

# EVENT REPORT



## ROUND TABLE on CIVIC SPACE IN INDIA

*25 July 2017*

*PRIA Conference Hall*

*Organised by*



Until a few years ago, a reasonably open environment had enabled Indian civil society to contribute to strengthen democratic governance and inclusive development in the country. In recent years, however, civil society finds this enabling civic space being increasingly constrained. The basic tenets of a democratic fabric - freedoms of association, expression, and peaceful assembly are being challenged. In this backdrop, a Roundtable was organised by Society for Participatory Research in Asia (PRIA) and Voluntary Association Network India (VANI) on “Civic Space in India” on the 25<sup>th</sup> of July 2017 at PRIA, New Delhi.

The objective was to share the key findings of recent studies separately conducted recently by PRIA and VANI; and to initiate a wider discussion on strategies for constructive engagement among civil society, government and other stakeholders to stem and reverse the phenomenon of shrinking civic space in India. Keeping to the agenda, the Roundtable kicked off with the sharing of study findings by VANI and PRIA, highlighting that in the recent years there has been an erosion of these republican values as repressive laws have been introduced by the Indian government restricting the growth of the civil society. Freedom of expression, press freedom, online freedom and personal freedoms continue to be at the centre of debate in India as citizens and journalists have come

under various forms of attack for being critical of the majoritarian opinion. Freedom to assemble peacefully is a fundamental right under the country’s constitution and is a prerequisite for the fruition of citizen participation. A long list of incidents proves that this right is subject to the arbitrariness of government and is frequently violated by high-handed law enforcement forces.



It was recognised that such a push back on republican values is a global phenomenon and not exclusive to India. These dramatic infringements on citizens’ rights have taken place subsequent to governments concluding the Paris Agreement with a set of highly ambitious Sustainable Development Goals (SDGs), which can only be achieved with the participation of citizens everywhere.



It was acknowledged that while the civic space for developmental and progressive civil society has been on the decline, on the contrary there has been an expansion for the other associations and trusts aligned with the government. There has been a concerted effort by the government to provide space to such think tanks and grass roots organisations. Laws, such as the Societies Registration Act under which most civil society



organisations (CSOs) are registered, are from the colonial era and need to be updated. While there is a thrust to promote NGOs to become implementers of government schemes and service delivery, laws like the Lokpal and Lokayuktas Act 2013, Foreign Contribution Regulation Act (FCRA) 2010 clearly threaten the existence of right based NGOs in India.



As 17 of international NGOs in India have been put on the watch list post the Intelligence Bureau report in 2015, there has been a throttling of the flow of foreign funding to the right based NGOs in India. Simultaneously, some experiences suggest that illiberal NGOs have been approaching the traditional donors for funding. Such a growing phenomenon has pushed a leading national donor organisation to implementing projects. This calls for a collectivisation and investment in the capacities of the organisations to cope with the dynamic ecology as well as to re-strategise and re-align with the communities and repackage the activities. The public narrative of hyper nationalism has been witnessed in the recent times, paving the way for the vice-chancellor of a leading central university to propose

the installation of a battle tank on its campus to foster an appreciation for the armed forces. Incidences of intolerance for free speech in university campuses have seen a rise in recent times. The government has been swift to throttle views which have been critical of the

majoritarian views keeping with the government’s populist stance. Sometimes such throttling by the state has been in the form of police brutality, especially against agitating farmers and students exercising their freedom of expression and their freedom of peaceful assembly to demand their rights. 2016, saw a spike in violence in an already violent protest by the Jat community demanding reservations. More than 30 people died, and property worth thousands of crores of rupees were damaged but surprisingly the police were a bystander and even the deployment of the armed forces did not arrest the violence. The police have been used as a political instrument, leaving many to question its independence and accountability.



The media too has witnessed the shrink in civic space. While the government has been adept at using both conventional as well as social media to reach to the masses, it has systematically clamped down on media houses which have been critical of the government. This has led to self-censoring of the media. Such incidences have seen the media come up

with a number of peer led support system – which lend credibility similar to a kind of ombudsmanship.



Civic space is a prerequisite for groups to function independently in highlighting the concerns of the most marginalised sections, and to reflect on government policies and provisions in its impact on the vulnerable sections is being limited through political and administrative impediments. The space to build synergy and complementarity between people and the government is shrinking at a time when educated young people from the socially excluded communities are engaging more actively in the civil society spaces. Such a time calls for courage to engage with the stakeholders of democracy across sectors, age groups and geographies. Simultaneous cohesion and synergy should be welcomed in engaging with the private sector, media and the youth especially. Engagement through a medium deemed fit for the context might touch the mind and souls of the stakeholders of democracy and will lend credibility to introduce a counter narrative

to the prevalent one promoting a particular political ideology.



Below are some of the emerging trends that were discussed at the roundtable:

1. Laws such as the Income Tax Act, the Lokpal and Lokayuktas Act 2013, FCRA 2010 clearly threaten the existence of CSOs in India.
2. Rights based CSOs face an uphill task of mobilising funds domestically from Corporate Social Responsibility (CSR) due to the increasing insistence of routing CSR funds through the government.
3. Similarly, foreign funding for rights bases CSOs has seen a sharp decline.
4. The vulnerability of the Right to Information (RTI) activists has increased manifold with the proposal that the request of an RTI applicant will be nullified with his/her death under the Whistleblower's Protection Act.



5. Steady increase in the number of journalists and media houses who have been subjected to harassment and violent attacks.
6. Spike in hate crimes towards minorities since 2015.
7. Freedom of assembly has been crushed with disproportionate force by the police whenever the dissidents have been critical of the government.

The following are the recommendations which emerged from the roundtable:

1. The government should implement the National Policy on the Voluntary Sector 2007 and the registration laws should be modernised.
2. Formation of a Nodal Ministry/ Department for Voluntary Sector to help in fostering an enabling environment for the sector and assist the government in monitoring of social development programmes. This ministry would facilitate communication between the government and voluntary sector, as well as liaise with the corporate sector on Corporate Social Responsibility.
3. There should an ombudsmen kind of mechanism in place as a useful redressal mechanism which could act as a trusted bridge between the government and the civil society.
4. Civil society should create a rapid legal response cell which can provide legal support in case of any unjust and unlawful act by the state institutions.

5. A group of citizens came together to draft what they wish should become a law, Manav Suraksha Kanoon (MaSuKa), which defines 'mob lynching', and seeks to make lynching a non-bailable offence. Under this law the punishment for the ones convicted under it would be life imprisonment. It might be worth considering this given the rise in hate crimes being directed towards the minority.
6. Comprehensive reform has been long pending of the police force. There must be a law to ensure the independence and accountability of the police and the law enforcers.
7. The possibility of setting up training centers which can provide training and handholding support to grassroots CSOs on their finances and other legal obligations was brought forth.
8. There is a need for civil society leadership to collectivise and steer the sector.
9. There is a need for more inclusive strategy to keep all the other stakeholders (corporates, media, educational institutions, and people at large) informed and and make aware about the state of civic space in India.
10. Emphasis was laid in the potential of engaging the youth, in bringing about the possible changes of actions and mindset and hence creating a fresh public narrative around civil society and democratic space.
11. Lastly, the request to engage more in the conversations of love, solidarity and non-violence as against impulsive and violent retaliations marked the end of the roundtable.

## PROGRAMME AGENDA

<i>Time</i>	<i>Agenda</i>
09.30-10.00	<b>Registration</b> with tea/coffee
10.00-10.10	<b>Welcome and introduction</b> by Kaustuv Kanti Bandyopadhyay, Director, Society for Participatory Research in Asia
10.10-10.40	<p><b>Presentation on State of Civic Space in India</b></p> <p>Chair: Rajesh Tandon, Founder-President, Society for Participatory Research in Asia</p> <p><b><i>Presentation of the study findings</i></b></p> <ul style="list-style-type: none"> <li>• Enabling Environment for Civil Society by Harsh Jaitli, Chief Executive Officer, Voluntary Action Network India</li> <li>• Civic Space in India by Kaustuv Chakrabarti, Senior Programme Officer, Society for Participatory Research in Asia</li> </ul>
10.40-11.20	<p><b>Roundtable Discussion</b></p> <p><i>The lead discussants will initiate the discussion and other distinguished participants will contribute their insights, comments and suggestions.</i></p> <ul style="list-style-type: none"> <li>• Ashok Khosla, Chairperson, Development Alternative</li> <li>• Poonam Muttreja, Executive Director, Population Foundation of India</li> <li>• Amitabh Behar, Executive Director, National Foundation of India</li> </ul>
11.20-12.45	<b>Open discussion</b>
12.45-12.55	<b>Consolidation and comments</b> by the Chair
12.55-01.00	<b>Vote of thanks</b>
01.00-02.00	<b>Lunch</b>

## LIST OF PARTICIPANTS

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