

Big Squeeze on Civil Societies

What was the issue?

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The civil society organisations and their donors allege that the government violates the right to freedom of expression including the right to protest, and the right to form associations.

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How did the civil society evolve?

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- The focus on civil society dates back to the 1980s.

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- Citizens across the world had shifted from older and traditional forms of representation, such as political parties and trade unions, to 'newer' modes such as social movements, informal citizen groups and non-governmental organisations.

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- The worldwide shift to civil society was catalysed by the mobilisation of people against Stalinist states in Eastern and Central Europe in the 1970s and the 1980s.

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- In India, by the late 1970s, the decline of all institutions gave rise to several mass-based political movements and grassroots activism.

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- The anti-caste movement, the struggle for gender justice, the movement for civil liberties etc., have mobilised in civil society.

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- Active involvement of civil societies in vital neglected issues related to livelihoods, to the fulfilment of basic needs made civil society as an alternative to the unresponsive state.

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- Mobilising the marginalised people, filing of PILs in Supreme Court and the onset of a new phase of judicial activism are some of the factors for the rise of civil society.

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- Once laws granting the right to information, to food, and to work had been passed, activists kept watch on acts of omission and commission, and issued citizen reports.

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What is the present scenario of civil societies?

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- Civil society organisations and their donors are being labelled and targeted.
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- Funds are frozen, intelligence reports are selectively released to paint NGOs in a poor light, and their activities are placed on a watch list.
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- NGO projects have been shut down, donors are unable to support work, and there is an overall atmosphere of State coercion and intimidation in the space of civil society.
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- How FCRA affects?
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- Under Foreign Contribution (Regulation) Act, 2010 (FCRA), the registration of NGOs it expired after five years, and had to be renewed afresh.
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- It also puts a restriction (50%) on the proportion of foreign funds that could be used for administrative expenses, thereby allowing the government to control how a civil society organisation (CSO) spends its money.
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- In November 2016, the Union Ministry of Home Affairs rejected the licence renewal applications of 25 non-governmental organisations (NGO).
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- That means these NGOs can no longer receive funds from foreign donors.
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- Many of the affected organisations were rights-based advocacy groups, with some involved in human rights work.
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- In 2015, the Home Ministry had cancelled the FCRA licences of 10,000 organisations.

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Is it essential to expand the democracy?

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- Citizens have the right to scrutinise the work of their representatives, publicise acts of omission and commission, such as infringement of civil liberties etc.,
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- The right to participate in an activity should not be restricted to politics and elections alone.
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- The bad governance and abuse of power can be checked by encouraging the ordinary people to participate in political campaigns in civil society.
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- The right to engage with, interrogate and criticise representatives is an integral part of democracy.
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- Without this right, democracy becomes an illusion.
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What is the way ahead?

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- Access to resources, particularly foreign funding, is part of the right to freedom of association.
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- While this is not an absolute right and is subject to restrictions, those restrictions have to be precise, and defined in a way that “would enable a CSO to know in advance whether its activities could reasonably be construed to be in violation of the Act”.
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- The government should be able to enable civil society to articulate aspirations, critically engage with the state, and issue social report cards.
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- The promises of democracy can only be realised through collective action in civil society.
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Source: The Hindu

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