emancipatory and democratic agenda of civil society.

Since the discourses on society and politics in independent India are influenced in many ways by the colonial experience, any discussion on civil society in contemporary times makes it imperative to reflect on the issues and concerns raised by the people in the colonial period. Without entering into the debate whether a civil society space exists for the people subjugated by the colonial
state, the relationship between the colonial state and the Indian society and the issues raised by the colonised people before India gained independence.

**State and Society in the Colonial Period**

Colonial economy and polity formed the central theme around which the major vibrations in civil society occurred in the colonial period. The voices from the civil society were counterposed to the colonial state in myriad ways as different segments like workers, peasants, and the press were mobilised to resist colonial oppression. The nationalist struggle later unified these disjoined forces by accommodating them within the broader discourse on political sovereignty. However, there was another stream, largely non-political in orientation, which sought to reform the society from within through reform and education. The social reforms strengthened people’s faith in their cultural root which formed the basis for the emergence of an identity that was later to be mobilised by the freedom movement.

The social and religious reform movements criticised and questioned the rigidities of the caste system, the degraded status of women, child marriage, and female infanticide. At the early stage, social reforms were invariably associated with religious reforms because Hindu social practices enjoyed the sanction of religion. The reformers reinterpreted the original religious Hindu texts to support their ideas and to prove that the Hindu religion did not prescribe the social evils which had come to be associated with it. Hence enlightened Hindus tried to reform religion from within. The reforms were based on the principles of human dignity and social equality. Alongside the reforms, there was also an effort to introduce modern western education in India to make people

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2 This is based on Chandra, 1989; Chatterjee, 1994; Desai, 1979; Guha, 1982-94; Hutchin, 1967; Khilnani, 1997; Metcalf, 1994; Seal, 1968.
3 See Chatterjee, 1994, for the argument that social reform constituted the ‘inner’ domain and political agitations filled the ‘outer’ domain of anti-colonial nationalism in India.
aware of the progressive ideas. All the reformers of this period presented a synthesis of religion, society and education to reconstruct the social space.

Ram Mohun Roy's Brahmo Samaj, Dayanand Saraswati's Arya Samaj, Mahadev Govind Ranade's Prarthana Samaj, Ishwar Chandra Vidyasagar's crusade against the degraded position of women were some of the major social reform initiatives during the 19th century. The Brahmo Samaj criticised the practice of sati (burning of widows on the funeral pyre of their husbands), polygamy, child marriage, and the lower status accorded to women. It was Ram Mohun Roy's persistent efforts that led the British government to ban the practice of sati. Dayanand Saraswati founded the Arya Samaj to protest against idolatry, ritualistic priesthood, and the rigidities of the caste system. But the most ardent champion of women's upliftment was Ishwar Chandra Vidyasagar. He made relentless efforts towards widow remarriage and women education. Due to his efforts there were petitions from Bengal, Madras, Bombay and Nagpur pressuring the government to pass a legislation supporting widow remarriage. The Prarthana Samaj was started by Mahadev Govind Ranade to reform Hindu religious practices, particularly related to caste orthodoxy, through modern education. The Dravidian Movement in the early 20th century also protested against the Brahmanical dominance. Initially started by the urban elite non-Brahmins in the Madras Presidency, the movement gradually spread to other areas.

Besides these major initiatives, civil society in pre-independent India was also the home for many sporadic and spontaneous developments—Devendranath Tagore's Tatwabodhini Sabha spread a rational outlook among people, the Student's Literary and Scientific Society took initiatives to start schools for the education of women, Derozio's Young Bengal Movement propagated rationalism, liberalism, equality, freedom and truth.

The workers' movement during the colonial regime began with unorganised initiatives based on immediate economic concerns, mainly related to the railways and plantation workers. The workers joined the nationalist cause by supporting the agitation against the partition of Bengal and the Jallianwala massacre, the Civil
Disobedience Movement, the Non-Cooperation Movement, the Rowlatt Agitation etc. In 1918, Gandhiji organised the textile workers in Ahmedabad under the Ahmedabad Textile Labour Association. The All India Trade Union Congress was formed in 1920. The colonial government responded to the workers movement in two ways: it granted certain concessions to the workers by appointing the Royal Commission of Labour in 1929 to deal with the issues; and to enact the notorious Public Safety Act and Trade Disputes Act to regulate the workers’ movement in India.

The pre-independence period was also marked by peasant uprising in various parts of India. The land revenue system followed by the British favoured the landlords at the cost of the peasants. The early peasant movement, like the workers movement, was unorganised, sporadic and focused on the immediate demands of the peasants. An important peasant initiative during the 19th century was the Indigo Revolt which took place between 1859-60 in Bengal. Besides, there were protests against the Forest Act, 1878, which abolished the rights of forest communities over forests and vested the right of protection, production and management of forests with the state. This led to the undermining and gradual deterioration of indigenous forms of governing and managing of forest resources. In the 20th century these movements were merged with the nationalist struggle for independence.

With the advent of modern liberal ideas, progressive and politically conscious Indians became aware of modern civil rights like freedom of the press. The latter part of the 19th century saw the emergence of powerful newspapers like The Hindu, Swadesamitran, Kesari, Amrit Bazar Patrika, Sudharak, Indian Mirror, Voice of India, Hindustani etc. The press became a potent vehicle of the voices of the people against the colonial state. To suppress the role of the Indian press, the British government passed the Vernacular Press Act in 1878. There was strong opposition to this Act as a result of which the Act was repealed.

Colonialism formed the material, social and ideological context for the growth of nationalist movement. The lack of political
sovereignty and its socio-economic consequences were faced by the colonial population as colonial regime grew more oppressive. Each segment faced the consequences in the form of economic misery and political oppression as the colonial government favoured industrialists and zamindars against the interest of peasants and workers. Even the capitalist class was gradually drawn into the freedom movement as its interests suffered due to government-imposed trade, tariff and taxation laws.

The colonial rule, nevertheless, influenced political consciousness in many ways. Through administrative unification, means of communication and transportation the British rule brought the country under a uniform system of governance, defined political power and located it in the state. This had two consequences: it defined and located the power that needed to be contested, and secondly, it promoted a sense of Indianness among the people even though it remained vague. The British government also provided some space for Indians to enter administration through the Government of India Act 1909 and then expanded the scope in the subsequent Government of India Act 1919 and 1935. At the same time many oppressive legislations like the Forest Act which limited the traditional rights of people in the forests and made colonial state the protector, producer and manager of forests, and the Societies Registration Act, 1860 which restricted and regulated the associational activities were passed by the government to curtail people’s freedom.

A major organisational support to the nationalist movement came with the formation of the Indian National Congress in 1885. The nationalist struggle, nevertheless, passed through many phases before launching a full scale offensive against the colonial state. The early nationalists called moderates worked more towards the creation of national unity and drawing more people into its fold than put forward an agenda of direct struggle. As the basis of their criticism of the colonial rule was the criticism of colonial economy — trade, industry and finance — from which evolved the principles of Swadeshi and boycott of British goods as a symbolic rejection of colonial economy. Swarajya or self government within the British administration was extended by
moderates as a means for economic and political independence. The radical element within the nationalist movement that remained in a nascent form found political climate in the beginning of the 20th century favourable for its expression. As the oppressive colonial regime grew further exploitative ignoring the demands of moderates the leadership emerged from the radical wing. The declaration of partition of Bengal in 1905 provided the immediate context as the nationalists viewed it as an attempt to divide the territory on religious grounds. It was at this juncture that radical leadership transformed the protest against the partition of Bengal into freedom movement from colonial rule.

Many events contributed to the upsurge of nationalist sentiment among people. The post World War period was a period of price rise, economic depression, and unemployment. The war among European powers also dismantled the myth of racial superiority of the Whites, as the opponents criticised each other of perpetuating brutality in their colonies. The rising nationalist sentiment provided favourable ground for the launching of a mass movement to which Mahatma Gandhi could give direction on his arrival in India. Under his leadership the nature of struggle changed. A mass movement uniting the workers, peasants, urban poor and educated middle class began to gather force as people were drawn by the Gandhian method of non-violence and Satyagraha. Gandhiji did not address the peasants' concern as a sectarian issue; he posed it in the context of colonial exploitation. Thus the Champaran movement, the first such movement Gandhiji launched, against the forceful cultivation of indigo was not only a resistance by peasantry but it also formed an integral part of the nationalist movement. He consolidated the social reform activities as a necessary step towards self determination and self governance. Eradication of untouchability, women's education, popularisation of home spun handloom cloth, and self-employment through cottage industries were some of the important steps taken to restructure the society and the economy. With the advent of political consciousness through social reconstruction, mass mobilisation took a different turn and the colonial government was challenged by using a different political language and action.
Colonial rulers not only encountered non-violence as a new mode of protest; they also found it difficult to control the vast mass of people questioning colonialism with the political weapons of non-violence, non-cooperation and *Satyagraha*. Even against the violence unleashed by the British on the peaceful protesters in the Jalianwala Bagh the Gandhian strategy remained peaceful. However, within the nationalist movement there was a streak of militancy which reflected in the formation of the Hindustan Republican Association in 1924. The young revolutionaries were inspired by an armed revolution by the masses though often individual heroic action, in the wake of suppression by the British government characterised the activities of the Association.

The deliberations on nationalist movement were not homogenous and unified. There were competing streams jostling with one another to shape the vision of an independent India. The competing deliberations addressed two primary concerns: future form of governance and the nature of future economy. The Gandhian emphasis on a reformed version of traditional form of governance and Gandhiji’s scepticism towards industrialisation and the urban western educated leaders like Nehru’s preference for a modern state and economic growth through industrialisation competed with each other throughout the freedom movement which became the vanguard for peoples’ resentment against the colonial regime.

The public debate in the colonial period was not a debate for equality; its deliberations and actions were therefore, directed against the colonial state and towards the creation of a civil society. The pre-independence period defined the public space in a multiple idiom of reform, reconstruction, revolution, *Satyagraha*, and non-cooperation. But the leitmotif of these streams remained autonomy and independence from the colonial rule.

**Nature and Role of State in Independent India**

Following the end of colonial rule the modern democratic state was established in India. The oppressive colonial rule and the freedom movement, despite considerable variation in opinion
among the leaders, had shaped the form of governance India would adopt after independence. The colonial regime made people aware of the inadequacies of an alien rule and realise the importance of political sovereignty in a broader sense. The freedom movement since its dawn was inspired by the principles of rationality, justice, freedom and the dignity of the individual. The leaders, particularly those influenced by modern western ethos realised democracy to be the answer to the aspirations of the people who had suffered and struggled against the colonial regime. The Constituent Assembly elected through a restricted franchise deliberated for three years (1946-49) and on January 1950 a sovereign democratic state was formed. Universal adult franchise, constitutional granting of the rights, rule of law and an impartial judiciary established the impartiality of the state and the sovereignty of citizens.

Democracy implies that the state treats its citizens as equal. But democracy in a divided society also means that equality of opportunity would be denied to the people at the bottom of the social hierarchy till they are brought at par with others. Thus right to equality was supplemented with principles of protective discrimination. The lower castes who were subjected to various kinds of social oppression since generations and the tribals living in seclusion in the hills and forests were given the benefits of protective discrimination through reservation of seats in education and employment⁴. The state also took initiatives to reform the Indian society through legislations. The Untouchability Abolition Act and the Child Marriage Abolition Act were two such landmark legislations passed towards this end.

The low agricultural growth, famine and oppressive colonial economy had left deep scars on the country’s economy. The onus of promoting economic growth naturally fell on the state. The dominant development model prevalent in the west at that time was adopted as the appropriate model to augment economic growth. Thus economic growth through industrialisation and commodity production became the core of Indian economy and

⁴See Austin, 1996; Basu, 1995; GOI, 1996, for details on the constitutional provisions in India.
industry mining and big irrigation projects took shape in quick succession to change the economy. Economic sovereignty as a pre-requisite for political sovereignty was a lesson learnt during colonial regime and this principle was followed by insulating the economy from foreign aid and flow of foreign capital. The state remained the central deployer of capital by directly investing and controlling the public sector. The public sector dominated education, health, public utility services, power etc. The private sector operated in the field of light consumer goods. Mixed economy and development with democratic ideals became the characteristic features of the welfare state committed to social good.

Land reforms were designed to promote both economic growth by removing the intermediaries on the land, as well as eradicate rural inequalities by giving ownership of the land to the actual cultivator. The British administration had created two widespread tenurial structures in rural areas—zamindari and rotywari. In zamindari system one or more layers of proprietary rights existed between the actual tiller of land and the colonial state. In rotywari system no such layer existed. The intermediary in the zamindari areas like Bihar, Bengal and Uttar Pradesh were rent receiving parasites who avoided physical labour, took no personal interest in cultivation and exploited the peasants. Ownership of land was concentrated in the hands of a few zamindars and the vast mass of peasants were either landless or owned very little land. The upper tenants in British administration had struggled to secure the tenurial rights with partial success. Abolition of intermediaries, tenancy reforms and fixing ceiling on agricultural land were the important land reform measures adopted after independence to initiate structural change in the rural areas. With a vision and agenda for socio-economic transformation the state assumed the central role of provider, protector and regulator. It became the state’s responsibility to promote economic

\[\text{For details on developmental planning in India see Chakravarty, 1987; Chatterjee, 1998; Rudolph and Rudolph, 1987; Bardhan, 1984; Oommen, 1996.}\]
growth, eradicate inequality, promote social justice, generate employment, and protect citizens against the violation of their rights.

**Democracy and Development**

The state in independent India was expected to remain an independent and autonomous player that would reform the society, create opportunities, promote growth but would remain above the diversity, complexities and divisiveness of the society. But as the subsequent years revealed the state could not remain an independent player. The socio-economic transformation agenda was subverted by the same forces against which it was planned. The dominant landed elite, industrial class and the higher castes, historically placed in a dominant position, wielded pressure on the state to mould the democratic polity and appropriate the developmental benefits, thereby undermining the purpose of democratic institutions and developmental agenda⁶.

The abolition of intermediaries on the land resulted in the uprising of a new proprietary class of peasants. The superior tenants who had secured their tenurial rights benefited from the new legislation. The legislation could neither benefit the lower strata of peasantry, the sharecroppers and the tenants-at-will, nor abolish the intermediaries completely. The ambiguities in the legislation permitted them to retain their home farms as personally cultivated land. The land ceiling legislation drafted by the provincial governments had great diversity regarding the level of ceiling, unit of application and exemption of special categories. Numerous exemptions and widespread transfer did not result in the desired change. The land reform measures were lenient towards the dominant groups in the agricultural sector. Congress party’s dependence on the rural dominant groups dated back to 1930’s

⁶There is a large body of literature on the interrelated issues of democracy, development, and dominance. For a selected reading see Bardhan, 1984; Bardhan, 1988; Kohli, 1988; Kohli, 1991; Frankel and Rao, 1989; Frankel and Rao, 1990; Kothari, 1988, Kothari, 1986; Rudolph and Rudolph, 1969, Rudolph and Rudolph, 1987; Appu, 1996; Desai, 1986.
when it took part in provincial politics in the British administration. Since the same groups influenced provincial politics after independence, the Congress found it difficult to ignore their interests. Land reform measures did not produce the desired effect. In place of old intermediaries they created a new class of proprietors who emerged as the dominant group in the rural sector. This class of peasantry actively participated in agriculture and gave a different direction to peasant mobilisation which was the affluent peasantry’s pressure on the state for more patronage. The capital intensive agriculture introduced with the green revolution in the better irrigated zones of Haryana, Punjab, and western Uttar Pradesh further strengthened this class of middle level peasantry who took advantage of the government programme of subsidies in the form of electricity, irrigation and fertilisers. The beneficiary farmers of Green Revolution later lobbied for a share in political power and sought more favour from the state.

The intermediate class of peasants in the northern states of Bihar and Uttar Pradesh were mostly from the intermediate castes like Ahir and Jat who replaced the traditional dominance of Brahmins, Rajputs, and Bhumihars to emerge as the rural bourgeoisie. The lower castes, a large number of them surviving as landless labourers or with small holdings of land, could not be the beneficiaries from the land reform legislations. Thus in place of the old upper caste dominance the agricultural sector became the site for the domination by a neo-rich peasantry. These new dominant groups, being from the ritually clean higher castes continued to maintain social distance from the lower castes. Consequently there was hardly any change in the economic and social positioning of the lower castes in the rural areas. The old industrial class, despite the restrictions imposed by a licence permit raj continued to dominate the private sector and pursue their

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7On the aspects related to the emergence of middle peasantry see Brass, 1995; Dhanagre, 1987; Frankel, 1973; Frankel, 1989; Gupta, 1997; Hasan, 1989.

The capitalist farmers movement asking for more state patronage and the continuation of poor peasants struggle for adequate wage, fixed hours of work etc., opened the debate in the 70’s on the mere shifting of the means of production without a change in the relations of production.
sectoral interests. The state intervention in the economic sphere saved them from the competitions from foreign capital. The Bombay Plan of 1944 prepared by the leading industrialists, in fact, had sought state intervention in matters related to economic planning, investment and industrial growth. Thus the big bourgeoisie at the national level and the small bourgeoisie at the local level continued to dominate the private sector.

The bureaucratic structure, a carry over from the British administration, was further consolidated and vested with powers to play a central role in matters of policy formulation and implementation⁸. The democratic institutions like Panchayati Raj created to integrate the people with the decision making process were dominated by the rural elites. Consequently, the common people were excluded from the decision making and the projects to promote community development and local governance at the grassroots failed to transform the social scenario. The developmental agenda of the state was thus subverted by the affluent peasantry, the industrialists and the upper caste groups. The social mobility remained confined to the upper strata of society. Consequently the benefits of development were appropriated by the dominant groups, both old and new. The lower strata comprising the vast majority of people mostly tribals and lower castes who had suffered social and economic vulnerability and were targets of development did not benefit from it. Rather, development added new dimensions of disadvantage to their already weakening position. As technocentric economic growth took off and huge irrigation, hydel projects and heavy industries took shape, thousands of people were displaced from their original habitat. Without a comprehensive resettlement and rehabilitation policy, displacement became the inevitable fall out of development. As natural resources were put into commercial use, a large number of people directly dependent on nature for their subsistence lost their access and control over their resources. With industries becoming the source of livelihood for more and more people, low wage, insecurity of employment, and poor living

⁸ See Mishra, 1986, for the functioning of Indian bureaucracy.
condition in the slums became the fate of the migrant labourers in the urban areas.

**Dominance and Discontent**

With the passage of time the inadequacies of the Nehruvian model of development became more and more apparent. Land reforms and capital intensive agriculture created new dimensions of inequality in the rural economy. Industrialisation created a vast number of urban proletariat who survived without adequate wages and service conditions. Dams, ‘the temples of modern India as Nehru called them, resulted in large scale displacement which was escalated by displacements caused by mining and industry. The political institutions remained exclusive and limited the participation of common people. The Indian society became the locus of a new kind of inegalitarianism and oppression.

There was no major stirrings in the civil society for almost one and a half decade after independence due to what is elusively called the phase of ‘nation building’. Since the state assumed the role of provider, protector and regulator there was a consensus and expectation from the state to deliver. The general belief among the people was that the state knows the best way to govern its citizens. By 1960’s it became increasingly clear that the state has not been able to live upto its promises. In the field of education, health, livelihood and shelter the needs of the majority of the people remained unfulfilled. The partial success of the land reform legislations left the lower strata of peasantry without any occupancy rights and struggling for adequate wages and fixed working hours. Large number of migrant labour survived without adequate industrial legislation related to wages and safe working conditions. The initial discontent with the state got further reinforcement when the country faced severe crisis of foodgrains in the early 60’s. Failure of two successive monsoons and slow economic growth were at the root of this crisis. The notion of economic sovereignty became questionable when the government had to import food grains. War with China and Pakistan led to an increase in the expenditure on defence. The shortage of foreign
exchange and the consequent devaluation of currency led to price rise which together with shortage of foodgrains and slow economic growth intensified the misery of the poor. The economic crisis ran parallel to the political crisis as the Congress, the single dominant ruling political party at the centre, was enmeshed in corruption.

Civil society initiatives in its first phase of revival after independence found expression in many ways: emergence of a large number of self-initiated organisations to create alternate channels for delivery of basic services like health and education, students and industrial workers movements in different parts of the country, and political movements. Voluntary organised activities promoting development had a co-operative attitude towards the government as large number of these organisations being Gandhian had the historical link with the ruling Congress party. As a result the government also provided resources to these organisations in the form of land, infrastructural facilities and financial support to strengthen their work. Two pioneering institutions—Khadi and Village Industries Commission (KVIC) and the Central Social Welfare Board (CSWB)—to further support the voluntary organisations were set up by the government as early as in the 1950’s.

The real challenge to the state thus did not start from these organisations but from the mobilisation of peasants, workers and students. The students of Gujarat had successfully led a campaign forcing the centre to accept the resignation of the chief minister of the state on grounds of corruption and dissolution of the legislative assembly of the state. The workers particularly in the textile, engineering, and mining raised their voice on issues related to wage, personnel victimisation, dismissal, retrenchment etc. Two significant political movements also mobilised the Indians during this period. The Naxalite Movement and Jayprakash Narayan’s total revolution posed questions revealing the tangled relationship between the state and citizenry.

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9 See PRIA, 1991, for a history of development of voluntary organisations in India.
It brought food shortage and the misery to the rural poor in the form of malnutrition and starvation and formed the critical background against which the Naxalite Movement addressed the interrelated issues of land tenure and rural poverty first in West Bengal and later in Bihar, Kerala and parts of Andhra Pradesh. The unsuccessful implementation of land reform legislations had given rise to a situation where large holdings of land were owned by a small section of peasantry. Of the 343 million hectare net cropped area about 40 percent was owned by mere 5 percent of rural households. About 60 percent of the rural households were either landless or owned less than 2.5 acres each. Besides uneven land tenureship, the food scarcity and poverty in the rural sector was also aggravated the way the big peasants manipulated the laws to hoard food grains and sell them at a higher price. The poor peasants were the least protected by laws and therefore, were subjected to various kinds of exploitation by the well-off peasants on whose land they worked. They were subjected to exorbitant rent in the form of crop produced. The agricultural labourers wages were very low and there were periods of unemployment when in the lean season they failed to find work elsewhere. Poverty often drove them to borrow money from the village moneylenders at a high interest rate, and the expected non-payment led many of them to work as bonded labourers for the rest of their lives. Since most of these people belonged to the lower castes, besides economic misery they were often subjected to social oppression.

The Naxalite Movement sprang up to address the issues concerning the poor peasantry\(^{10}\). It began in a small village in the Darjeeling hills named Naxalbari and quickly spread to other areas. It was a movement led primarily by the youths, albeit with the support from CPI (M), who were inspired by the ideals of a classless society\(^{11}\). In its ideological orientation it mounted a vociferous attack against the state and problematised the very basis of the relationship between the democratic state and its citizenry.

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\(^{10}\) For a detail on Naxalite Movement see Banerjee, 1980; Das Gupta, 1974.

\(^{11}\) During the course of the Naxalite Movement there was a split in the CPI(M) resulting in the formation of CPI(M-L) by the radical elements.
As the movement progressed, it took a more militant form and was eventually forcefully suppressed by the state. The *Sampoorna Kranti* or total revolution led by Jayprakash Narayan combined the issues of rural poverty, unemployment, price rise and bonded labour together. It provided a coherence to the otherwise seemingly disjoined issues by linking them to the inefficiency of the state. J.P. as he was popularly called, emphasised on collective uprising against all these issues which in his opinion, emanated primarily from the malfunctioning of the polity. Initially started as a student movement in Bihar the total revolution gradually spread among peasants, workers and tribals. It emphasised reform in education, land tenure and public administration as solution to the social and political crises of the time. The movement urged the young people to work among the peasants and set up *Janata Sarkar*, a people's government that would take responsibility for the implementation of land reform measures, verification of the electoral rolls, and initiation of social reform. Chhtra Yuva Sangharsh Vahini, the youth brigade formed by J.P became the vanguard of the social, economic, political and cultural revolution that shook the society and polity before the declaration of national emergency by the ruling Congress party. The ideological underpinnings of total revolution were a combination of the socialism propounded by Ram Manohar Lohia and the Gandhian version of *Swarajya*. Jayprakash, himself a freedom fighter was sceptical of the Nehruvian path of development. As a close follower of Gandhi he was inspired by his ideals of restoring of the society and polity around village communities. The J.P. movement reiterated the Gandhian notion of governance in terms of self determination and the ideal conception of society and individual in terms of moral values, self restraint and limited material desire\(^\text{12}\).

The two powerful movements due to their political orientations remained disjoint and charted their separate course independent of each other. The geographical confinement of the movements also obstructed their inclusiveness. This had significant

\(^{12}\) For a detail on Jayprakash Narayan’s total revolution see Mahadevan, 1975; Prasad, 1964; Patil, 1989; Shah, 1977.
consequences for civil society because the waves of protests in other provinces among students, workers and peasants remained piecemeal. Their scattered effects notwithstanding, the upheavals in the civil society threatened the ruling Congress party at the centre. The forceful suppression of the Naxalite Movement was the first step the state took to capture the civil society space and it culminated in the clamping of the national emergency.

**National Emergency: Shift in the Relationship between Civil Society and the State**

National emergency represents a historical shift in the relationship between civil society and the state in independent India. Clamped on 25th June 1975 against the backdrop of social and political agitations, the emergency revealed the hidden potential of a democratic state to become dictatorial. The period saw the curtailment of the fundamental rights of people, the power of judiciary, and the press. The dissident political leaders were put in jail. Power concentrated in the hands of a few who made arbitrary decisions. The clamping of emergency followed in the wake of some important political events. On 12th June 1975 the Allahabad High Court gave a verdict setting aside the election of the Prime Minister Indira Gandhi on grounds of political corruption and manipulation of electoral practices which meant that she would cease to be a member of Lok Sabha and the Prime Minister. She filed an appeal in the Supreme Court against the verdict and the interim order granted her the right to continue as a member of Lok Sabha and as Prime Minister till the case was decided. At the same time the Congress party lost election to the Janata Front in Gujarat. Following Allahabad High Court's verdict of electoral malpractice against Indira Gandhi, the Janata Front launched a massive campaign and demanded her resignation. Against this backdrop of social upheaval and political instability the

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10 National Emergency forms an essential theme in the post emergency literature on political developments in India. A preliminary understanding of the issues can be gleaned from Chatterjee, 1998 (a).
national emergency was declared on the night of 25th June 1975.

With the declaration of emergency all laws related to life and personal liberty were abrogated. Appeal in the court against the violation of fundamental rights was denied. Acts granting immunity to the fair reporting of legislative and judicial proceedings were suspended. All means of forming and expressing of public opinion were curtailed. The amendments made in the Maintenance of Internal Security Act (MISA) during emergency turned it more authoritative. It vested absolute power in the hands of the government to arrest indiscriminately and it was no longer required to disclose to any one including the judiciary the reasons of arrests made under the Act. The indiscriminate use of preventive detention during emergency led both ordinary citizens and professionals realise the inadequacies in the constitutional granting of rights and the power of judiciary to protect them. Emergency broke the complacency of the people who had taken democracy and its benevolence for granted. More than to common people it was a setback to the educated middle class who realised overnight that the state could take their rights away. Emergency shattered the myth that the state could do no wrong.

To seek legitimacy during emergency, the state took a number of populist measures to accelerate socio-economic upliftment of the poor. The 20-Point Programme, as it was called, included strict implementation of land reform legislations, liquidation of rural indebtedness, abolition of bonded labour, participation of workers in management, prevention of tax evasion, special benefit to the weaker section etc. The Congress, with a confidence of getting people’s support, relaxed emergency and declared fresh elections. But despite its confidence the Congress received a historical set back in the election. The people restored democracy by bringing into power the opposition Janata Party\(^4\). Emergency

\(^4\) The Janata Government was a coalition of four opposition parties: Congress (O), Bhartiya Lok Dal, Jan Sangh, Socialist Party. The Janata government could not remain in power due to internal differences which forced the Prime Minister Morarji Desai to resign. In the 1980 elections the Congress again emerged victorious.
and the restoration of democracy not only redefined and extended the boundaries of civil society; it also by redefining the relationship of the citizens with the state restructured civil society in a significant way and made it more alert to transgression of its boundary by the state. The most important consequence of emergency for civil society was the question concerning the collapse of state institutions and their inability to protect the rights of the citizens. The civil rights movement had till then remained confined to piecemeal addressing of issues such as the suppression of Naxals. Emergency galvanised the movement as democracy, citizenship and constitutional protection of fundamental rights became important issues for public debate. The People’s Union for Civil Liberty and People’s Union for Democratic Rights are two such organisations formed in the post-emergency phase.

Social Movements: A New Era

The 1970’s saw a new vibration in the civil society sphere. Civil liberty, ecology, women, and dalit movements captured the civil society domain to make demands on the state in an unprecedented way. These movements spoke of new concerns, reflected a new consciousness and heralded the emergence of new identities. The constitutional rights and their protection, the recognition of rights that are not defined by law but forms an important part of the day to day living of the subaltern masses like the control over their resources, the right of indigenous people

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15 Since then the scope of civil liberties has been widened to include economic rights of the marginalised sections of population. See the publications of People’s Union For Democratic Rights, Delhi and People’s Union for Civil Liberties, Delhi; Ghosh, 1998 for an understanding of civil liberty movement in India.

16 The paper avoids the categorisation of these movements as new social movements because of differences among social scientists as to which movement are to be considered as ‘new’. But so far as the contemporary movements reflect a distinct approach towards the social issues they herald the emergence of a new phase.

For a theoretical understanding of contemporary social movements see Omvedt, 1993; Guha, 1989; Wignaraja, 1993.
to preserve their culture, the transformation of the feminine concerns from the exclusive concern of the women to the concern of the larger society, and the assertion by the lower castes, describes the new vibrations in the civil society domain. These social movements by questioning the existing paradigm of democracy and development have necessitated the evaluation of the fundamental values of polity and culture.

The issues these social movements address are not new—the questions concerning the equality, dignity, and rights of the lower castes, tribals, women and citizenry had filled the civil sphere earlier, but a significant change has taken place in the way the old issues are beginning to be addressed in the public sphere. The earlier movements addressed the issues from an economic and “class” perspective linking the peasants’, workers’, and women’s plight to the relations of production. The contemporary social movements differ from the old movements in terms of their “incisive analysis of those aspects of poverty and oppression—ecological degradation, subordination of women and so on—that are given short shrift by the class based movements” (Guha: 1989:15). These social movements reflect an enlarged vision of economics and politics. Economic justice sought by these movements transcends the mere distribution of resources to encompass a vision of the enhancement in the quality of life through recognition of people’s right over natural resources, their right to live with dignity, and their participation in the decision-making. These movements work as much towards the protection of civil society from the transgression of the state as widening the boundaries of civil society by filling the space with new ways of addressing issues, new conception of rights and autonomy and an expanded conception of governance that goes beyond service delivery and economic indicators.

17 The social movements in the 70’s demonstrated, the inability of the political parties to address people’s concern, and the growing confidence among people on their ability to interrogate the state. Their operation outside formal political institutions do not make these movements non-political. The political agenda of these movements urge them to make alliance with political parties. But unlike the earlier movements the contemporary movements are not initiated by political parties.
The contemporary social movements operate outside the orbit of political parties. These movements, in fact, reflect people’s disenchantment with the earlier political movements and the failure of the political parties to articulate their interests. In their difference from and search for an alternative to party politics, these movements have given space to a new way of articulation of issues vis-à-vis the political institutions. A large number of these movements are Gandhian in their orientation and reflect a shift in the transformation of the Gandhian organisational agenda from reconstruction work outside the state to take active part in the people’s issues. In doing so they have extended a critique of the modern state as well as promoted a vision of the Gandhian version of society. The leadership has also come from what Guha refers to as non-traditional left who “though politically influenced remain outside party allegiance and at an ideological level their critique of the state has been matched by an equal pungent critique of the limitations of organised left” (ibid).

Environment, women, and oppressed caste movements are the three important categories of social movements which have filled civil society space in the contemporary times.

**Environmental Movement**

Conflicts over land, water and forests are not new in India, but what gives the contemporary environmental movements a distinct connotation is the way these movements address the old issues. The earlier disputes over land for instance revolved around the question of inequalities germane to productive relations and control over means of production. The environmental movements do not discard these questions but address the inequalities and injustices in the context of development, ecological degradation and survival of majority of nature dependent people. As Guha puts it: “In contemporary India, conflicts over nature, just as much as the more conventional agrarian and industrial conflicts, raise important questions about distributive justice and economic efficiency. The distinguishing feature of this third generic form of socio-economic conflicts is that it simultaneously raises issues
of environmental sustainability. In so far as the natural resources in question are also vital to the agrarian and industrial sectors, the fate of these conflicts is intimately connected with the development process as a whole" (Gadgil and Guha:1994).

The competing claims of state, private parties and citizen over forest, water, land and fisheries have opened development for debate and have added a new dimension to democracy and civil society. The socio-economic context to these conflicts arises from a wider range of issues such as commercial use of forests, mechanised fishing, loss of livelihood of poor people, displacement caused by dams, mines, industries etc. Two such movements stand out as representative of the entire spectrum of environmental movements in India\(^\text{18}\). The Chipko Movement which became famous as the first environmental movement in India took place in the early 70's when the people in a hilly region in Garhwal, Uttar Pradesh, resisted the commercial felling of the trees by 'hugging' them. The Chipko Movement was in many ways a continuation of the earlier peasant movement in the hills\(^\text{19}\). But what gave Chipko the fame of being the first environmental movement is the idiom it adopted in its struggle against the state\(^\text{20}\). A new language of struggle emerged when Chipko articulated the stakes of the local people dependent on the forest resources for their livelihood as their survival problem. It delinked environmentalism as the pre-occupation with nature and wildlife and associated it with the livelihood concerns of a vast majority of people dependent on nature for their sustenance. It also pointed out the inadequacies in the existing constitutional rights by giving voice to the hitherto non-existing rights like the people's right over their natural resources.

The Narmada Bachao Andolan, the resistance to the gigantic multipurpose Sardar Sarovar Project on Narmada river, has opened

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\(^{19}\) See Guha, 1991, for a history of peasant resistance in the Himalayas.

\(^{20}\) Two essential readings on Chipko are: Guha, 1991; Bhatt, 1991.
the debate on dams as ‘temples of modernisation’. The movement raises important questions concerning development and displacement which are interwoven with state intervention, dominant interest, and rights of people over their resources. Sardar Sarovar is an interstate multipurpose project involving the states of Madhya Pradesh, Gujarat, Maharashtra and Rajasthan. The planners claim that the project will provide irrigation to 1.8 million hectares of land in Gujarat and 75,000 hectares in Rajasthan; drinking water to 8215 villages and 135 urban centres in Gujarat; and generate 1450 mw of power. The official statistics say that out of the total 245 villages which will be submerged by the reservoir only 3 villages will be completely submerged. The movement holds just the opposite view. It criticises the project from various angles: it will submerge vast tracts of agricultural land, forest, and wild life; it will displace thousands of families from their habitat; the benefits from the project are exaggerated and these claimed benefits will not reach the needy people of Kachchh and Saurashtra who are at the tail end of the project, but will be appropriated by the rich farmers and industrialists of Gujarat. The project is also criticised as an example of faulty planning: neither the people were consulted nor were they informed about the project; the project was given environment and investment clearance pending many surveys and studies; and neither a comprehensive master plan of resettlement and rehabilitation is ready nor the implementation of existing policies is satisfactory.21

Movements against mechanised fishery in Kerala and Chilika, against dams in Tehri, Subarnarekha, Koel-Karo, against mining in Doon Valley, against nuclear power plant in Kaiga and Missiles Test Range in Baliapat, have redefined the civil society space by filling it with a gamut of interrelated questions on economy, ecology, society and politics. At the same time the relationship between the state and civil society has entered a new caveat with the emergence of these popular resistance. Chipko as an instance of a successful mobilisation

21 See Baviskar, 1995; Mohanty, 1995, for details on the Narmada Bachao Andolan.
ambitiously set the precedent. But not all resistance movements that followed it, have elicited similar response from the state. In the case of Narmada Bachao Andolan, the ‘success’, if it is at all, is the new policy on resettlement and rehabilitation, hailed by many as the breakthrough in the existing legislation in that it has a provision of land even for the landless people. But the ambiguities in policy and the non-implementation due to the non-availability of good quality land have raised doubts about the efficacy of legislation promoting equality and social justice. Breakthrough legislation notwithstanding, the movement continues to resist the state.

The rights of people over their natural resources addresses a wide array of issues associated with the existing developmental paradigm and practice. The top down, centralised and bureaucratic developmental planning is criticised together with the rationale and objectives of development that deplete the resource base on which poor people subsist, displace them from their original habitat, and rupture their life style. The contemporary movements’ concern for socio-economic equity and environmentally sustainable development has led to the exploration of an alternative developmental path that is democratic in nature, ensures socio-economic equity and is both environmentally sustainable and participatory in nature.

**Women’s Movement**

Since Indian society is a complex web of social, economic and cultural inequalities feeding into each other, Indian women are subjected to multiple forms and contexts of domination—the cultural codes subjugate women by assigning women a subordinate position, the gender based structures subjugate them economically through unequal wage, unpaid domestic labour and the caste inequalities subjugate them by making the low caste women doubly oppressed.

In independent India the question of women’s status began to be raised by the Gandhians and the left in the early 70’s. This followed the lull that has characterised the civil society space
during the phase of nation building. The failure of the state to eradicate gender inequalities and promote equality gave impetus to the women’s movement. In this regard the Gandhian attempt was largely reformist as the first such organisation SEWA—Self Employed Women’s Association—a trade union of women vendors established in 1972, reflects. The left on the other hand looked at the sexual division of labour and addressed issues like gender discrimination at the workplace, unequal wage and the domestic labour.

Gradually the emphasis shifted from the critique of gender based structure and parity with men to women’s autonomy, independence and self-determination in the form of economic independence and control over one’s own body. The demands at the early stage were “fairly modest: that the legal definition of crimes relating to the sexual invasion of women’s bodies be widened to include family rape and the rape of prostitutes; and that the scientific invasion of women’s bodies through experimental technologies to regulate biological reproduction—especially the use of poor women in the developing countries as guinea pigs for testing new contraceptive methods be stopped” (Kumar: 1993:3). The social oppression of women in the form of dowry, rape, and bride burning galvanised the women’s movement in the late 70’s and the early 80’s. With the campaign against dowry, the family as a private domain lost its significance and was brought into public sphere as a site of inequality and oppression. The dowry deaths called suicides were redefined as murders and the “public-private dichotomy was broken by groups of women demonstrating outside the houses and offices of those who were responsible for dowry deaths within their families, and demanding the intervention of both the state and civil society” (Kumar: 1989:22).

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22 Women’s movement in India is not a homogeneous category. There are different strands of opinion regarding the focus of the movement, means and strategies towards women’s empowerment and so on. For details on women’s movement in India see, Basu, 1992; Gandhi and Shah, 1991; Kumar, 1989; Kumar, 1993; Omvedt, 1993.
Along with women centred issues taken up by the women’s movement, a parallel development also took place in the 70’s when rural women took up issues which were not exclusively feminine like livelihood concerns and these became the central force behind social change. Chipko for instance, was not a women’s movement but it was led by the women in the hills who in the event of large scale migration of menfolk to the plains in search of jobs bear the burnt of resource depletion and strains on the economy. This blurring of gender differences for common concern, in fact, alienated the urban based women’s groups who were pre-occupied with gender inequalities and patriarchal forms of dominance and subjugation. As Omvedt puts it: “The depiction of women, particularly poor women, as powerful agents of change and not simply victims of exploitation contrasted with the language of nearly all movement spokespeople of the time. Both traditional party leaderships, and the circle of urban feminists found it difficult to recognise, let alone tap, the force of women for change. These were likely to see women not as force for but as symbols of an exploitative capitalist society, victims of patriarchal repression, recruits for their party, objects for action” (Omvedt:1993:200).

The women’s movement in India has faced the uncomfortable position of being ‘captured’ as well as ‘marginalised’ by party-politics. It happened during the campaign against the case of rape by police in 1980. The women issue till then was addressed mainly by the left-oriented organisation. But in the campaign against rape, the right parties also saw the political manipulation of women’s rights. Women’s movement thus was caught between the dilemma of gaining recognition through political party support and the constraints of competing party ideologies which stifled women’s own voice. There was a recurrence of this dilemma in the case of campaign for a uniform civil code in the 80’s. The divorced Muslim women’s right to ask maintenance from their husband sparked the debate whether the secular law can supersede the personal law in cases of disagreement and contestation. The demand for a uniform civil code was hijacked by the Hindu right wing to attack the Muslims. The left also took opportunity to mount its attack against the Hindu right wing activities when CPI-M
organised a left and democratic Muslim opposition to the Bill.

**Oppressed Caste Movement**

Of all the contemporary social movements the assertion by the lower castes—variously called dalit movement, oppressed caste movement—has a variety of connotation. Mobilisation of the groups placed in the lowest rung of the socio-economic hierarchy is a mobilisation against the oppressive system, and that gives it the connotation of a progressive and secular character, but at the same time it is also a reinvention of caste identity for political and economic gain.

Before independence the lower castes in different regions had attempted to organise themselves. Satyashodhak Samaj in Maharashtra, Arya Samaj in northern India, and non-Brahmin Movement in the southern provinces had started raising concerns regarding the oppressions against the lower castes. However, as said earlier, public agenda during that period was primarily occupied by freedom movement and the question of caste oppression too became an integral part of that movement. Gandhiji named the lower castes as *'harijan',* children of god—an identity which has caused much resentment to the lower castes in the contemporary times—to elevate their status. It was clearly an attempt to initiate reform without challenging the system. But the conversion of Mahars, a low caste in Maharashtra, into Buddhism under the leadership of Ambedkar in the 1940’s revealed tensions within the planks of social reform movements in addressing the subject of caste oppression. Change of religion was a symbolic act to reject the system and its oppressive practices.

The social reform movements in the colonial period were confined to Maharashtra, Bengal, Tamil Nadu and parts of northern India.

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23 The oppressed caste movement in this paper covers only the dalit mobilisation. The backward caste (ritually clean but socio-economically backward) mobilisation forms a stream of the lower caste movements. But there is considerable ideological difference between the dalit movement and the backward caste movement except for occasional alliance for political and material gains.
India. With growing consciousness about their low social status and oppressive social system, dalit mobilisation in contemporary times covers a wider physical space.\textsuperscript{24}

The forces of democratisation, land reform, green revolution helped shaping the perception of the lower castes in a significant way even when there has not been any remarkable change in their structural position. The cleavages caused in the ritual, economic and political positions of the upper castes by the rise of the intermediate castes undermined the hitherto superior position of the upper castes. These socio-economic transformations altered the old Brahananical notion of poverty as divinely ordained and replaced it with a pragmatic understanding of poverty as the differential access to resources. Urbanisation helped the lower castes to escape the traditionally polluting caste occupations and the atrocities the system perpetrated. Social mobility among the lower castes due to education and employment made them conscious of the social oppression, and gave birth to potential leaders who converted the social consciousness into a political agenda. The democratic polity and caste also moulded each other in such a way that caste became an important political category and resource for political interests.

Ambedkar’s movement was a social movement with a political connotation. Political power as the liberator from social oppression formed the core of the movement and it informed the later phase of lower caste assertion. Ambedkar was also one of the prominent spokesperson in the Constituent Assembly and influenced the constitutional provisions extended to the lower castes. After Ambedkar’s death in 1956, the caste question remained subdued till in the same western province in the year 1972 the lower castes organised themselves under the banner of Dalit Panther. The Panthers were lower caste youths whose vigorous attack on the oppressive elements of social system and their rejection of the system captured the metropolitan city of Mumbai. Initially the

Panthers, mostly creative youths, depended on the symbolic capture of power through the cultural rejection of caste system. As the movement grew it got caught between the prevailing political trends particularly in Mumbai. Politically, the Panthers could not ally themselves either with the Congress or with the Communists. The traditional rage against the Congress as the co-opter of the Ambedkar Movement, the ideological difference with the Communists, and the conflict with the Shiv Sena, the stark opposite to the Panthers in their adoption of the ideology of Hiduata and dominant Hindu cultural symbols, alienated them from all the political parties. But with Shiv Sena the Panthers could not remain politically neutral and in later phase the Communists too infiltrated into the rank and file of Dalit Panther leading to its eventual split. However, the worse conflict the Panthers had was with the Sena members. The rift between the dalits and the other backward castes started initially on ideological planes soon turned into militancy even though materially both the groups were equally deprived. The real threat to the organisation came quite subtly from the communists. The leadership was divided on the line of Ambedkarite and leftist leading to a debate centred on Ambedkar vs Marx. The Ambedkarites pushed the leftist out for a period of two years and dominated the organisation till it was ultimately dissolved. The Panther organisation was resurrected by the young leftists who renamed it as Bharatiya Dalit Panthar declaring its aim to spread the movement throughout India. The dalit movement again spread in the slums, suburbs and countrysides and took up a number of issues like housing and educational facilities for the dalits. However, in its new incarnation also the dalit movement could not adopt the complete ideology of the left and retained a heavy cultural overtone. Ironically the Panthers ended up as supporters of the Congress.

In the northern region where the low caste movement emerged rather late, the dalit social assertion has been galvanised by a parallel political manifestation in the form of Bahujan Samaj Party (BSP)\textsuperscript{25}. Following the inability of Congress to capture lower
caste votes, the BSP was formed in 1985 to act as a vanguard of dalit movement through electoral politics. The parallel move of social movement and formal political process, reiterates the Ambedkarian principle of political power as the ‘liberator’ from social system, and the ‘capture’ of political power as the strategic move to change the social system. Within a span of ten years the dalit consciousness has been heightened by the parallel electoral victory of BSP. The consciousness of caste identity and rejection of the caste system as the handiwork of Manu—the spokesperson of upper castes—matches with the social development process initiated by BSP such as, Ambedkar Village Scheme under which villages with 20-30% of dalit population are eligible for special welfare grant under Integrated Rural Development Programme, Jawahar Rojgar Yojna, and Nirbal Awas Yojna.

Though the dalit movement continues with its central theme of rejection of dominant Hindu symbols, a concrete material demand was articulated by the movement in the late 80’s with the declaration of the Mandal Commission Report recommending more reservation in government services for the Other Backward Castes (OBC) who are not untouchables but suffer from both social and economic backwardness. This reservation of seats was in addition to the already existing constitutional granting of reservation to the scheduled castes. The Mandal Report was pushed forward by the Janata Party ruling in the centre in 1991 in an effort to find stronghold among the backward castes. The dalit movement built alliance with the backward castes to forge unity among the low castes. The BSP collaborated with the Samajwadi Party—the political wing of the backward castes—to build a Bahujan Samaj of dalits, backward castes and Muslims.

The opening of the economy to the forces of liberalisation in the mid-90’s has strengthened the dalit movement further. The fear of the state loosing its grip over the economy is more threatening to the groups who have been protected by the affirmative action. The failure of the socio-economic transformation agenda of the state has been at the root of lower caste resentment, but it is also true that social mobility, however negligible, in the form of education and employment, has helped
in turning the culture consciousness into a political agenda. Along with the mass-based social movements, this period also witnessed significant growth of more voluntarily organised effort to address the issues of poor, low caste and women. These organisations provided services, worked towards increasing awareness among people, undertook campaign for their cause and made people realise the values of self-reliance. A wide range of issues covering land rights, housing, livelihood, control over sustenance resources, health, education, gender equity, child rehabilitation, concerns of youth were beginning to be addressed within a more institutional framework of social action.

Sewa Mandir founded in Udaipur, Rajasthan, has been working for almost thirty years on enhancement of livelihood and capabilities of rural communities. A couple of years later NM Sadguru Water and Development Foundation began working on the issues of natural resource management by the local communities in tribal regions of Gujarat which gradually spread to Madhya Pradesh and Rajasthan. In the Garhwal hills of western Himalayas, Bhubaneswari Mahila Ashram began its work of improving the conditions of rural life through Shramdan-voluntary contribution of labour by people. It first motivated people to contribute labour to construct a road. Over the years its activities have grown to cover issues concerning health, livelihood and education. In southern part of India Deccan Development Society was formed to raise the issue of negative impact of mechanised agriculture and sensitise people to adopt alternative ways of cultivating their land. A number of organised efforts sprang up to address the issues of land rights in different parts of India. Unlike the Naxalite Movement which had turned violent in its approach, these organisations adopted a constructive approach through awareness raising, dialogue and campaign. Kasthkari Sangathan in Thane, Maharashtra mobilised tribal peasants, Akhil Bharatiya Samaj Seva Sansthan in Chitrakoot, Uttar Pradesh took up the case of landless tribals, Ekta Parishad, initially formed as a loose coalition of organisations working on land right issues in Madhya Pradesh, gradually became organised and spread its activities to Orissa and Bihar. Child in Need Institute
in West Bengal and Voluntary Health Association of India through its network in many parts of India began addressing the health issues. Likewise Child Relief and You (CRY) in Delhi concentrated its work in rehabilitating children and issues of youth found voice in YUVA which was formed in Mumbai.

The ‘Uncivil’ in Civil Society

Civil society space in India is not always filled with emancipatory politics and collective action is not always directed towards the improvement of the situation of the marginalised; civil society can be a site for conflicts and contestations and the public sphere can be captured by the elites to fulfil their interest. It is a truism that voices of dissent in democracy, on one hand strive to make democracy real and substantive, and on the other, work towards the subversion of the democratic ideals. The emancipatory and democratic agenda of civil society is constantly being threatened by the exclusionary politics perpetrated through the reinvention of particularistic loyalties of caste, language, region, and religion. Issues of autonomy, dignity, and self-determination loose their legitimacy when they become hegemonic and mar the plurality and diversity which characterise Indian society and Indian nationalism.

Linguistic identities have surfaced in India to put demands on the state in myriad ways: reservation of economic opportunities in the region for original inhabitants or ‘natives’, administrative autonomy, and threats of cessation. The rationale varies from backwardness and underdevelopment of the region, as in the case of Assam, to affluence as in the case of Punjab. The linguistic identities take the form of ‘sons of the soil’ and resist the sharing of resources, education, and employment opportunities in the region by the ‘outsiders’. Since the separatist movements have often taken recourse to violence and extra-constitutional means the state has found it easier to deal with them. Another threat to the state has come from the forces of Hindutva which work within

26 For mobilisation on linguistic basis see Weiner, 1978; Weiner, 1998.
the prescribed parameters of law to propagate an alternative
conception of Hindu cultural nationalism in contravention to the
existing secular and plural conception of nationalism. As
Chandhoke writes:

"The Hindutva project is dangerous, precisely because it claims
to function within the prescribed parameters of political life. It
does not deny the constitution, or the state, or the apparatuses of
parliamentary representation. What it does seek to do is to recast
the system within the cultural frame of a reworked nationalism"

The caste violence between higher and lower castes
particularly in Bihar and Uttar Pradesh has not only widened the
gulf between them, the brute use of force by the higher caste to
eliminate the lower castes, as is evident by the terror perpetrated
by the Ranbir Sena in Northern Bihar, is indicative of a malice
which rocks the very foundation of democratic values. Another
dimension of loyalty to particular interests is evident in Kashmir
where the demand for autonomy from the Indian Nation has grown
over the years and has resulted in violent clashes between Hindus
and Muslims.

It is not that the groups display hostility towards each other
only on the basis of their loyalties to their traditional identities;
groups based on modern criterion of class, profession and income
also tend to alienate the poor and marginalised in their attempt to
further their own interest. Earlier we mentioned about the rise of
a class of neo-peasantry which is affluent and making demands
on the state to grant subsidies and other concessions. The cornering
of state given benefits by this group alienates the poor peasantry
from the process and benefits of agricultural development.
Similarly industry associations lobby for their narrow interests,
thereby undermining the interests of the poor in society.
Civil Society Structure in India

The structure of civil society presented here is based on the classification of associational types within the meaning of civil society posited in the previous chapter—collective initiatives for common public good.

Any profile is based on a classification system. Civil society classifications have used purpose, type, activity, nature of organisation, its resource base, etc. What is proposed here is a way of capturing the diversity. The defining concept used in the profile here is the type of association that citizens have in society.

Why classification of civil society based on association? Human beings associate with others in order to pursue common purposes that they can not pursue on their own. Freedom to associate is a fundamental human right as well as a libertarian provision. As Hirst has argued, associations enable individuals to pursue their own freedom. “The first is that by banding together individuals attain some purpose or govern some activity defined by them as important to their interests, and do so in a way that they could not unless they associated. The second is that in the process of banding together individuals develop themselves” (Hirst: 1994:50). Hirst goes on to argue that voluntary (by choice) nature of such associations provides the basic logic for collective action for common public good. Association can be truly voluntary, only if it allows an individual freedom to join and freedom to exit.
Rigorous application of these criteria may suggest that some associations are 'closed' or 'exclusive', and hence, may not necessarily belong to civil society. Likewise some 'associations by fate' (like caste) render them outside the purview of this definition.

In applying this framework of association as the basis for classifying civil society, both the nature of associational process as well the purposes of association need to be kept in view. In reality, individual choice to associate is also exercised within a given cultural-social context. In contemporary Indian society, individual choice is not exercised in absolute freedom; family, community and society have moderating and restricting influences on the exercise of such choices. Hence, the following classification of civil society as an association includes many 'hybrid' types, as well.

Five categories of associations are elaborated below:

1. Traditional Associations

Such associations existed around a social unit either defined by a tribe, ethnicity or caste. Associations of this variety undertook a wide range of functions in the lives of those citizens. Besides mediating inter-family relations, such associations developed elaborate systems, norms and procedures for governing the use and protection of natural resources (Tandon: 1996). In the course of state expansion in the past five decades, many of these associations have declined or disintegrated as their legitimacy and resource base was undermined by various state agencies and procedures. Forces of modernisation and capitalist penetration have further weakened such associations. In several tribal areas, such associations still exist. The recent constitutional support to tribal self-rule in local bodies (Panchayats) provides both recognition and support to such associations. Several important struggles to protect and advance customary rights of tribals over natural resources in different parts of the country have been led by such associations.
2. Religious Associations

Religion has always been a way of defining life in India. Over the centuries, new sects and religions were born and incorporated into Indian life. Buddhism, Jainism, Sikhism and many other variations challenged Hinduism. Judaism, Christianity and Islam emphasised on reform and renewal. Charity, help to the needy, service to the poor and ‘Daan’ (giving) have been uniformly recommended by all these religions and sects in India. Hence, civil society organisations have clear religious and spiritual inspiration and mandate. Education, health care, drinking water, afforestation, social welfare, etc., are numerous arenas of human action where fairly organized forms of civil society activity is carried out by religiously inspired civil society organisations. The Ramakrishna Mission’s education and health care programmes in Calcutta, social service departments of different diocese in several parts of India, Madarasas (schools) and Unani (traditional) medicine clinics by Islamic institutions, Sai Baba’s schools and drinking water programmes in Andhra Pradesh, are a few of these examples. The Jesuit wing of liberation theologists have influenced the National Fishworkers Federation which led several important campaigns to influence the fisheries policies of the government to protect and advance the interests of small fishermen and sustainable marine life in the coastal areas of Kerala, Tamil Nadu and Andhra Pradesh.

3. Social Movements

In contemporary Indian context, a number of social movements have emerged as major manifestations of civil society. These movements are of several types.

a) The first category essentially focuses on the needs and interests of a particular group of people. Historically, Indian society oppressed the tribals (indigenous people), dalits (untouchables) and women. In the past decade or so, social movements focusing on the interests, concerns and
aspirations of tribals, dalits and women have gained ascendancy.

b) Another form of social movements have been to protest against a set of practices, institutions, policies or programmes. Social movements to reform social evils have specially been targeting liquor, dowry, inheritance rights of women etc.

c) The development paradigm and programmes have resulted in mass displacements, especially of tribals and rural poor. Social movements have emerged in protest against or to prevent displacements due to development. Various issues in the protection, preservation and regeneration of environment are triggering social movements throughout the country as well.

d) A fourth type of social movement has focused upon governance and state accountability. Anti-corruption campaigns against government officials, civil liberties and human rights campaigns, campaigns for right to information, right to education, right to livelihood are some examples of this type.

Clearly, it is not possible to strictly categorize each type of social movement. There is enormous diversity in perspectives and approaches in different streams of a particular social movement. The nature of association by individuals and organisations is determined by the perspective and approach of a particular stream of social movement. It is in this sense that a high degree of voluntary participation characterises social movements. Temporary nature of association, great ideological and personal appeal of the perspective and approach, and commitment of individual energy and resources make the nature of associations in a social movement particularly distinctive. The primary function of social movements has been reform of society, institutions and governance. Major interface with state is key to the effectiveness of social movements. This is accomplished through mobilisation and conscientisation of citizens associated with the movement.
4. Membership Associations

The modern meaning of association is membership. In many modern civil society organisations, therefore, criteria and method of recruiting members, services to members and ways of securing contribution from members are clearly laid down. The degree of formality in membership and the criterion of exclusivity vary greatly across civil society organisation types. In the Indian context, the following types of membership civil society organisations can be identified:

a. Representational

Such membership organisations are primarily set up to represent the opinions and interest of a particular category of citizens. Depending on the strength of the number of their members, such civil society organisations attempt mass memberships and broad coverage to gain visibility, articulate collective voice and advance common interests.

In India trade unions are a clear example of this type. A wide variety of industry, location, occupation and skill-based trade unions exist in India today. Likewise, unions of rural labour, farm workers, vendors, women workers, etc., are examples of the informal sector workers’ associations in India.

Various peasants organisations (like Bhartiya Kisan Union, Shetkari Sangathan etc.) are also set up to represent the interests of middle and large peasants to the government. Political negotiations are key to the approach of such membership based civil society organisations.

A variety of business associations and traders’ associations has also been building membership organisations to advance the interests of trading and business community. Such associations are local, regional and national. Chambers of Commerce and Industry, Confederation of Indian Industries, the Federation of Indian Chamber of Commerce and Industry (FICCI), etc., are examples of such civil society organisations. It must be recognised that such associations are ‘not-for-profit’ in nature,
even though their members are profit-making entities.

In recent years, consumers associations have emerged as new type of membership organisations in the country.

b. Professional

A number of civil society organisations exist as membership organisations around a particular occupation and/or profession. Lawyers, teachers, journalists, doctors, nurses, engineers, managers, all have their membership associations. Indian medical Association, All India Management Association, Delhi Union of Journalists, etc., are a few examples. Their primary purpose is to advance their professional and occupational identity and visibility in society, provide opportunities for exchange and support to their members, and assure collective voice in raising their demands and concerns. From local to national level (with international affiliations), a large number of such civil society organisations exist in India today.

c. Social-cultural

A number of clubs for sports and recreational purposes exist in India. At village level, Nehru Yuvak Kendras are sports clubs for youth. At another extreme, Delhi’s Gymkhana Club serves the purpose of socialisation for the elites. Clubs are memberships associations which meet the social, cultural recreational needs of their members.

Similarly, cultural associations exist in a wide variety of forms in the country. Modern music, theatre and dance groups in cities coexist with Bhajan and Natya Mandalis (song and drama groups) in rural areas. They serve the aesthetic aspirations and support the creative skills of their members.

d. Self-help

A growing category of membership associations are local self-help groups in a given community. From mohulla (neighbourhood)
committees in urban neighbourhoods to community based organisations in hamlets and villages, self-help groups are numerous in India today. Many of them have been spontaneously formed to serve the needs of their members. Self-help groups help share resources, enable mutual aid and support and build collective strength. Many self-help groups take the initiative to address problems facing their communities.

In recent years, many development programmes of the government and Voluntary Development Organisations (VDOs) have also enabled the formation of community based organisations. Village Education Committees, DWCRA (Development of Women and Children in Rural Areas), Water and Sanitation Committee, Forest Protection Committee, Savings and Credit Groups, etc., are all examples of externally stimulated community based organisations aimed at self-help at local level. Cooperatives as associations are also self-help membership organisations.

Membership based civil society organisations in India represent a vast category. The sub categories are useful in understanding them, but do not necessarily imply absence of overlap. Self Employed Women's Association (SEWA), for example, is a membership trade union and also a self-help cooperative. Several clubs like Rotary and Lions also serve other communities than their own membership. Examples of social and political contributions of several trade unions abound in India (like Chattisgarh Mukti Morcha). Many interest groups like Business Associations have taken active roles in some social movements, like those aimed at anti-corruption and good governance. Thus, membership associations in India represent a complex yet very significant category of civil society organisations.

5. Intermediary

This category of civil society organisations brings those organisations together which serve an intermediary function among individual citizens, and between them and macro state institutions like the bureaucracy, judiciary, legislature, police, etc. Such associations are typically formed by a group of citizens (generally
middle class) to advance a larger societal cause or broader public good. The citizens forming such intermediary associations are not serving their own issues or needs but those of other or broader sections of society. Several types of intermediary organisations are active in India today.

a. Service delivery

Basic human service delivery organisation of civil society has been focussing on education and health care. Many schools, clinics and hospitals operate in rural and urban areas of the country. VDOs have expanded the range of development issues in their purview over the past two decades. In India drinking water, sanitation, micro-credit, etc., are all covered by VDOs in present day scenario. Many institutions of care (Orphanage, Homes for Destitutes, Homes for Elderly, etc.) are also run by such intermediary associations.

b. Mobilisational

Several VDOs also help organize and empower local communities and marginalised sections to understand and demand their own rights and to take command of their own development. Such an approach may also include service delivery. A variety of educational and organising approaches have been used by VDOs in different parts of the country to enable the poor and the marginalised to act on their own.

c. Support

Several intermediary civil society organisations have been set up to provide support to other community based organisations or other intermediary organisations in India today. Support functions include research and information sharing, capacity building and networking activities. Such support functions are focused on themes like income generation (Udyogini), environment (Centre for Science and
Environment), health (Centre for Health Education, Training and Nutrition Awareness-CHETNA), wasteland development (Society for Promotion of Wasteland Development-SPWD), housing (Society for Promotion of Area Resource Centres-SPARC) etc. Some support organisations are more generic in nature like the Organisation for Development Education (Unnati), the Society for Participatory Research In Asia (PRIA), the National Centre for Advocacy Studies (NCAS), the Centre for Educational Development (CED), etc.

d. Philanthropic

Some intermediary civil society organisations provide resources to other civil society organisations in the country. A wide range of such formations are active in recent years. CRY, the National Foundation of India (NFI), the Rajiv Gandhi Foundation are some examples of the same. Several corporate houses have philanthropy programmes like the Tata Trusts. New approaches for mobilizing resources like the Charities Aid Foundation (CAF)) are also emerging in the Indian context.

e. Advocacy

Some intermediary civil society organisations have been set up with the explicit purpose of advocating on a particular cause. Environment, gender, human rights, child labour, Panchayati Raj Institutions (PRIs), etc., are a number of issues on which intermediary advocacy civil society organisations have been active in India in recent years. PUCL (People’s Union for Civil Liberty), CHRI (Commonwealth Human Rights Institute) etc., are some illustrations of this type.

f. Network

Some intermediary civil society organisations are associations of other intermediaries and act as networks to
extend their collective voice and strength. Some networks are focused on a theme like Voluntary Health Association of India (VHAI), Association of Voluntary Agencies in Rural Development (AVARD), etc. Some are generic and cover a specific geographical area such as the Uttar Pradesh Voluntary Action Network (UPVAN) or the country as a whole like Voluntary Action Network India (VANI)). Such networks have begun to extend their membership to cover a wide range of intermediaries.

In conclusion, therefore, it is clear that a wide number of intermediaries coexist in India today. Many of them undertake a variety of functions as discussed earlier. A specific classification may not exist in reality among intermediaries. Some support civil society organisations perform grantmaking functions also; some networks undertake research and advocacy too. However, as a category of civil society organisations, such intermediaries have a growing influence on the policies and practices of the governments in the country today. Clearly the above profile does not provide a perfect classification of civil society associations. Given the diversity and complexity of Indian society, there will always be unavoidable cases of overlapping. That should not deter one from categorising civil society, because a classification serves as a useful beginning toward the understanding of a complex social reality. Taken in that perspective, the above profile is an important step towards a broader conceptual as well as empirical understanding of civil society in India.

Using the associational framework, the structure of civil society can be seen to present a wide array of ‘public good’. From serving the particular interests of a community or a group to those of marginalised and excluded, to those of middle class and elites, such associations vary in their composition, structure, degree of formalisation, extent of resources and quality of results.

However, this classification leaves out individual initiatives; it also does not specifically capture transient types like a flood relief committee; certain hybrid types may also not be
adequately covered in this gamut. The structure also does not determine the degree of autonomy, effectiveness or voluntarism in such associations. Despite these limitations, such structure of civil society in India today emphasises the nature and range of voluntary citizen associations in pursuit of common public good.
4

Case Analysis

Earlier we discussed how civil society formations have taken up various issues related to governance in different periods, particularly after Independence and a broad profile of these formations which reflects the associational characters. As we mentioned in the introductory chapter, the cases we selected for intensive research represent the broad spectrum of governance issues which have assumed significance in the contemporary times due to prolonged negligence by the state. The issues of environment, control of people on their sustenance resources, rights of women and lower castes, workers, issues relating to education, housing and health addressed by civil society initiatives are selected for the purpose of this study. In their associational character these civil society initiatives cover social movements both formal, large scale and more spontaneous informal types, intermediary associations and representative membership associations.

Here we analyse the selected cases of civil society intervention directed towards influencing governance\(^1\). The chapter is divided into three sections. First section analyses civil society interventions in the arena of public policy. Two cases are relating to policy inclusion, where the present policy did not even acknowledge the presence of certain marginalised

\(^1\)For details of case studies on which this analysis is based see, Mohapatra, 2000; Chadhoke, 2000; Joshi, 2000; Morris, 2001; Tatke, 2001; Gregory, 2001; Mohanty, 2000; Manthan, 2001; Butalia, 2000; Pai and Narayan, 2001; Pandita, 2001; Bhatt, 2001; Mishra, 2001; Bhatt, 2001; Subbarayan, 2001.
sections of society. Despite a policy being formally legislated, four cases highlight the persistent struggle and pressure needed to actually get the policy implemented. The section also contains three cases where resistance to oppressive policies was carried out as the interests of certain marginalised sections were violated through these policies. The second section contains four cases that address issues of accountability in governance. These cases illustrate the nature of civil society interventions in assuring accountability. The third section focuses on local self-governance. Three cases included have dealt with different issues in local self-governance in rural and urban areas.

I. Civil Society Intervention in the Arena of Public Policy

In a democratic system of governance like the one that obtains in India, public policy formulation occurs in a very complex and multi-layered manner. Policy formulation at the highest level take place through Parliament, through Cabinet, through National Planning Commission as well as various ministries and departments of the government at the national level. Similar process occurs at the provincial level where state legislatures, state cabinets and other departments and ministries of the state government elaborate, interpret or evolve policies in different aspects of public affairs.

While the formulation and administration of public policy in India is a legacy of bureaucratic nature of British administration, the coverage and content of policies reflect the post-colonial endeavour to transform the society through democratisation and modernisation of every aspect of individual and collective lives. The policy documents contain the smallest detail of execution down from the national to the village level. Nevertheless, there are issues which are still not covered by the policy network of the state, there are policies with their details worked out but without desired results, and some policy resolutions have indeed become source of contestation and conflict.
A. Policy Inclusion

This section highlights the public policy from the vantage point of the marginalised people and focus on three aspects: inclusion of interests, concerns, and priorities of the marginalised in public policy, proper implementation of existing policies, and reform of policies which are considered as oppressive by a section of marginalised.

Nature of Governance Issue

The basic issue for the pavement dwellers in Mumbai is undoubtedly shelter. However, since their shelter or homes are not located in the government maps and therefore are not legally recognised, there is a series of entitlement benefits from which the pavement dwellers are deprived. Not being entitled to shelter means the pavement dwellers do not find a place in the entitlement network for electricity, drinking water, ration card, banking facilities etc. Without a recognised shelter and without the facilities which emanate from it, the pavement dwellers are subjected to daily indignities and harassment which get magnified when their houses are declared as illegal encroachment on the government land and they are demolished by the municipal corporation.

The state, by not giving a place to the pavement dwellers in the census, does not recognise them as part of the city’s population and treats them as encroachers on government and public land. Except for valuing them during election time, the only other time the pavement dwellers draw government attention is when their houses are demolished. Since they occupy the scarce urban space and the demarcated government land, when their number grows and poses difficulty and challenge for the city people, their houses are systematically demolished by the municipal corporation authorities. Faced with such indignities, the only possible option for them is to begin life on another pavement and live there until the government again recognises their presence by demolishing their houses.

Like the pavement dwellers in Mumbai, the rights of
Table 2. Civil Society Interventions in the Arena of Policy Inclusion

<table>
<thead>
<tr>
<th>Key Governance Issue</th>
<th>Key Civil Society Actors</th>
<th>Strategies Used</th>
<th>Outcome</th>
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<tbody>
<tr>
<td>1. Denial of housing right to the pavement dwellers in Mumbai, Maharashtra</td>
<td>Society for Promotion of Area Resource Centres (SPARC) National Slum Dwellers Federation (NSDF) Mahila Milan (MM)</td>
<td>Put pressure on the government through dialogue, documentation meetings, dharna Empower people through alternative support mechanism Empower people to deal with the government agencies Empower people by creating awareness and making them self-reliant</td>
<td>Recognition of the pavement dwellers in the planning process</td>
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<tr>
<td>2. Exploitation of casual/informal sector workers by the industry management in</td>
<td>Chhatisgarh Mukti Morcha</td>
<td>Put pressure on the industry management through strike, dharna,</td>
<td>Contract workers were given guarantee of work for 20 days a month, 20% of profit</td>
</tr>
<tr>
<td>Key Governance Issue</td>
<td>Key Civil Society Actors</td>
<td>Strategies Used</td>
<td>Outcome</td>
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</tr>
<tr>
<td>Chhatisgarh Madhya Pradesh</td>
<td></td>
<td>demonstration Provide alternative service (Schools, Medical Centres, Ration Cards)</td>
<td>as bonus and other benefits</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Create awareness among people</td>
<td>Daily wage of the contact workers was increased from Rs. 3.50 to Rs. 71/-</td>
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<tr>
<td></td>
<td></td>
<td>Encompass many other issues and sections (women, aged) into the struggle to fight</td>
<td>finally to Rs. 80/-</td>
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<td></td>
<td></td>
<td>all forms of injustice</td>
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informal workers in Chhattisgarh region of undivided Madhya Pradesh, particularly in the Bhilai Steel Plant and its ancillary industries are not recognised by the industry management and the state. While the regular workers have the right to avail the wage fixed by the government regulations and enjoy other benefits like a share in the profit called bonus, and enjoy the security of the tenurial job, the informal workers are not only paid low wages, they are deprived from availing other benefits available to the regular workers. Being casual workers neither they have any security of employment nor are they paid fixed wages—their recruitment, employment and wage depend upon the management, the labour contractors, and the co-operatives of the trade unions—all of them working in collusion to exploit the cheap labour available in the region.

While the management in the industries, the labour contractors, the liquor barons, and the registered trade unions have appropriated the benefits of development and have become powerful, the local people, the adivasis and dalits working as informal workers still live in conditions of abject poverty and indignity. They perform the menial low skill work in the industries and mines under hazardous and unhygienic conditions; their wage is far low the minimum wage fixed by the government; and that also hardly reaches their family because the liquor lobby allures them to empty their pockets for cheap liquor. The official trade union AITUC does not take up their case because for it they are unorganised contract labours and therefore, can not become its member.

The case of Chhattisgarh workers is, therefore, not only a case of absence of policy to address the issues and interests of the casual workers; it is also a case of systematic exploitation of workers by keeping them deprived of the local resources and keeping them in a state of perpetual poverty, illiteracy and indignity.

The pavement dwellers in Mumbai and the casual labourers in the Bhilai Steel Plant and its ancillary industries share a common fate to the extent that they are largely migrants who have come from other places in search of employment. Their
existence, like their jobs, is shaky—for them there is no permanence and no future. It is not surprising that except for being counted for votes and electoral victory, they remain invisible and their right to shelter, wages and the right to live with dignity do not get an adequate recognition in the state's policy decisions.

**Nature of Civil Society Intervention**

Society for the Promotion of Area Resource Centres (SPARC) which addresses the case of pavement dwellers in Mumbai is an intermediary civil society association which was set up in 1984 to support women pavement dwellers in their own empowerment. Mahila Milan (MM) is an outcome of the interventions of SPARC, which is an association of women pavement dwellers. It is a membership association of self-help variety, primarily engaged in savings and credit for access to housing and livelihood on the pavements of Mumbai. Within a period of time, SPARC begun to work with National Slum Dwellers’ Federation (NSDF) which began as a membership association to represent the aspirations and interests of slum dwellers, not only in Mumbai but in different parts of the country. Therefore, the primary civil society players involved in this case is a coalition of SPARC, MM and NSDF.

SPARC played the role of initial empowerment of Mahila Milan both in terms of building their awareness as well as in terms of enabling them to engage with Municipal Corporation and other government agencies in Mumbai. Use of census and related research to systematically document the needs and priorities of pavement dwellers in Mumbai by SPARC added further strength to this coalition in influencing the government through a variety of public education campaigns in the media. This coalition was able to put pressure on the government and the municipal authorities not only through demonstrations and ‘dharnas’ (public protests) but also through sustained meetings and dialogues structured to articulate the interests and needs
of pavement dwellers in the city of Mumbai. One of the outcomes of this sustained endeavour was the recognition of pavement dwellers in the formal policies of urban development and rehabilitation of the poor in Mumbai.

Chhatisgarh Mukti Morcha (CMM) which addresses the issues of workers in Chattisgarh is a mass based movement of the workers. However, originally formed as a trade union, CMM has transcended the limited issue of adequate wage and safe working condition for workers to launch the most decisive battle against the state for an autonomous region of Chattisgarh for its people. Chhatisgarh Mines Shramik Sangh (CMSS), earlier incarnate of CMM, was an organisation of labourer and peasants to address the issues of inequality and injustice. Under the leadership of a charismatic and dedicated Shankar Guha Niyogi, CMSS could successfully bargain for adequate wages for the workers. This success, however, was not an instance of co-operation between CMSS and the industry management. It was a successful resistance to the industry management which resulted in the management conceding the demands of the workers.

Shankar Guha Niyogi, himself a worker, was a visionary too, who could make the people of Chattisgarh, one of the most politically aware people in India. After a series of strikes by the workers in the mills and industries and their resistance to police violence, Niyogi realised the need for a larger and broader framework to address the injustices. CMSS thus was merged with about twenty other organisations and CMM was formed with the ideology of struggle and reconstruction, the twin terms around which the philosophy and action of CMM is woven. That is people must question and resist the injustices, and at the same time they must actively strive towards practising the values of equality and dignity in their everyday existence to recreate a society in which they would like to live. CMM in its effort to transcend the immediate question of adequate wage and bonus has embraced a holistic conception of social change. It has instilled in people the realisation that challenging the state alone, without challenging the existing social structure and necessitating changes in it, would not alter their situation.
Impact of Civil Society Intervention on Governance

When SPARC began its work among the pavement dwellers, the attitude of the government agencies was apathetic and largely hostile towards the pavement dwellers. This was evident from the demolition of their houses and the Supreme Court judgement passed in 1985 which recognised the problems faced by the pavement dwellers, but did not declare the demolition unreasonable, unfair and unjust. Gradually things began to change and in 1995 the study group constituted by the Government of Maharashtra to report on the slum rehabilitation included the pavement dwellers within its purview and recommended that all people living in slums and pavements are fully eligible for housing schemes and be relocated on nearby vacant land and that every household will be allocated 225 sq.ft. of land free of cost.

The recognition of pavement dwellers in the policy process is the result of a continuous process of interaction and negotiation with the state during which there were phases of indifference, hostility and phases of co-operation. The process has been slow, yet the fact that SPARC has successfully acquired government land and begun construction of houses to rehabilitate 7,000 families celebrates the strength and agenda of civil society to foster sustainable changes in matters of policy decisions.

Initial success for CMM was pressurising the industry management to increase the wage of the casual workers from a meagre 3 rupees 50 paisa to 71 rupees and finally to 80 rupees. In addition to that contract workers were given guarantee of work for 20 days a month, 20% of profit as bonus and other benefits. However, as mentioned above, CMM transcended the immediate issue of wage and embraced a wider and holistic approach towards social change. Hence it brought within its ideological fold and action programmes, not only workers and peasant, but adivasis, dalits, women and children. As CMM believes that every individual must be provided with the preconditions to have a life with dignity, it works towards providing education and health care facilities, gender justice, and raise the issues of mechanisation, alcoholism and sustainable development. The demand for an
autonomous region for people living in Chhattisgarh (since realised) is reflective of the fact in the situations of poverty, oppression and people feeling alienated from the state, they have an alternative vision of a state and structures of governance which respects them and their fundamental rights as citizens to live with dignity, to enhance their agency vis-à-vis the state and exercise their autonomy to control their lives.

B. Policy Implementation

The cases discussed here represent the situation where an elaborate policy is in place, yet due to inadequate implementation of policies people are deprived of getting the benefits.

Nature of Governance Issue

Take the case of distribution of land patta to the Kol tribals in the Chitrakoot district of Uttar Pradesh. The Kols have been traditionally dominated and oppressed by the higher castes like Brahmans and Thakurs. The oppression often took place in the form of dispossessing the Kols from their land with the consequence that they either retreated to the forests or became bonded labour to the feudal masters. With the forests becoming inaccessible due to the extension of state control over forests, the Kols have no other way left for survival than serve as bonded labour. Accepting the fate as bonded labour means accepting the use of brute force, sexual harassment of their women, and many other indignities which a master-slave relationship entails.

To improve the conditions of the Kols, the government, as a part of its land reform legislation in the 60's and 70's gave the Kols right over the ceiling surplus land coming under the purview of village Panchayat. The fact that despite these rights and preferences, exploitation of the Kols continues reveals that the policies have merely remained on paper and the feudal lords in collusion with the local administration have manipulated the legal provisions in their favour. The Kols were seldom given possession of their lands; in most of the cases the lands allotted to them were
### Table 3. Civil Society Interventions in the Arena of Policy Implementation

<table>
<thead>
<tr>
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<th>Key Civil Society Actors</th>
<th>Strategies Used</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-implementation of the policy relating to land allotment to the Kol tribals in the Chitrakoot district of Uttar Pradesh.</td>
<td>Akhil Bhartiya Samaj Seva Sansthan (ABSSS) Patha Kol Adhikar Suraksha Manch</td>
<td>Create awareness among Kols and among others in society Invite outside people like journalists to witness the plight of the Kols Put pressure on the government through mobilisation of people (meetings, dharna, demonstration) Constructive action (soil conservation, social forestry etc.)</td>
<td>Helped the Kols acquire possession of land</td>
</tr>
<tr>
<td>2. Non-implementation of policy relating to</td>
<td>Kamdar Swasthya Suraksha Mandal</td>
<td>Diagnosis of the disease</td>
<td>Workers were compensated for byssinosis</td>
</tr>
<tr>
<td>Key Governance Issue</td>
<td>Key Civil Society Actors</td>
<td>Strategies Used</td>
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<tr>
<td>compensation to workers suffering from byssinosis in textile industries in Ahmedabad, Gujarat</td>
<td>Pratham</td>
<td>Spread awareness among the workers. Provide training to the mill management, workers, government officials and medical professionals. Put pressure on the industry management and on government agencies.</td>
<td>Widows of the workers (who died of byssinosis) were given dependent benefit. The Occupational Health Centre at Bapunagar was equipped with experienced doctors, staff, and upgraded equipment.</td>
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<tr>
<td>3. Inadequate implementation of primary education in municipal schools in Mumbai, Maharashtra</td>
<td></td>
<td>Emphasis on pre-schooling (balwadis) to ensure the enrolment of children in primary schools. Help drop outs, weak students. Provide infrastructure support to municipal schools.</td>
<td>Increasing enrolment in the municipal schools. Better performance by the students.</td>
</tr>
</tbody>
</table>
rocky and unirrigable; and in many instances the land allotted came under dispute resulting in the dispossessio of the Kols from the land allotted to them. The subversion of an emancipatory legislation by the high caste people and the local revenue officials is an example of the fact that any such socio-economic transformatory policy programme has to progress against tremendous resistance.

In this context it is important to understand that land, particularly good quality productive land, is a scarce resource and therefore it is a symbol of power, particularly in Chitrakoot which is known as patha-rocky and barren region. Hence there is a vested interest on the part of the feudal lords in keeping the land under their control. The entitlement of land to poor means bringing them at par with those who have traditionally held control over land. Therefore in the event of their dominance being challenged, it is not surprising that they try to maintain the status quo by keeping the Kols under subjugation. The fact that the high caste people are politically active in the region and fill higher agencies of local, district and state administration, helps the feudal structure to perpetuate itself.

In the case of workers in the textile industries in Ahmedabad, the policy provisions did not get translated into action because the mill management, the Chief Factory Inspectorate (CIF), the Industrial Hygiene Laboratoty (IHL), the Employees State Insurance Scheme (ESIS) and the registered trade unions all responsible for the implementation of the policy have been insensitive and irresponsible towards the workers. The policy of granting the compensation to workers on health grounds is subverted to the extent that the prevalence of the fatal disease like byssinosis was deliberately ignored for many years by the industry management, state medical supervisors, the agencies formed to compensate the workers, and the officially recognised trade unions who are expected to safeguard the workers' concerns. The management of the industry had a vested interest in ignoring the prevalence of the disease and in this they were actively supported by those who were responsible for diagnosis of the disease and compensation.
CIF—the only authority that can enter the industry without the permission of the management to monitor the environment in the textile mills—is the person responsible for the health status of the workers. Any recommendation to improve the work environment of the mills is made by the CIF. Industrial Hygiene Laboratory is the medical wing of the CIF whose main responsibility is to conduct clinical examination of the workers and bring the suspected cases to the notice of the management and labour office. Conducting medical check up of the workers and granting them compensation for occupational disease is the responsibility of ESIS. ESIS on its own never felt its responsibility to address the health problems of the workers unless there is pressure from the workers. And it is not the final authority in this process. After ESIS completes the process of medical check up and diagnosis, the worker has to wait for ESIS located in Delhi to send the special medical board to study the problem and confirm the diagnosis. Non-recognition of the prevalence of byssinosis in the textile mills and depriving the workers from getting compensation is, therefore, the handiwork of all the agencies entrusted with the responsibility of providing a safe working environment to the workers, check their health status, and pay them compensation if they become victim of an occupational disease. Giving them the much needed support in the vicious scheme is the Mill Majdoor Sangh (MMS), the official trade union of the textile workers. The workers in the textile mills are not casual and unorganised workers whose interest the trade union of the organised worker would neglect. MMS neglects the health concerns of the workers because its interest is confined to securing provident fund benefits, retrenchment compensation and gratuity for the workers. It never made any investigation on the death of the workers due to byssinosis; it accepted in good faith the management version that the deaths were caused by asthma and TB. MMS may not be overtly supporting the management but by ignoring the prevalence of the fatal disease among the workers it, in a way took side with the forces whose interests clashed with the workers.

The case of non-implementation of the policy of universal
primary education in Mumbai is about ineffective functioning of the municipal schools where children from poor family go to get primary education. A closer analysis reveals that here again the children whom the programme fails to touch are those belonging to the highly vulnerable groups like the street children, children living in the slums and pavements, children of beggars and construction workers, and children of migrant parents. While for other children in the city the issue is whether the school is within the walking distance and whether they could reach safely, for the children belonging to the vulnerable population, the most important issue is access to a school, followed by the next important issue of attendance. These children need pre-schooling to facilitate their entry into primary schools. At the same time, due to their socio-economic vulnerability, it is important that their parents and community are involved in the education programme. These two crucial factors are identified to be lacking in the programme of universalisation of primary education in municipal schools in Mumbai.

Nature of Civil Society Intervention

Akhil Bhartiya Samaj Seva Sansthan (ABSSS) which initiated collective action around the issue of non-implementation of the policy of allotment of land to the Kols in Chitrakoot is an intermediary mobilisational association. ABSSS began to address the issue of land allotment to Kols in its dimensional struggle for proper implementation of the policy. It has been able to mobilise the Kols to rise against social and political oppression, injustice, and demand for their rights. Their mobilisation has taken place through raising the awareness in the Kols about their legal rights and formation of Patha Kol Adhikar Suraksha Manch—an organisation which the Kols themselves run. Difficult as it is, to break the nexus between social structure and administration completely within a short span of a decade, the Kols have been bearing the brunt of feudal atrocities and their administrative allies which support these atrocities. Nevertheless, a perceptible change in their situation has taken place, due to the assertion of their
rights and the support structure provided by ABSSS though legal aid camps, publicity in the media and involvement of eminent people in their struggle. ABSSS has not come into an overt conflict with the administration, instead it has found a few sympathetic allies in the administration to work together. The administration has been made to acknowledge its faults and rectify them. The public hearing organised by ABSSS in Delhi in which many eminent lawyers, educationists and human rights activists participated, is one such instance which by bringing the Kol women into the public sphere to highlight their plights, has forced the administration to take action against persons known to be exploiting women. The realisation that mere possession of the land will not uplift the social and economic status of Kols, has led ABSSS to formulate its social reconstruction programme which works towards providing education to the Kols, making available health care facilities, making them self-reliant through the formation of women's self-help groups. Simultaneously, the Kols are also taught the values of soil conservation, social forestry and conservation of water resources.

Kamdar Swasthya Suraksha Mandal (KSSM) which took up the issue of byssinosis and compensation to the workers in textile industry is an intermediary mobilisational association. Its emergence reflects the inability and unwillingness of an already existing trade union-MMS-to address the issue. MMS, which ideally should have taken up the case, preferred ignoring it and prioritising other issues in its agenda. The leadership of KSSM was provided by H.P Mishra, who believed that workers must have an organisation of their own to address the issues which they feel important. Mishra like Niyogi was himself a worker and was aware of the plights of the workers and the callous attitude of the management. He was also aware of the fact that the workers will never assert their rights on their own, till they are made aware of the situation and the legal provisions available to them. Following the NIOH findings that the workers in the textile mill are suffering from byssinosis and the apathy of MMS and the mill management to address the issues, Mishra formed KSSM. The first step KSSM took was
to educate the workers about the fatal disease and make them aware of the compensation schemes. A beginning was thus made to educate the workers to put pressure on the management. The awareness campaign for compensation and safe environment in the mills was laid by holding regular meetings with the workers. KSSM widened its scope further by holding meetings with ESIS, mill management, CFI and NIOH. Mishra's election to the joint management council, which is a representative body of management and workers, helped KSSM in negotiating with the management. However, it was a slow and difficult process. Management accepted the prevalence of disease but delayed the process of compensation by putting up many hurdles. Similarly ESIS was also apathetic to the workers' cause. KSSM continued putting pressure on the ESIS and on the special medical board with the result that the special medical board started visiting Ahmedabad regularly. A small victory for the workers came when all the 200 cases of byssinosis identified by KSSM, were examined by ESIS which initially considered 30 cases for examination and detection. This initial success helped KSSM to widen its concern and it took up the case of dependent benefits to the families of workers who had died of byssinosis. ESIS did not have any provision of dependent benefit. But it had to make provision for dependent benefits following the demonstration by the widows of workers who had died of byssinosis.

The workers, as a part of their struggle for safe environment, also put pressure on the management to monitor the air quality in the mills and demanded regular visits of the CFI. The workers struggle did not remain confined to the management and ESIS. It negotiated and put pressure on the state administration as well. It submitted memorandum to the labour ministers at the central and state level to improve the facilities in ESIS and to make it a full-fledged institute for diagnosis of occupational diseases and other benefits. It also raised the issue of occupational health and safety of the textile workers in the State Legislative Assembly and in the Parliament.

Pratham an intermediary support organisation, unlike the
instances of civil society intervention discussed earlier was formed as a trust by the government of Maharashtra, Municipal Corporation of Greater Mumbai (MCGM), and the UNICEF to help and support the government in its programme on primary education. The very fact that it is a result of government initiative, its organisation, its relationship with government and the way it mobilises people is different from other civil society interventions. Pratham identified three critical factors—access to school, attendance in the school and achievement of children—as important in making the programme for primary education effective. It formed a small team from among the volunteer and staff of Committee of Resource Organisations for Literacy, the students of Nirmala Niketan, and recruited and trained teachers as it expanded its work. In the meanwhile the experts in education identified the lack of pre-schooling of the children of vulnerable population of Mumbai, as a major lacunae in MCGM programme for primary education. MCGM entrusted this task to Pratham and since then running balwadi (pre-schooling) has been one of the core activities of Pratham.

**Impact of Civil Society Intervention on Governance**

Due to sustained effort by ABSSS Kols have been given the land pattas—legal title to their land. The tough task nonetheless for ABSSS is to ensure that the land remains with the Kols. That is to say along with the possession of legal title to the land, ABSSS through awareness generation and constructive actions which help Kols to be self sufficient in their livelihood pursuit, has made it possible for the Kols to end their dependency on the big landholders and fight for their rights. As the Kols assert their rights and take control of their lives by engaging themselves in social and economic reconstruction activities, the public arena gets the vigour to alter the existing social structure and makes administrative agencies responsive towards the needs of the Kols.

KSSM’s intervention has not only resulted in ensuring compensation to workers suffering from byssinosis and in the event of death of a worker due to byssinosis dependent benefit to
his widow, but measures which help in ensuring the occupational safety of the workers. As a result of workers’ demand, an occupational health centre was started in Bapunagar general hospital by ESIS and the government took steps to include occupational disease in the medical curriculum, and made provisions for the training of ESIS doctors on occupational health. After KSSM made the health and safety of the workers a visible and important issues, a Division Bench of Gujarat High Court directed NIOH to enquire into the prevalence of byssinosis among the textile workers. KSSM’s successful alliance with the labour ministry, CFI, mill management and ESIS, NIOH, IHL, and other civil society organisations working on the issues of the workers, resulted in the formation of safety committee—which include representations from the labour department, mill management, NGOs and workers—in all the textile mills.

The process through which KSSM achieved these is long and arduous and it is still in process. But due to KSSM’s intervention, the policy provisions are getting translated into action. Another consequence of this is that success has given Mishra the confidence to address the issue of occupational health of unorganised workers. His effort to organise the sewerage workers of Ahmedabad Municipal Corporation, and bring their issues to the public arena, is in fact, an effort to bring the critical questions of health and safety of a section of marginalised people, who render valuable service to society and economy, to the notice of policy makers and more importantly to point out the gaps in the policies and the factors which put obstacles in the way of the implementation of the policies.

Within a span of five years Pratham has been able to make its presence felt. It provides pre-schooling to nearly fifty thousand children, runs about four hundred remedial classes and about hundred bridge courses. The ‘Societal Mission’ which Pratham seeks to achieve, however, remains lacking because in its hurry in putting every single child in school before December 2000, to meet the target of universalisation of primary education within a specified time-frame, the involvement of the community has been ignored.
The presence of Pratham in every school building has facilitated the daily and continuous interaction of Pratham and MCGM staff at every level. While the senior officials are supportive of Pratham, there is a resistance from the teachers for two reasons—in the changed situation the teachers are required to be more accountable and corruption is required to be checked, secondly MCGM teachers are qualified and trained whereas the Pratham staff is not.

C. Policy Reform

The cases of fishermen in southern Kerala and Chilika region in Orissa, and the people facing displacement by the Subarnarekha dam in Bihar are instances of developmental policies of the state turning oppressive, ironically, for those in whose name the state legitimises its development agenda.

Nature of Governance Issue

Dams, the temples of modern India, as Nehru called them, have been a source of discontent to a large number of people who have faced displacement without any adequate scheme to resettle them. They have become victims of development. The displaced people are invariably poor and resourceless except for the resources which are locally available to them and which they lose by leaving their habitat. The resettlement and rehabilitation (R&R) policies have not been able to compensate for the economic and social costs which the displaced people have to pay for development. To make matters worse, the displaced people do not even become part of the profit network from the project—while they bear the brunt of development, electricity, drinking water, irrigation facilities go to another section of people.

Subarnarekha Multipurpose Project (SMP) is another instance of big dams in independent India. It has two dams, two barrages, and seven canals on the Subarnarekha river and its tributary Kharkai. Irrigation, water supply to the people and industries, flood control, and electricity are the rationale on which the project is based. While the beneficiaries are Bihar, Orissa and West Bengal, the
### Table 4. Civil Society Interventions in the Arena of Policy Reform

<table>
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<tr>
<th>Key Governance Issue</th>
<th>Key Civil Society Actors</th>
<th>Strategies Used</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Threat to the livelihood resource of fishermen dependent on Chilika lake for their sustenance in Chilika, Orissa</td>
<td>Chilika Bachao Andolan (save the Chilika Movement)</td>
<td>Opposition to the Project through mass mobilisation</td>
<td>The project was withdrawn</td>
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<td></td>
<td>Orissa Krushak Mahasangha</td>
<td>Selective advocacy campaign</td>
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<tr>
<td>2. Threat to the livelihood resource of fishermen dependent on inshore fishing for their sustenance in Kerala</td>
<td>Kerala Swatantra Malya Thozhilali Union (KSMTU)</td>
<td>Oppose mechanised fishing though mass mobilisation (strikes, demonstration)</td>
<td>Kerala State Marine Fishery Act, 1980 was passed which regulates the mechanised fishing</td>
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<td></td>
<td></td>
<td>Put pressure on the government to take remedial step</td>
<td>Welfare measures like schemes for the purchase of nets, insurance, pension, education to the children of fishermen are provided to the fishermen</td>
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<tr>
<td>3. Displacement due to the Subarnarekha dam in the Chandil and Icha areas in Bihar</td>
<td>Visthapit Mukti Vahini (Chandil)</td>
<td>Mobilisation through dharnas, demonstration etc., to seek adequate rehabilitation (Chandil)</td>
<td>The construction work was stopped</td>
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<td>Icha-Kharkai Bandh</td>
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<td>Revised Resttatement and</td>
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<tr>
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<tr>
<td></td>
<td>Visthapit Sangh (Icha)</td>
<td>Oppose the Project through mass mobilisation (Icha)</td>
<td>Rehabilitation policy for Subarnarekha dam displaced people</td>
</tr>
</tbody>
</table>
people displaced are from Bihar. SMP promises to benefit 1,65,000 families and provide irrigation to 2,55,000 hectares of land. However, it would displace people of 116 villages in the Chandil area and 66 villages in the Icha area. Altogether 97,000 families are to be displaced by the project. Most of the construction works in the Chandil area is completed. Many villages are submerged in dam water and many set to submerge during the rains. The Icha dam is yet to be completed. At present the World Bank loan for the project remains suspended. A loan of rupees 116 crore from NABARD and rupees 26 crore from the Government of Bihar have been received for the construction of the dam in Chandil. The people both tribal and non tribal face displacement and an uncertain future as the construction work continues and the resettlement lags much behind. R&R appears promising on paper but when it comes to implementation, there is a series of obstacles—lack of finance, bureaucratic apathy, corruption, appropriation of resources by middlemen, all work together to deprive the displaced their rightful due. The consequences, therefore, often turn oppressive. People are displaced before they are adequately compensated for; allotment of poor quality land, cases of dispute over the land allotted and the money appropriated by the middlemen in the process add to their misery. There is no surprise that the project itself is considered by people as oppressive, undemocratic and as interfering with their lives.

If the way the state runs its development project is considered oppressive, it is not only because it displaces people from their home and hearth; it is also because it deprives people of control over their resources by putting the resources on commercial use. Take the case of inshore fisheries in Kerala. An already endangered marine resources base, polluted by industrial and agricultural waste faces further threat as mechanised fishing is given a free hand for increasing fish catch and augmenting the production of shrimps. The mechanisation of the fishery in Kerala began with the Indo Norwegian Project in 1953, whereby mechanised fishing equipments were permitted to catch fish indiscriminately. With the increasing demand of shrimps in the advanced countries like Japan and US, there is further impetus to intensify fishing through
the use of bottom trawlers. This led to the dwindling of fish stock, the traditional fishermen unable to afford the mechanised fishing equipment began to face problems of securing their livelihood as the coastal inshore was captured by the resourceful non-fishermen. The government also gave active support to the private efforts through preferential credit schemes. The beneficiaries of the new schemes were the non-fishermen with whom the fishermen now have to compete for both, fishing space in the sea and for the fish catch. The impact of technological change in an already fragile ecological zone resulted in the decline of the fish stock and a consequent drop in the income of the traditional fishermen who were unable to compete with the resourceful non-fishermen. The lopsided development approach in the fisheries sector led to the superimposition of a modern, capital intensive, specialised technology over the existing traditional labour intensive base. Instead of catering to the needs of the fishermen the fishing industry fell in the hands of private enterprises and big business houses having capital to invest. While thousands of fishermen languished in poverty, a small minority of affluent people cornered the benefits. The benefits thus mostly went to the non-fishermen for whom it was a source of greater financial gain.

The fate of the fishermen in the Chilika region of Orissa is a replication of what fishermen face in Kerala—the only difference being that here the contested domain is not the sea but the lake. The granting to the house of Tata a lease of 1400 hectares of land in the lake for prawn cultivation and export is part of the same developmental logic which led to the introduction of the mechanisation in marine fishing. The Government of Orissa justified the project in the name of increasing the financial strength of the state and benefiting the local people through updated technology and a ready market for their catch. What it failed to take cognisance of or ignored deliberately is the fragile ecosystem of the lake and the further threat the artificial harvesting of prawns on a large scale would cause to the fish and prawn population in the lake; consequences of the dwindling fish stock for the livelihood of thousands of fishermen whose main occupation is fishing; and the shifting of control over the lake and its resources from the local people to the corporate house. The fact that a
corporate house is not driven by any other logic than profit and that in the long run it would exclude the fishermen from the lake was ignored by the state in its over enthusiasm to earn profit and make room for the market. Here we have to remember that it was early 1990’s and the state was coming under pressure to liberalise the economy and make space for the market.

The process which reached its climax with the granting of land to the house of the Tata had already begun with the opening of the fisheries to the non-fishermen in the year 1989. Fishing rights on a limited scale were given to non-fishermen and those villages which were not members of the fishermen primary co-operative societies. Taking advantage of the ambiguities in the policies, non-fishermen from outside began infiltrating the lake. There took place a widespread sub-leasing of the fisheries and without any mechanism to stop it, the interest of the fishermen came under severe threat. The culturing of prawn on a big scale resulted in widespread conversion of traditional fisheries into prawn culture ponds and net enclosed gheries (barricaded space). The non-fishermen in Chilika as in Kerala are mostly the big business and industrial houses or those having political alliance and capital to invest. It is in this backdrop of conflicts and competition, increasing poverty and cornering of profit by a handful of people that the business house of Tata was given the entry to harvest prawn exclusively for export purposes. The policies of the state appeared to be increasingly oppressive as the fishermen began to realise the loss of control over their resources, the threat to their livelihood, and the shifting priorities of the state whereby it valued the commercial use of resources even when it came into conflict with poor people’s livelihood pursuits.

Nature of Civil Society Intervention

The movement against SMP represent a different facet of intervention by civil society in policy matters. The movement which started with a ‘no-dam’ ideology, later moved in two directions — the movement in Chandil area shifted its demand to proper resettlement of the displaced people, and the movement in
Icha area continued along with its old stand of 'no-dam'. The earlier movement did not have any organisational form—there were individual leaders who occasionally mobilised the people against the project. In the later years, Visthapit Mukti Vahini (VMV) was formed to take the movement forward. VMV was an extension of Chhatra Yuva Sangharsh Vahini, formed by late Jayprakash Narayan who led the total revolution is the early 1970's. As the construction of the dam was progressing rapidly VMV took the decision to turn its demand to proper resettlement. In Icha area after the murder of its leader Gangaram Kalundia, Icha-Kharkai Bandh Visthapit Sangh, emerged to take the case forward. It works as an open organisation with support from other CSOs like Sampoorna Kranti Manch, a joint forum of many organisations, Mahila Sangharsh Vahini and Jharkhand Mukti Andholan, which are loose and informal banners of persons with similar interests. The persistent struggle against the dam in Icha has obstructed the construction of the dam. In Chandil, the emphasis has been on proper resettlement and rehabilitation.

Both the movements have adopted mass mobilisation of affected people in the region as their dominant strategy. Understandably they have attracted the wrath of the ruling provincial government which periodically has used force to resist the movement. Even Janta Dal, the political party ideologically closer to the Chhatra Yuva Vahini found VMV challenging the developmental logic of the state and tried to suppress the movement many times.

Traditional fishermen fighting against mechanisation in inshore fishing, for instance, were initially organised separately on religious lines. The Kerala Lateen Catholica Malaya Thozhilali Federation (KLCMTF) was formed by the catholic priests and nuns and the Dheevara Sabha by the dominant Hindu fishermen to raise the concerns of fishermen. In fact, in the fishery sector, the catholic organisations were much more active to organise the fishermen. The KLCMTF had organised demonstrations against mechanised boats. In the later years, KLCMTF abandoned its religious garb to become a broad based secular organisation involving fishermen from every community. As a result Kerala Swatantra Malaya Thozhilali Union (KSMTU), a representational
membership organisation of the fishermen, was born which spearheads the struggle of fishermen in Kerala. It posed resistance to mechanised fishing by mobilising people on a large scale. It organised strikes, demonstrations, meetings etc., to put pressure on the government to take remedial measures.

The fishermen in Chilika unlike their counterpart in Kerala, were not organised on religious lines, but their interests were represented by different civil society organisations working towards the same goal—withdrawal of the Tata prawn project—but running parallel campaigns independent of each other. Chilika Bachao Andolan (save the Chilika Movement)—an extension of Chilika Matsyajibi Mahasangha (the representative body of fishermen in Chilika) was active at the village level, organising fishermen as well as those non-fishermen whose interests are threatened by the project. It believed in keeping the struggle localised and mobilising the people on a large scale to resist the administrative authorities and the project executives at the local level to put pressure on the provincial government. Orissa Krushak Mahasabha (OKM), an intermediary advocacy association, on the other hand, carried the advocacy campaign at the provincial and at the national level on the basis of the Ramsar Convention which had declared Chilika lake as an endangered wetland and to which government of India was a signatory. It tried to combine the environmental issues with livelihood struggle, but the campaign could not percolate down to village level.

Nevertheless, it was the combined effect of the two which led Kamal Nath, the then Cabinet Minister for Environment and Forest, to issue orders for the suspension of the construction work at the project site until an environment impact assessment study of the project was conducted. The resistance to the Tata project, even when it was not directly related to the High Court judgement (which was in response to a case filed by some fishermen primary co-operative societies against the illegal encroachment on their land) did influence the Das Committee Report (related to the plights of fishermen due to growing prawn cultivation in Chilika lake) on the basis of which the High Court banned intensive and semi-intensive prawn cultivation in Chilika lake. The order of the High Court thus barred the Tata prawn project.
Impact of Civil Society Intervention on Governance

As a response to the movement against the Subarnarekha dam in Chandil area, the government revised the R&R policy relating to the SMP in 1990. Yet the implementation of the revised policy has not taken place and VMV now works towards the proper implementation of the new package that the revised policy offers to the displaced people. Due to the sustained struggle by the fishermen, the Kerala State Marine Fisheries Act 1980 was passed. It was a landmark legislation which addressed the issues of mechanised fishing and made specific provision for the operation of trawlers and mechanised boats and entrusted the task of protecting the marine zone of the traditional fish workers to the state. Similarly, appointment of various commissions by the government to study the problems is reflective of the state’s response to the basic question of survival. In response to the fishermen’s struggle, the successive provincial governments have implemented a series of welfare measures. These include schemes for purchase of boats and nets, pension schemes, kerosene at subsidised rates, government sponsored insurance for fishermen who die in the sea, educational support for children, etc. These measures taken by the government have helped the fishermen, but they have not addressed the fundamental issue the fishermen have been raising against the mechanised fishing. That is the issue of ownership and control on resources by fishermen who are dependent on the sea for their livelihood is yet to be addressed by the state whose policies have favoured the rich and powerful. The fight of the fishermen therefore has not ceased.

Unlike the fishermen in Kerala, the struggle of fishermen in Chilika have dissipated after the Tata project was barred. The issues of illegal encroachment on the lake by non-fishermen for commercial cultivation of prawn though still looming large could not be addressed by the movement. The strategic alliance the fishermen built with the non-fishermen whose concerns temporarily matched with those they otherwise exploit led to the barring of the mighty commercial Tata project, but the alliance, for obvious reasons, could not raise the broader issue of every day exploitation of fishermen by the influential non-fishermen.
II. Civil Society Intervention in Assuring State Accountability

Effective governance is built on the principles of accountability. The very essence of democracy is governance by elected and appointed public leaders and officials must be based on continuous consent of the governed. In democracy, there is a constitutional framework which guarantees certain fundamental human rights. There is also the rule of law which defines obligations, responsibilities, actions needed in case of violation of those laws and agencies responsible for monitoring implementation of rule of law and acting against those who violate any aspect of the same.

In a democracy, therefore, the rule of law must be applied equitably and fairly to all segments of population, irrespective of their social, economic or political position in society. The very essence of democracy is equality before law for all, poor and rich, women and men, young and old, illiterate and literate, rural and urban, minority and majority.

Therefore, assuring accountability of public agencies, public officials, political leaders and public institutions designed to uphold the very essence of democratic functioning in society becomes a fundamental, and perhaps the most crucial, dimension of good governance. Civil society assertions to assure accountability of public institutions, agencies, officials and leaders has been a wide-spread phenomena in India in recent years. This is so largely because of the growing non-accountability of public agencies, officials and leaders to the public at large.

In this research four cases address the question of assuring accountability of some public agency, official or leader. The first case relates to protection of human rights of women, in particular, protection of women against violence. The second case relates to protection of fundamental human rights of dalits (the weaker sections, the hitherto excluded social “untouchables”, “scheduled caste” or “harijans” as they are differently labelled). In both these cases, the essence of accountability is to ensure that different public agencies responsible for protecting and nurturing their fundamental human rights as citizens, as women, as dalits, function effectively;
and in the face of their inactions or counter-actions, a response is assured through civil society assertions. The third case study in this collection is somewhat different. It relates to pollution hazards for citizens of Delhi where different government agencies responsible for monitoring and preventing air pollution seem to have failed to do so. The case study highlights how civil society assertions attempt to make such agencies accountable to the citizens of Delhi. The fourth case in this category is an innovative effort to monitor resource allocation through the annual budgeting exercise of a provincial legislature and government in the state of Gujarat. The particular interest of civil society players in this regard was holding the state government accountable to the tribals for matching its policy with the allocation of resources annually through the budget process.

Nature of Governance Issue

The case of protection of women against violence traces the history of the campaign against rape and custodial rape. The four instances of rape cited in this case study depicts the violation of the basic human right of women to live with dignity, the inability of the government agencies such as police and court to protect women, and the assertion by women to restore their rights. The first incidence took place in 1978 when, Rameez Bee, the wife of a rickshaw puller, was detained in the police station at night when she was returning after watching a film. She was gang raped by several police men and her husband was beaten to death for protesting against the heinous act. In the second case a minor girl, Mathura, from Maharashtra was raped by two police men while she was in police custody. The third case is about Suman Rani who was lured by a man from the village where she had gone to visit her relatives and then raped by two police men while she was trying to elope with the man who raped her in the village and then convinced her that he would marry her and provide her a better life. The fourth incidence relates to Bhanwari Devi who was working in the field of social development. She was gang raped by three high caste men because she tried to stop a child marriage
Table 5. Civil Society Intervention in Assuring State Accountability

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<thead>
<tr>
<th>Key Governance Issue</th>
<th>Govt. Institutions</th>
<th>Key Civil Society Actors</th>
<th>Strategies Used</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Violence against women</td>
<td>Police, Judiciary</td>
<td>Women's Groups</td>
<td>Agitation for adequate legal measures</td>
<td>New legislation was passed</td>
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<td></td>
<td></td>
<td>Sensitisation of state agencies on issues of gender</td>
<td>Mobilisation of people to put pressure on government</td>
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<tr>
<td>2. Violence against dalits in Sargahi, Meerut (U.P) Judiciary</td>
<td>Police</td>
<td>Rashtriya Soshit Morcha (RSM)</td>
<td>Building of public opinion</td>
<td>The affected dalits were compensated</td>
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<td></td>
<td>Ministry of Environment &amp; Forests</td>
<td>Centre for Science and Environment</td>
<td>Research &amp; documentation</td>
<td>Supreme court gave notice to Delhi Govt. to prepare an action plan to combat air pollution</td>
</tr>
<tr>
<td>3. Pollution hazard of citizens in Delhi</td>
<td>Ministry of Industry</td>
<td>Ministry of Petroleum</td>
<td>Highlighting the issues in the media</td>
<td>Delhi Govt. prepared the action plan</td>
</tr>
<tr>
<td>Key Governance Issue</td>
<td>Govt. Institutions</td>
<td>Key Civil Society Actors</td>
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<td>4. Priorities of resource allocation for tribals in Gujarat</td>
<td>Ministry of Surface Transport</td>
<td>DISHA</td>
<td>Involvement of celebrities and experts</td>
<td>Other measures like increasing pollution under control certification facilities, surprise check at petrol pumps</td>
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<td>State/Metropolitan Transport authorities</td>
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<td>Widespread campaign against air pollution</td>
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<td></td>
<td>Ministry of Finance State legislature</td>
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<td>Analysis of the state level budget to find gaps between the pro-poor (particularly tribal) policies and resource allocation</td>
<td>Widening of discussion in state legislative on budget issues</td>
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<td></td>
<td></td>
<td>Sharing of information with people, media, parliamentarians, members of political parties and other civil society organisations</td>
<td>Improved budgetary planning by the government whereby the gap between the budgeting and sectoral planning is bridged</td>
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</tbody>
</table>
being performed by them. In three of these incidences the very agencies responsible for protecting the rights of women acted to violate the right and in the fourth incident the woman's right was violated while carrying on her duty the state demanded of her. Besides, as the case study reveals, the legal agencies like courts have been more sympathetic to the culprits than to the victims. For instance the Supreme Court judgement in Mathura's case was based on the premise that she was a girl of loose character.

The case study on dalit assertion in Sargarhi, Meerut, Uttar Pradesh against the oppressive social system and against the state agencies of police and bureaucracy who violate the constitutional provisions and help perpetrate the crimes, reveals not only the irresponsiveness of the state towards the weaker section for the non-fulfilment of its own agenda of socio-economic transformation, but that the government agencies also co-operate with social forces to oppress the weaker sections.

The incidence of violence in Sargarhi, a dalit suburb in Meerut, between the police and the dalits, is reflective of a conflict whose genesis lie in the hierarchical social structure in which the dalits have been put on the lower rung and subjected to oppression and exploitation by the higher castes. Considered as the members of a group whose members defile the higher castes even by their shadow, dalits have always been treated as untouchables by the upper caste Hindus. The lower social status of the dalits has resulted in their lower economic position. The near absence of social and occupational mobility means that the oppression is perpetuated and any resistance to it, because it challenges the hegemony of the upper castes, breeds further oppression.

The immediate context to violence that broke in Sargarhi was the removal of the statue of Ambedkar installed by the dalits in a local park. It is important here to remember that Ambedkar, the leader of the lower castes who spoke against the lower caste oppression and indignity, is revered by the dalits, and therefore, the installation of the statue has a symbolic value. It is also important to remember that the dalits in western Uttar Pradesh are not only more economically better off, they are also more politically conscious. Taking advantage of the agricultural
development in the western Uttar Pradesh provided by the network of canals and cash crops and success of Green Revolution in this part, the Jatavas, the most numerous of the sub caste among the dalits in western Uttar Pradesh, have become economically mobile and better off than their brethren elsewhere. While this enables them to challenge the oppression by the higher castes like Rajputs, Jats, etc., their prosperity and assertion threaten the higher castes to perpetrate oppression in an attempt to maintain the status quo.

It is in this context that the coming up of a upper class/caste housing society in Sarghari, called Shastri Nagar, financed by the Uttar Pradesh Government further accentuated the divisiveness between dalits and other castes. It is not surprising that in the wake of dispute over installation of the statue, the upper castes had tried to side with the police.

While dalits claimed that the land belonged to them, the officials of the Awas Vikas Nigam, the Uttar Pradesh Government Housing Corporation, claimed that the land belonged to the Corporation. The attempt to remove the statue by the police broke into a series of violent encounter between the police and the dalits in which both sustained injuries. The incidence exposed the attitude of the police and magisterial bureaucracy, which instead of protecting the life and property of the weaker section, turned hostile against them. The affidavit submitted by the police argued that Sarghari was a crime infested area and therefore, the dalits were guilty of attacking the police and perpetrating violence. The affidavit also construed facts and said that there was no statue installed on the disputed site, that the crowd provoked the police to use force, that the police never entered the homes of the dalits, and the two persons who the dalits claimed were killed by the police, had indeed died in the firing on the disputed site.

From rural context, we now move to the urban context to examine the issues of accountability. Here not only the issues are different, there is also no overt lack of trust or aggression among the city people against the regulatory agencies responsible for monitoring and ensuring the air quality in the city. Yet the fact that the interests of the automobile industry and public sector refineries
get precedence over the lives of the common citizens reveals that the government agencies do not consider themselves accountable for violating the laws of the land. The link between air pollution and human death in the cities of India is alarming. More alarming is the fact that air pollution due to vehicles is a major contributor to this high mortality rate. That the level of air pollution in the cities of India is much higher than the standard set by the WHO and that the government has its own information about the death and illness due to air pollution, but does little to rectify the situation or even share the information with the people, are reflective of the callous attitude of the government which again exposes a series of gaps in the functioning of ministries and government departments. The key players in this are many: the Ministry of Environment and Forest has no time-bound concrete plan for the reduction of air pollution; Ministry of Petroleum and Natural Gas as the sole authority in control of public sector refineries and of fuel production has been guilty of producing poor quality fuel; Ministry of Surface Transport has no plan to deal with the growing urban transport crisis; Ministry of Industry has been lacking in paying attention to the violation of standards in automobile industries; Ministry of Finance keeps away from fining the polluting industries; Ministry of Health has been silent on the health hazards caused by air pollution; and the Pollution Control Board does not have any effective programme to control air pollution. Thus a number of factors like lax in emission standard, use of outdated technology, poor fuel quality, unplanned traffic, maintenance of in-use vehicles together give rise to a situation where a city dweller is constantly threatened with the risk to his/her health. The lax in emission standard, and use of outdated technology are consequences of the lobby which industries have with the government and which allows them to get away with a little design upgradation. The industries are not held responsible for not upgrading technology to produce more emission efficient vehicles. The government however, tries to evade its responsibility by holding the in-use vehicles primarily responsible for polluting the environment. While it is true that maintenance and inspection of the in-use vehicles can help to reduce the emission to some
extent, focusing attention only on the exhaust pipe emission diverts the attention of the public from the larger issues involved.

The case of alternative budget analysis reveals the gap between the state's policies towards the poor, particularly the tribals. Budgets are formulated at the provincial and national level by the Finance ministries. Before the budget is passed it is placed in the respective provincial legislature and Central Parliament for debate and comments. Besides the discrepancy in the budgetary allocation made towards the development of poorer sections and the tribals, the citizens are not involved in the process at any stage. The entire process is left to the experts and the final budget is passed after it is debated in the legislative assemblies at the provincial level or in the parliament at the national level. There is thus no mechanism through which the tribals could make the state accountable to make suitable allocation of resources for their development.

Nature of Civil Society Assertion

The women movement against rape in the beginning targeted the state and placed their demands on the state to concede. The democratic state was seen as the guarantor and the protector of human rights and it was the state's duty to protect the rights and punish the culprit. It was only afterwards that the women's groups realised that it is not that a good piece of legislation exists; it needs to be implemented as well. It was found that the law implementing agencies like the police and the courts because of the bias against women were unable to protect the right of the women or punish the rapists. The women's groups therefore started focusing on sensitising the state agencies. Simultaneously they also began to focus on the victim. In case of Bhanwari Devi for instance, she not only became a victim of rape, the economic sanctions imposed on her family by the influential persons in the village brought them close to impoverishment. It was demanded that the state must compensate the victim suitably for any occupational hazard like Bhanwari faced in carrying out their duties. It is during the course of the campaign against rape, the women's groups realised that while they can make demand on the
state to make legislation for the protection of the women, given the bias of government agencies against women, the implementation of it can not be completely left to the state. The women’s groups have to play a much more important role in ensuring that the laws are implemented.

The dalit assertion in Sargarhi over the removal of the statue of Ambedkar is symptomatic of the larger issue of injustice to which the dalits are subjected in their day to day living. The dalits do not see the incidence as an odd episode of violence; it is an extension of their daily struggle to cope with the indignities resulting from social oppression and the shattering of their faith in the efficacy of the state to ensure them a life of dignity and prosperity.

While there is no denying of the fact that it is because of the role played by these civil society organisations, primarily Rashtriya Soshit Morcha (RSM), a representational mobilisation organisation, in the form of supporting the dalit case by representing their interest before the court and negotiating with ruling political party in a manner that the dalits’ plight received recognition. The coming of the dalits in large numbers to assert their rights is what makes the intervention significant. Here the civil society organisation, unlike the case for campaign against air pollution which we will discuss afterwards does not stand in isolation, fighting the battle for people whom, it otherwise does not consider of bringing into the public sphere.

Dalits adopted a non-compromising and confrontational stand vis-à-vis the state. There was occasional dialogue with the ruling political parties which may sound negotiatory, but it was more to do with Bahujan Samaj Party (BSP) being the party of the dalits and was expected to voice the grievances of the dalits. The dharna, demonstrations, and rallies as forms of protest suggest the confrontational and conflictual relationship between dalits and the state. The feeling that the ruling party, BSP, had let them down further accentuated this cleavage. Nevertheless, it was the intensity of the protest which made the state accountable to dalits by giving the disputed land to them, offering them compensation for the loss. The statue of Ambedkar was reinstalled and the government set up a judicial enquiry into the violence.
The Centre for Science and Environment (CSE), the organisation, which campaigned for clean air, is an intermediary association with focus on research and advocacy on environmental issues. Given its professional expertise, it is well versed to analyse the technical data on pollution. Its strategy of involving the celebrities, politicians, media people, holding public meetings and issuing bold statements, did help in bringing the issue to the notice of the government. The interactive communicative style it adopted, for instance, street plays, paintings, poster display at petrol pumps, brought the issue to public attention. CSE campaign could force the Supreme Court to issue a notice to the Delhi Government to submit an action plan for the pollution control, following which the Government of Delhi for the first time prepared an action plan to combat air pollution.

DISHA, a non-governmental organisation working among the tribals and forest workers is an intermediary mobilisational association. The alternative analysis of the provincial budget done by DISHA has resulted in debate on more substantial issues relating to the budget than it was earlier. DISHA offers its own analysis of the budget at the provincial level. It matches the Tribal Sub-Plan with financial allocations made in the budget, and notes the discrepancies. The day after the provincial budget is presented in the Gujarat Legislative Assembly, the DISHA team feeds all the numbers into computers and compares three issues: Does the budget speech of the Finance Minister mention about the pro-poor policies, and if so, are they matching with suitable resource allocations? Have adequate allocations been made in the budget for the current pro-poor development programmes? How does the budget relate to the socio-economic reality of the poor in Gujarat? The following morning the DISHA team briefs the press on the highlights of the answers to the above questions. When the debate on the budget starts, the team also provides the members of the Legislative Assembly across party lines with sectoral briefs that include financial analysis matched with indications of political implications. It also circulates the note to other NGOs, CSOs, academicians, administrators and media.
Impact of Civil Society Intervention on Governance

The state on its part responded to women’s collective voice against rape by setting up of a Commission of Enquiry to investigate the Rameeza Bee case. To the movement’s demand in changing the existing law on rape the state responded by asking the Law Commission to look into the existing law and suggest recommendations. Following the recommendations of the Law Commission the existing laws concerning rape were amended. It also gave a compensatory amount of Rs.10,000 to Bhanwari. The positive response from the state notwithstanding, the women’s movement has not stopped its campaign as it also realises that given the attitude of the government officials they need to be constantly sensitised for the effective implementation of the laws.

The dalit assertion in Sargarhi was short lived—only a fortnight long—but it could achieve what it was fighting for. The affected dalits were compensated and the statue of Ambedkar was reinstalled. But RSM dissipated soon after that following internal disagreement among its members. Sargarhi assertion undoubtedly was an instance of a larger struggle which the dalits have, in one form or the other, been fighting against the hegemonic social system. Their struggle to gain dignity and respect has filled the public sphere much before the violence in Sargarhi took place. But the conflicts among dalits have also adversely affected their own struggle.

CSE through its campaign could put pressure on the government to take corrective steps towards vehicular pollution in Delhi. As a result Supreme Court gave notice to Delhi Government to prepare an action plan to combat air pollution and Delhi Government prepared an action plan. Other measures like increasing pollution under control certification facilities and surprise checks at petrol pumps were also introduced. A shortcoming of CSE’s campaign is that being a professional organisation, which does not involve people directly, CSE remains as a self appointed spokesperson for the city people. The common citizen with whose involvement civil society gets life and vitality, therefore, remain absent in the campaign. Another drawback of the campaign is that CSE’s
critique of the state for not providing the city dwellers a safe environment, does not question the fundamental aspects of development. That the particular case of negligence of air pollution is part of the larger process of development does not find a place in the charter of civil society. Some would argue that CSE does link the issue with other environment threats and that it criticises the government for not prioritising the protection of environment, but that does not provide a full fledged criticism of the wrong developmental priorities of the state. The question of air pollution, therefore, remains an instance of irresponsibility of the state and does not get articulated in the larger debate on development and environment.

The alternative budget analysis has improved the budgetary planning by bridging the gap between budgeting and sectoral planning and created a closer link between government policy objectives and budgetary allocations in the sectors such as forestry, education, health, agriculture, water, labour and infrastructure development. The debate on budget now goes beyond mere numbers and trends and covers many policy and developmental issues.

III. Civil Society Intervention in the Arena of Local Governance

The structures of governance, particularly the administrative structure India adopted after independence is a carry over from the British administration. British administrative structure was highly bureaucratic in which power was centred in the upper echelon and the local administration only served the purpose of sharing the burden of revenue generation for Imperial treasury. The post-colonial administrative structure vested the local administration with certain powers, however, until the 73rd and 74th Constitutional Amendments relating to devolution of rural and urban governance respectively were passed in the early 1990’s, local governance could not be effectively carried out.

Local governance has become increasingly significant as devolution from central and provincial levels of government are
being attempted in India. The essence of local self-governance is to enable a small local community to maintain access and control over their natural and physical resources, to take collective decisions in common public good and to provide resources in priority developmental actions. In the Indian context, constitutional amendments referred above mandate local elected bodies called 'Gram Panchayat' in the rural and municipalities in the urban area.

This study includes three case studies which have addressed the question of local self-governance. The first one focuses on the issue of decision-making on use of common grazing land in Kadadra village panchayat in the state of Gujarat. The second case study focuses on tribal local self-governance and convergence of traditional rights with modern institutions of local governance particularly struggle over 'Nistar' rights, for control over natural resources in the district of Gadchiroli in Maharashtra. The third case study focuses on the decentralisation of power in urban governance and involvement of citizens in decision-making in Bangalore in Karnataka.

Nature of Governance Issue

The case of alienation of the common grazing land in the Kadadra village in Gujarat reflects on the inadequate legal framework of local governance in Gujarat. In Gujarat Panchayat Act, despite the constitutional provisions and intent, there is no clause which empowers the Gram Sabha to influence the decisions taken by the village panchayat. Village panchayat is required to share with the Gram Sabha, information about statement of accounts and the work for the current year. Gram Sabha can discuss the issues and make suggestions, but it does not have the power to alter the decisions taken by the village or taluka (block) panchayat. Only taluka panchayat has the power to verify and approve the decisions taken by the village panchayat. Considering the fact that Gram Sabha is constituted by the adult residents of the village, the extremely limited space provided to the Gram Sabha in matters of local administration, has significant bearing on the empowerment of people in rural areas and their involvement in
<table>
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<td>1. Alienation of common gazing land in village Kadamra, Gujarat (Non-involvement of people in Panchayat decision-making)</td>
<td>Members of Sarvodaya movement</td>
<td>Campaign through mobilisation, Awareness generation</td>
<td>The industry shifted its location Restoration of the land to the people</td>
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<td>2. Control over local resources as a part of self governance in Gadchiroli, Maharashtra (non-implementation of rights given to people)</td>
<td>Vikshamitra</td>
<td>Mass representation, collective demonstration, boycotts, discussion and debate, awareness generation, assertion of the traditional ways of governance</td>
<td>Control over forest resources (Nistar rights) was restored.</td>
</tr>
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<td>3. Involvement of citizens in decision-making/policy formulation (Decentralisation of power in urban governance in Bangalore)</td>
<td>CIVIC</td>
<td>Debate, discussion, expert opinion to persuade and pressurise the govt to pass effective legislation</td>
<td>Legislation passed; incorporated the provisions</td>
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the decision-making process. Seen in this context, the decision of the district administration to allot 40 hectares of land, which was part of the village common grazing land in Kadadra, to the multinational company Cameron International Limited (CIL), reveals the almost non-existent space for people to influence decisions which have far reaching consequences on their lives.

In Kadadra nearly half of the population does not have land holdings and those who do posses land do not get much harvest because most of the land holdings are unirrigated. The second most important occupation of the people in Kadadra, therefore, is dairying and in this context the village common grazing land assumes significance. In 1996, the government approved a long term lease to the CIL business house to set up a mineral bottling plant on the land which was a common property resource for the people of Kadadra. The decision-making agencies from the village to the district level worked hand in glove to grant the lease to CIL. The Sarpanch of Kadadra hurriedly convened a meeting of the village panchayat which only six members including him, attended. A resolution in favour of the business house was passed and a copy was forwarded to the taluka panchayat and District Collector. The assent to the deal by the village panchayat cleared the path for the district administration to finalise the deal. The entire process took place within the short span of three months. The villagers became aware of the loss of their land only when they noticed the barbed wire fencing put up by CIL around the land.

The second case is about the people’s struggle to restore their traditional Nistar rights over the forest. It was during the British administration that the state extended its control over the natural resources like forests, displacing the people from these areas and depriving them of their customary rights over the forest products. After independence, the management and control of large forest areas which were declared as reserved forests came within the purview of state control and entry of people into the reserved forests were prohibited. The state regulations demarcated the forests which are accessible to the people and specified their Nistar rights in the Nistar Patrak.
However, as this case study reveals the people in Gadchiroli district of Maharashtra were not aware of their rights and were dependent on the good will of the forest guards and the forest officials to enter the forest to collect forest products. They were also not aware that the local Gram Sabha is empowered to manage the local minor forest produce and the Nistar rights could thus be asserted through the Gram Panchayat.

The third case study refers to the resistance by the state bureaucracy in Karnataka to the passing of the state legislation pertaining to devolution in urban governance. The 74th Constitutional Amendment Act enlarged the scope for democratic decentralisation in urban governance and vested powers in the state government to enact adequate legislation to provide space for citizen participation in policy formulation, planning and evaluation. While the 74th Amendment was welcomed by those who believe that democracy means democratisation of every aspect of polity and administration, those in positions of power and patronage feared that they might loose all the privileges they enjoyed. The higher authorities were accustomed of taking decisions single handedly and had never experienced any questioning from their subordinates or ordinary people. No wonder then that they resisted the devolution of power and efforts were made to dilute the 74th Amendment’s mandatory provisions into options that the state legislators would decide upon.

Nature of Civil Society Intervention

The form of civil society and the mode of intervention in the arena of local governance in the three instances discussed here are different. In Kadadra village, the spontaneous protest to the alienation of grazing land could immediately take the form of a movement even when it remained confined to Kadadra and a few adjacent villages. The mode of intervention, except for the initial incidence of defiance when the irate youths broke the fence, remained peaceful and emphatically Gandhian. Due to the involvement of a number of persons subscribing to
the Gandhian ideology, there was a conscious decision to keep the protest peaceful and non-violent. The protest continued in the form of dharnas, demonstrations and rallies. Attempts were also made to involve the eminent persons like Khairnar, the ex-Deputy Commissioner of Municipality, Mumbai, noted for his crusade against corruption, in the struggle.

The fact that in the past the demands of the village people to open a co-operative housing society on the common land was turned down by the government, and only one hectare of village common land was given to the poor families to construct houses under Indira Awas Yojna, thus depriving many families from benefiting from the government scheme, provided further spark to the already infuriated people. They also recalled that the government had denied permission sought by Swad haya Parivar, a socio-religious group, to set up an upvan (sacred garden) on that piece of land.

The issues of people's participation in decision-making and transparency in functioning of government agencies were discussed in these meetings together with the issues of violation of people's right over common property and resources and the undemocratic and arbitrary way in which the government agencies functioned to alienate the people from their resources. The issues of immediate difficulties the people would face due to the lease given to CIL were intertwined with the biases of the state in favour of the affluent and resourceful section as well as its priority to industry and market over the need of the rural poor.

The movement, as far as the struggle to restore the rights of the villagers on their common grazing land was concerned, can be termed successful as the lease given to CIL was cancelled by the district administration. Though it was a result of people's resistance and pressure on the government, a change in the ruling political party can be cited as an immediate reason for the victory of collective action. Mr. Sankarsingh Waghela, the breakaway leader from the ruling party, who assumed office as the Chief Minister quickly conceded to the demand of the people and cancelled the lease given to CIL.
Unlike the spontaneous and short lived protest in Kadadra, the tribals struggle for their traditional right on the forests was well organised and a continuous struggle was carried out on many fronts against the state and the market. An intermediary mobilisational association, Vrikshmitra, played the critical role of making people aware of their Nistar rights and organising the tribals. The people from a village called Mendha first asserted their rights by reinstating their traditional forms of governance called Ghotul (Ghotul is a traditional tribal institution in which the tribal youths learn the importance of consensus building in decision-making and the art of conflict resolution. Ghotul therefore serves as the first tier of decision-making in the tribal village. The decisions made in the Ghotul are recognised and voiced in the Gram Sabha, where the decisions are finalised.) In the Sahyog Shibirs organised by Vrikshmitra people became aware of their rights and got information on the legal provisions and administrative procedures and formulated their strategies. Simultaneously they pressurised the local government bodies like panchayats to implement the policies concerning Nistar rights. Reviving Ghotul gave them the opportunity to claim their rights over the forests for community use. The people went to the forests and cut the saal trees. This brought them into direct confrontation with the forest officials. Gradually the people from the nearby villages joined the people of Mendha in their struggle to restore their Nistar rights. As part of their struggle, the people also resisted the transfer of 1,800 hectares of forest land which the village Mendha possessed into Reserved Forest. Despite their lobbying with the forest authorities and the political leaders, they could not succeed. As a part of their struggle to assert their rights over the forests, the people also protested against the lease given by the government to the local paper mill for using bamboo for making paper. Their struggle to increase the wage for the plucking of the Tendu leaves is also a sequel to assert their right over the forest products. Their continuous assertion for higher wages has forced the contractors to concede to their demands.
CIVIC, an intermediary association engaged in research and advocacy, which took up the case of enactment of state legislation pertaining to the 74th Constitutional Amendment is forum which provides platform for deliberations on issues relating to urban governance in Bangalore in the form of meetings, seminars, discussions. When CIVIC decided to intervene in the formulation of the Karnataka Nagar Palika Act, it followed its usual procedure of organising meetings and holding seminars, both in Bangalore as well as in the moffusil towns of Karnataka to make the citizens aware of the provisions of 74th Amendment and the promises it holds for decentralisation and citizen participation in urban governance. Along with the expert’s opinion submitted as recommendations to the state government, CIVIC also provided testimony from citizens. As in the case of Kadadora movement, a change in the ruling political party and formation of a new legislature occasioned a change in attitude of government towards the issue and it appointed a commission to review the matter. As a process oriented organisation CIVIC considers its intervention in decentralisation in urban governance as a long and sustained effort towards influencing the government agencies to provide space and mechanism for citizen participation and making citizens aware so that they can avail the opportunities the space provides.

Impact of Civil society Intervention on Governance

Successful, notwithstanding, the Kadadora movement had some limitations which have important implications, as far as civil society intervention in the arena of local governance is concerned. The fact that the leaders, despite their best efforts, could not motivate the people for any social reconstruction activities in Kadadora and perhaps worse, they could not motivate the people of the village Vasna Rathore to which CIL moved, to struggle against the government decision, reveals the limited and immediate interest of civil society player and the unintended consequences of collective action. The shifting
of CIL site from one village to another is indicative of the fact that government treated the movement merely as a reflection of unhappiness on the part of a particular set of people over their land being given to the business house, and not as questioning of the violation of the interest of the marginalised in its hurry to make room for industry and market.

The struggle for restoration of the Nistar rights indicates a move towards a sustained and multi-dimensional struggle by tribals to establish their ownership and control over forest resources. They have become successful in translating the rights (which the state gives them over the forest) into action by asserting their traditional ways of living and utilisation of forest resources; along with that they have resisted the actions of the state which deprive the tribals from forest produces. The protest against the lease given to the local paper mill for using bamboo and demand for increase in wage for the plucking of Tendu leaves demonstrate their will to exercise their rights over forest. Vrikshmitra on its part continues its support to the tribals in this struggle.

The immediate effect of CIVIC's intervention was incorporation of the provision for formation of ward committees and their citizen oriented functions in the legislation relating to 74th Amendment. The Karnataka Nagar Palika Act was passed in 1996 and since then CIVIC has been working towards making the ward committees operational. The fact that CIVIC is there to monitor the operationalisation of the Nagar Palika Act and that monitoring the formation of ward committees and their operation is also an agenda of CIVIC, helps CIVIC in sustaining its effort and the continuous addressing of issues makes a lasting impact on the effectiveness of decentralisation.
5

Conclusions

From the foregoing analysis a number of conclusions can be drawn about the interface between civil society and governance in promoting good governance.

1. Contexts of Interface

The contexts in which civil society interventions take place are both immediate as well as historical. The immediate actions of the state—a policy decision, violation of rights in a specific instance, denial of decision making to local people—provide the immediate and current context for people to get organised and mobilise themselves against the state. However, the current actions of the state are not isolated events. A closer look at the events described in chapter II and the analysis of the selected cases in chapter IV reveal that they are product of a historical relationship between the state and society. All the cases point out towards the immediate and historic contexts in which civil society interventions take place.

The failure of the state to bring the pavement dwellers and the informal workers into its policy network, the inadequate implementation of the policies expected to benefit poor sections, and the policies which benefit one section at the cost of other, violation of the fundamental rights of women and dalit, disparities in resource allocation to the poor, non-involvement of people in the decision-making regarding their natural resources, non-recognition of traditional rights of people over their natural
resources, non-accountability of state regulatory institutions to people—all point towards the skewed relationship between the state and its populace in the post-independence period. Civil society interventions in such situations reflect people’s long standing resentment against the state.

2. Nature of Interface

Forms of Interface

Civil society interventions can take various forms. It can take the form of mass movement, which are less formally organised; it can be in the form of organised efforts. The movements mobilise people on a large scale to put pressure on the government. The civil society assertion in Chilika against the Tata Project, the protest against Subarnarekha dam in Bihar, the fisherfolk resistance to mechanised fishing in Kerala, Chatisgarh Mukti Movement, mobilisation against custodial rape, assertion of dalit against police atrocities, and the campaign in Kadadra against the encroachment of the grazing land by the private enterprise, are instances of movement where people join hands to protest collectively. Seen vis-à-vis the above, instances of intervention by KMSS, SPARC, ABSSS, CSE, and CIVIC represent initiatives taken by more formal organisations working among the people. Both types of intervention aim to put pressure on the governance mechanisms and reform the state, but their mode of intervention is different. The movements are less formal and more spontaneous modes of protest, with little or at times without any organisational base (as in Kadadra) which mobilise people on a large scale in the form of rallies, dharnas and demonstrations. The organisational interventions too mobilise people in the form of dharna, demonstration (SPARC, KMSS), but that is not their dominant strategy; they strive more towards empowering people to engage them with the state, or provide them with alternative support mechanisms (movements like CMM is also seen to be providing people with alternative support mechanisms).

Civil society interventions may offer a fundamental critique
of the polity and society from the vantage point of the disprivileged to reform the state; they may strive to create a minimum space for people to engage them with the state. The movements are found to be putting pressure on the governance mechanisms by building a critique of the state. Organisations like KSMM, ABSSS, and SPARC can be seen working towards engaging the people with the government mechanisms to solve their problems. For civil society to have impact on the governance mechanisms both types of interventions are important. The state needs to be questioned, as well as be made to respond to the needs of the marginalised through more collaborative interventions. Civil society organisations as the case of Pratham reveals may actually help the state to deliver the services in an efficient and effective manner. Crux of the argument is that within the overall goal of rectifying an immediate situation as well as effecting long-term change, collective action can be directed in many ways. That is people may raise their voice and seek solution within the parameters set by the state; they may challenge these parameters, as well.

Response of the State

The response collective action evokes from the state varies. However, there is no set pattern against which this variation can be explained. The state is of course harsh and repressive when it is challenged and questioned and is supportive when civil society players operate on a negotiatory plane. But a reverse trend can also be discerned, as the state is found to be responding positively, of course after initial repression, to the demands of pavement dwellers, or the textile workers, and repressing civil society which is not overtly critical of the state. VMV which demands for proper resettlement, thus can cite many instances of police repression and violence even by the Janata Dal which, in its earlier avatar was ideologically closer to the Chhtra Yuva Sangharsh Vahini, the parent organisation of VMV.

If the state continues to be too repressive as in the case of CMM, the chances of a collaborative relationship gets minimized. But when the state responds positively, then despite the continuation
of the assertion, players in civil society are found to be operating on a negotiating plane with the state. SPARC, therefore, can cite many instances of state repression, but it can also cite the instances where the government agencies have been open and accommodative and a change in policy has further widened the space to interact and engage with the state.

Layers of State and Civil Society Intervention

State is not monolithic. Even within a repressive government structure, there are individuals willing to provide support to civil society. VMV, which speaks of state repression therefore, also speaks of helpful administrators who supported it. ABSSS could also share similar experience where within oppressive government agencies, it could find helpful allies to work with. Similarly, while the provincial government in Orissa continued to repress the people in Chilika, Kamal Nath, as the then Minister for Environment and Forests, could realize the gravity of the situation and constitute a team to evaluate the Tata Project.

Civil society players form different relationship with different layers of the state. ABSSS had a conflictual relationship with the local state, but could find allies in district administration, Chilika movement had a conflictual relationship with the local and provincial state, but could find allies at the national level.

A subsidiary of the previous issue is civil society intervention vis-à-vis different domains of the state. As can be seen from the foregoing analysis, civil society interventions in executive domain are qualitatively different from the legislative and judiciary domain. The executive domain is that of entrenched bureaucracy and public service. The legislative domain is the domain of the political parties and political leadership. The judiciary is somewhere in between, though in the Indian context, it also represents an entrenched public service. Civil society interventions on issues of public policy, transparency and accountability in governance invariably focus on the behaviour of the executive and the functioning of public officials and agencies. Accountability of state institutions,
particularly in the context of restoration of fundamental rights or enforcement of new laws, are found to be enforced through judiciary. Civil society intervention in legislative process, in particularly with political parties have been less pronounced. Despite their alliance with political parties, Civil society intervention in mainstream politics have been insignificant. As is observed in the subsequent discussion here under, this alliance is often with the parties when they are in opposition and their changing nature when they come to power.

3. Process of Interface

Leadership

While the privileged groups possess the resources to organise themselves, it is the disprivileged groups whose interests remain unarticulated unless and until initiatives are taken to organise them and empower them to question the government agencies as well as engage with them. All the instances of civil society interventions reveal that the interests of the subaltern groups was articulated only when an individual/organisation intervened to address them as a collective and voiced their concerns vis-à-vis the state. Civil society initiatives played a crucial role in bringing people in to the public sphere where their voices can be heard.

Ability of the leaders to articulate the issues in a language which is comprehensible to the government agency helps in bringing the issues to its notice. This is best illustated in the case of Chilika movement, CMM and KSSM. However, as is evident in the case of dalit assertion, people are equally capable of articulating their issues and fighting their battle without any outside mediation. It is important to note that in this case again it were the educated members within the community who mobilised the dalits, filed affidavits on their behalf, and represented them in the court.

As these instances reveal the effort to organise the marginalised has transformed them from people who are at the receiving end of policies and programmes into right bearing individuals who the state must strive to provide with an environment to live in dignity.
Language

The language of the collective action has many dimensions and important implications for civil society and the response it elicits from the state. For the state to respond to collective voice, the collective debate needs to adopt the language with which the state is familiar. We therefore, find people raising their demands in the familiar language of people’s inclusion in policy network, their participation in decision-making, distribution of developmental benefits, transparency in decision-making, social justice, violation of democratic rights, right over local resources, etc. Secondly, for people to come together for collective action, the language of public space has to be the language with which the people are familiar. The efficacy of the struggle to a large extent hinges on the balance between the two languages. It is the outside and professional mediation which helps in the articulation of the issues in the language of the state, but at the same time, the leaders must be conscious of not speaking in a completely alien language. Otherwise the state on its part might respond well, but the message as in the CSE campaign which used highly technical language, does not get across the common citizens. The language of the collective action further reveals that even during the course of a single movement, the issues could be articulated in a variety of languages. Take the case of Chilika movement for instance. While the movement at the village level could build a critique of the state and interrogate the state on the ground of its wrong developmental priorities, OKM merely criticized the state on the limited context of not respecting to an international convention to which it was a party and thereby neglecting the environment and livelihood of the people.

Resources

Civil society actors primarily mobilise two types of resources—human and information, sometimes they combine the two. In the instances of struggle by workers in Chhatisgarh, Kol tribals in
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Chitrakoot, fishermen in Kerala, people facing displacement in Subarnarekha, women protesting against violence, dalit protest in Sergarhi, protest in Kadadra, people’s struggle to restore their traditional Nistar rights, civil society actors mobilised people on a large scale. The budget analysis by Disha, CSE’s campaign against pollution, CIVIC intervention in the local governance on the other hand utilized information, research, expert opinion as the chief resources in their campaign against the state. There are also instances such as pavement dwellers struggle in Mumbai, fishermen’s struggle in Chilika where both human as well as information were used together to put greater pressure on the state.

Alliances

During their interface with the state civil society players build alliances with other sympathetic allies in the state structure, political parties, other civil society organisations. As described above the state has many facets and many layers. While the overall state structure may ignore the cause taken up by civil society or may be outright hostile to it, there are, as we have encountered in many cases, individuals in the government structures/institutions who are sympathetic to civil society. SPARC, ABSSS, Chilika movement, VMV could find allies within the government. This limited, but significant alliance helps civil society actors in many ways. It opens a space for them in the state institutions thus making it easy to share their views with government agencies. Secondly, if the local administration is hostile, but the provincial or national government is supportive the pressure emanating from above make the local state pay attention to people’s voice. Thirdly, this alliance with the government officials helps in reducing the overtly conflictual relationship with the state and a more balanced relationship between civil society and state is forged.

Civil society interventions have in many instances found the political parties to be their allies. This alliance in some cases, as in the case of Subarnarekha dam displacement, is guided by ideological consideration. VMV therefore, could find the Janta
Dal an ally because ideologically both were part of Chhatra Yuva Sangharsh Vahini and associates of Sampoorna Kranti called by Jayprakash Narayan, or RSM finding an ally in BSP on the ground of later’s closeness to the cause of dalits. In many instances, however, as in the case of Chilika movement, the parties in opposition show solidarity with civil society in its crusade against the state. What happens when the party sympathetic to civil society comes into the mainstream politics will be discussed later.

As the case of Pratham shows civil society also finds an ally in private sector. This alliance is beneficial solely from the point of view of meeting the material resources of civil society.

Strategies

Civil society players use a variety of strategies—large scale mobilisation in the form of dharna, strike, demonstration to put pressure on the state and industry, legal measures to seek justice in the event of violation of their rights, build public opinion through campaign and highlighting the issue in the media, research, documentation, analysis of information and expert opinion to influence decisions taken by the state. In its own sphere the Civil society actors also take measures such as create awareness among people about the situation, engage them in constructive pursuits for their livelihood, health, education and shelter, enhance their agency and their ability to improve their situation. The case of SPARC, ABSSS, CMM illustrate this aspect of civil society engagement with governance. At another level civil society actors also sensitize and educate the state agencies in situations where the state ignores the progressive ideas coming from civil society. This is best illustrated in the case of campaign against rape.

4. Facilitative Factors

Coalitions of Civil Society

It is obvious that in almost all examples of civil society engagement on governance issues, a broad spectrum of coalition
has operated. Typically, coalitions comprise intermediary civil society organisations of the ‘modern’ kind and community based associations of the poor and the marginalised, nascent social movements and representative associations of the excluded. This broad spectrum coalition helps to perform diverse types of interventions necessary in engaging with governance in India. Thus civil society coalitions are simultaneously able to use methods of protest and public demonstration with carefully conducted research and policy documentation.

The Space and Conditions Provided by the State

The democratic state through the provisions of rights to equality and freedom for expression and forming associations have created conditions for people to come together, form associations and express their resentment against the state. The state by adhering to the principles of socio-economic transformation of weaker sections, ideas of equality, and elaborate policy provisions has set expectations in the event of whose non-fulfilment people can take the state to task. Unlike in an authoritative state where the absence of rights, laws, and freedom makes civil society virtually operate behind the praying eyes of the state as was evident in the former communist regimes of East-Central Europe and military regimes of Philippines and Latin American counties such as Chile, the democratic state through constitutional rights and freedom legitimizes the efforts of civil society. In all the instances of civil society interface with governance already discussed people had a direct confrontation and dialogue with the state.

Leadership

As was evident in the instances of civil society interventions, it is often capable leadership, which has been at the root of success. The ability of the leaders to articulate the issues, choose appropriate strategy, organise people and mobilise them, build public opinion, negotiate with the state through pressure or expert opinion which contributed towards civil society achieving its goal. This is best
illustrated in CMM, Chilika movement, the struggle by ABSSS and KSSM.

**Alliances**

The alliances civil society builds with the state and the political parties help in opening up a space for it in the state institutions where its voice can be heard. This on the one hand helps in reducing the wrath of the state and on the other hand a collaborative relationship with the state is forged within the overall conflictual relationship. Media also, as is evident in the case of struggle of the Kol tribals for legal title to the land and CSE campaign against air pollution, acts as powerful ally in building public opinion on the issues by highlighting it in the print and on television. Thus, a regional issue becomes national the moment it is brought out in the media.

5. **Hindering Factors**

*Socio-economic Inequalities*

Inequalities in society provide context for collective action, but collective action is also hindered by these inequalities. Whether it is wrong developmental priorities of the state (exemplified by the movements in Chilika, Kerala, Chhattisgarh, Kadadra) or unkept promises of the state due to lack of policy provisions and extreme negligence of a section of population (pavement dwellers in Mumbai, workers in Chhattisgarh) non-implementation of policies, non-fulfilment of the democratic aspirations of people and consequent perpetuation of social oppression which in many cases gets accentuated by the repressive administration (as is evident in the case of textile workers, dalits, women, Kol tribals etc.), the contexts of inequality mobilises civil society into action. However, the inequalities also limit the scope for collective action. For instance, the traditional antagonism which the fishermen in Chilika have towards the non-fishermen limited their vision to
the fact that for the poor non-fishermen fishing is also a livelihood pursuit. The point is that while assertions in civil society raise critical questions regarding “public good/collective good” among unequally placed marginal groups there may not always be an unanimity of opinion and interest with regards to “collective good”.

**Sustainability**

For effecting sustainable change in society and governance efforts in civil society need to be sustained beyond the fulfilment of the immediate goal. Rectifying the immediate situation is by no means a small achievement as far as civil society interventions are concerned. Nevertheless, in many instances we find that while collective voice has died down, the wider problems still persist. The instances are many—in Chilika the threat the fishermen face from illegal encroachment still persists even after the Tata project is withdrawn, in Kadadra in response to the campaign the industry merely shifted its cite occupying land in another village, in Sergarhi after the dalits settled terms with the government and received compensation, they fell apart.

The sustainability of collective action is ridden with many complexities. Divided interest within civil society, leadership crisis, too much dependence on outside leadership, cooption by political parties, all could account for the demise of the spirit of civil society. The point is that where there is a continuation of action in civil society after the immediate goal is fulfilled, we find the glimpses of long term change taking place. CIVIC, ABSSS, KMSS, SPARC, CMM all continue to work among the people and have widened their scope of action. This has resulted in continuous addressing of the problem. Secondly, it has helped in engaging people with the government agencies on a long-term basis which in turn has built their capacities to deal with the apathetic bureaucracy and public institutions. Judging from this angle compared to the spontaneous movements, the more organised interventions are found to be able to sustain collective action.
Lack of Organised Alliance

Looked from the Indian context, the history of civil society in addressing the issues of governance, particularly after independence, appears impressive. In a variety of ways ranging from self-help type of voluntary action to collaborative effort with the state to mass based movements opposing the violation of the right to life and livelihood of the marginalised, actions in civil society space have dotted the social landscape. Yet they have not contributed much to the overall social transformation, primarily because the efforts in most instances are sporadic and short term and civil society assertions have remained by and large isolated, and have failed to link up with similar assertions in other part of the country. This has hampered the overall social transformation agenda. A well organised alliance within civil society has been lacking.

While the alliance of political parties helps civil society to influence governance by opening a space for civil society in the legislature, the backtracking of the parties when they assume power works to the disadvantage of civil society. This is evident in the case of Chilika movement which got the support of Janata Dal when it was in opposition, but when it came into power it tried to resist the movement. Similarly the BSP supported the cause of dalits when it was in opposition, but could not extend the same support when it came to power.

6. Outcome of the Interface

Since the cases selected for this work are instances of positive impact, it is obvious that they largely succeeded in their goal. However, this success has many hidden nuances, which need to be explored for an assessment of the impact of civil society interventions.

There are cases where immediate success is part of the process and larger goal and civil society players continue to work because the overall goal has not been achieved. The interventions by SPARC, ABSSS, KSSM, CMM, VMV, DISHA, KSMTU,
Pratham, CIVIC exemplify this.

The recognition of the pavement dwellers in the planning process is a step towards bringing them into the entitlement network of the state, but SPARC continues to work towards actualisation of the benefits given to the pavement dwellers. Similarly CMM could succeed in making the management provide work to the contract workers for 20 days a month, 20% of profit as bonus, increase the daily wages of workers to 80 rupees, but it continues to work towards seeking a better future for the workers which is at par with the regularised workers, to end the exploitation of workers by the contractors and liquor barons, to end child labour and alcoholism among workers, to provide them education and health benefits which the state and industry has failed to provide. ABSSS succeeded in helping Kols acquire legal titles to their land, yet it continues to work towards a future in which Kols will own their share of land and their exploitation by the feudal elements will end; ABSSS also engages Kols in constructive work such as soil conservation and social forestry so that they can find adequate means of livelihood and live with dignity. KSSM succeeded in securing compensation for workers suffering from byssinosis, securing dependent benefit for the widows of workers who died of byssinosis, and an occupational health centre was opened for diagnosis and treatment of the workers. But KSSM keeps a constant vigil that the process continues. Pratham succeeded in increased enrollment of children in municipal schools and better performance by children. It however, continues to work to meet its ultimate goal of bringing all the children into primary education. KSMTU was instrumental in passing of the Kerala State Marine Fishery Act 1980, and securing welfare measures to fishermen. The movement nevertheless, continues to raise issues concerning fishermen because larger issue of mechanised fishing still continues affecting the poor fishermen in many ways. As a result of VMV’s effort the construction work of the Subarnarekha dam stopped and the Government of Bihar formulated a revised R&R policy. However, the goal is partially achieved until people receive the new compensation package. This makes VMV to continue its work. DISHA also has a long term mandate of
influencing the budgetary planning of the government. Similarly CIVIC after its initial success of influencing the provincial legislature for decentralisation of urban governance continues to work to translate the provisions contained in the legislation. Likewise women’s groups also continue to fight to make the laws sensitive to women’s needs.

There are instances where after the immediate goal is achieved action in the sphere of civil society came to an end. In Chilika after the project was withdrawn the struggle ended, but the larger issue of exploitation of the fishermen by the non-fishermen still persist. In Kadadra also the struggle ended with the shifting of the location of the industry to another village, but the larger issue of people’s right and control over their resources still remained unresolved because the industry merely shifted its location. CSE also ended its campaign with Supreme Court giving notice to Delhi Government to prepare action plan and Delhi Government preparing the action plan to combat air pollution. Yet the vigilance required to monitor the performance of the government machinery is still lacking. RSM also disintegrated due to its internal conflicts soon after it succeeded in getting justice for the dalits who became victims of Sergarhi incident, but the larger issue of atrocities against the dalits still persist.
6

Implications of Civil Society Intervention for Governance

Based on the findings enumerated in the previous chapters certain implications of civil society interventions for governance can be discerned. These implications can be put in two categories: conceptual and practical. That is some of these have merit to broaden and define the conceptual understanding of the intervention and some throw light on practical considerations these interventions imply.

Relationship between Civil Society and the State

Civil society shares a dual relationship with the state. On one hand, a framework of the state defines acceptable public arena for civil society action. State policy, legislation, statutes, institutions are necessary for creating a legitimate playing field for civil society. On the other hand, civil society interface with the state on issues of governance begins to challenge the boundaries of that playing field and this is the very act of influencing governance which attempts to redefine policies, laws and nature of institutions. This dialectical relationship between state and civil society is exemplified in the cases discussed earlier. The nature of the state in a democratic political framework, however, makes it further complicated. In one respect, free and fair elections on a periodic basis have been the strength of Indian democracy. Within the margin of acceptable error, collective voice of voters has been the basis of electing ruling elites. Ignoring and rejecting the interests
of vast sections of Indian population by the elected political leaders has also been the character of the democratic Indian state. When civil society interacts with the issues of governance, it begins to challenge the hegemony of the ruling elites in managing the government. In a way, civil society interventions on governance issues question the legitimacy of the duly elected ruling elites. Thereby, civil society interventions on governance issues get challenged by the state as unrepresentative and not legitimate in democratic polity.

Secondly, in different periods of history of independent India, different provincial/national ruling elites have attempted to restrict and limit the role of civil society largely to service delivery and local self-help. Civil society actions focusing on governance, reform in policies or assuring accountability of state agencies and officials have been and continue to be resisted and in many cases undermined by the state agencies and officials. The enactment of Foreign Contribution Regulation Act in 1976 (at the height of emergency) and its implementation by Ministry of Home Affairs under the guise of internal security has been a potent instrument of control of civil society actions aimed at questioning the role of state in assuring civil and political rights of its citizens.

Thirdly, conditions for good governance are created when a strong state and strong civil society exist together. All the instances of collective action discussed in the earlier pages point out towards the need for a strong and responsive state as well as a vibrant civil society. Thus while the neo-liberal agenda which has given a fillip to governance is based on the assumption that the state has become weak and needs to withdraw giving space to private capital and civil society, for the disadvantaged it is still the state which is the prime provider of services and entitlement and on whom they can make demands. Hence despite their disillusionment with the state, the effort is to bring the state back to its original role – to realise its socio-economic transformation ideals. Civil society players in none of the cases of assertion demand the withdrawal of the state, or even act as an alternative to the state. The struggle is to question the state and pressurise it to be sensitive to the weaker sections. Civil society's critique of the state is indeed an
effort to make it more responsive to people’s demand. In instances where civil society organisations are making alternative infrastructure arrangements for people like SPARC, CMM, ABSSS are doing, the motive is to empower people to deal with their day to day necessities so as to take control of their lives. It is through challenging the state that the state is reformed.

The instances of civil society intervention point out to the fact that even a democratic state needs to be kept under constant surveillance because it can curtail people’s freedom, can turn to be a vehicle to serve interests of dominant class. It is in this context, that an active and vibrant civil society can act as a check against the transgression of the boundaries by the state which the state itself demarcates. This does not mean that civil society is all virtuous. As we have discussed earlier there are fragmentations, inequalities, and conflicts within civil society. In its effort towards good governance civil society thus has to keep vigilance on its own role as much as it keeps vigilance on the state.

Defining the Agenda of Good Governance

As has been pointed out earlier, governance needs to be differentiated from government. Governance includes the institutions of government but goes beyond that to include institutions of civil society and in the changing context of economic liberalisation, it also includes market institutions, both national and international. Civil society attention to this challenge is a broader challenge of deepening democracy in the Indian society and good governance of all public and private institutions. Engagement on good governance agenda, therefore, can only be strengthened when it is seen to be incorporating these different aspects of good governance in the complex and diversified scenario of institutional landscape in public domain in India.

Secondly, the agenda of good governance in a democratic political framework acquires complexity as has been evident from the deliberations on civil society. Historically, civil society assertions have attempted to resist authoritarian regimes or military dictatorships. As part of the process of gaining democratic
freedoms for their people, civil society contributions have been acknowledged. However, in an old democracy like India, the challenge for good governance becomes multi-faceted. On the one hand, it implies reforming institutions of the state, on the other, it implies creating a culture in the society, which is consistent with the democratic values and practices. Thus issues of transparency, accountability, self-managing and self-governance have a societal relevance and not merely limited to government institutions. It is obvious that merely a framework of political democracy is not sufficient. It may provide necessary conditions for good governance to emerge but does not guarantee the same.

Thirdly, the defining agenda of governance is also a matter of concern in a country like India. Given the context of entrenched inequalities of Indian society where people are often invisible and lack voice, mere articulation and amplifying the concerns is also a step towards affecting governance, even if no visible impact is discerned.

Fourthly, a well understood dimension of governance agenda demands its followup, as defined initially till its logical end be it the rights of pavement dwellers for shelter or of informal workers on labour laws or running of primary schools or getting possession of titles to agricultural land. What is rarely appreciated is the evolving nature of that governance agenda. This is particularly so in a dynamic democratic polity where forces and counter-forces coalesce and governance agenda gets transformed. The case of Subarnarekha brings this out eloquently. In many protests against oppressive state policies, civil society actors have contributed to extend, elaborate and expand the governance agenda through their persistent and sustained interventions.

**Intermediation**

In the context of the poor and the marginalised, the role of civil society in governance has been primarily that of intermediation. Civil society actions have mobilised, organised, and empowered the poor and the marginalised. By accessing authentic information nationally and internationally, civil society has contributed to the
empowerment of the local communities. Intermediation has also created opportunity for the voices of the poor and the oppressed to be articulated in the language that the state agencies and officials can understand. The middle class participation in civil society associations of professional and intermediate types in support of the interests of the marginalised and the oppressed has been an interesting and potentially important phenomenon in civil society interface with governance in India.

Coalitions of Civil Society

We have seen that coalitions of various kinds among civil society associations are formed when they begin focussing on governance issue. This coalitions in civil society are seen as desirable to the extent that they complement each other in their approach, strategies and resources. However, this coalition approach to influencing governance in India also highlights internal disagreements and conflicts within such coalitions. The inevitable nature of such disagreements poses the challenge of sustaining such coalitions for the explicit purpose of influencing governance without compromising the autonomy, diversity and distinctiveness of each partner in the coalition. What has been under acknowledged in the Indian context is the role of intermediary associations which have acted as an anchor to many such coalitions by providing institutional resources, linkages with different tiers of government, partnerships with academia and media as well as access to international fora. The role of such intermediary associations in contributing towards the effectiveness of civil society coalitions in engaging with governance agenda needs to be appreciated in the Indian context than has been made out so far.

Durability of Civil Society Interventions

The durability of civil society interventions in engaging on governance agenda is the crucial issue that arises from above.
Spontaneous action and nascent coalitions of civil society have asserted themselves to give voice to the excluded and the marginalised; but to sustain that voice, to bring about effective changes in policies, legislations and agencies of implementation of the same requires long-term commitment of effort and resources. In the absence of such capabilities and partnerships within civil society, many civil society interventions on governance remain sporadic and not able to engage with the governance issues in a durable and long-term manner.

The institutional and financial bases of civil society, therefore, become important dimensions of attention if such durability of interventions on governance agenda has to be promoted. Bulk of the civil society actors are under-organised. Most of them are constituted around specific temporary issues. Even formally organised civil society initiatives lack institutional capabilities and financial resources at a scale needed to address the complex governance agendas as they emerge in the coming period.

The material base of many intermediary associations in the Indian context comprises of public resources drawn from various agencies, departments and programmes of the government as well as resources accessed from the community and international sources. This material base needs to be strengthened and rooted more widely in the Indian society if civil society engagement on governance has to be promoted. The conflicts of interests created by material base in international funding, on the one hand, and that derived from the government agencies, on the other, restrict the ability of civil society organisations to engage effectively on a long-term basis.

The challenges civil society actors face in influencing governance are many. These challenges demand the broadening of sphere to include different types of formations in civil society. Particular challenges are faced in terms of linkages with religiously inspired civil society associations as well as with the traditional associational types, where there is convergence of purpose around a specific governance issue.
Similarly, incorporating smaller, local, underorganised citizens' associations in such coalitions pose particular challenges in Indian context. It also necessitates incorporating differences of perception and opinion and resolving the competing and in many instances conflicting issues related to ideology and leadership. Meeting the material needs becomes particularly challenging for the unorganised civil society such social movements and community based small groups. Thus the strength of civil society actors to pursue the governance agenda depends on their ability and willingness to forge alliance with those who hold different opinions, strong and mutually supportive leadership and a strong material base.

**Errata**

On page 13, line 27, read Structure of Civil Society Associations.
On page 68, line 13, read exist in place of obtains.
On page 72, line 22, read below in place of low.
On page 81, line 11, read responsibility.
On page 93, line 15, read Andholan as Andolan
On page 98, 1st column, part 2, read violence against dalits in Sergashi, Meerut (UP).
On page 98, column, read Sensitisation of state agencies on issues of gender, in column 4.
On page 98, 11nd column, part 2 read police as Police, Judiciary.
On page 121, on line 13, read illustrated.
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