

# India's big squeeze on civil society: on the right to freedom of expression

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**The Indian state must respect articulation of the politics of 'voice', and not just the politics of the 'vote'. Hostility to CSOs contains elements of a deeper attack on democratic participation.**

In May 2015, a host of civil **society** organisations wrote an open letter to the Prime Minister of India. The opening paragraph said: "We write to you, as members and as representatives of civil society organisations, and above all as Indian citizens, to express our deep concern on how civil society organisations and their donors are being labelled and targeted. Funds are frozen, intelligence reports are selectively released to paint NGOs in a poor light, and their activities are placed on a watch list. 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."

The letter continued: "Our work for the poor and the marginalised might involve questioning and protest decisions taken by the government, and this is our right. The government may not agree with what our policies are, from opposing nuclear power plants to campaigning to the right to food. Yet we expect the government to protect our democratic right to protest without being targeted as anti-national."

The open letter emphasised the violation of two democratic rights by the government: the right to freedom of expression including the right to protest, and the right to form associations.

## **DEMOCRACY BEYOND ELECTIONS**

The issues raised by the letter have to be taken seriously. Civil society as the sphere of associational life forms the backbone of **democracy**. The right to participate in an activity we call politics is not, and cannot be, restricted to just elections. Elections are but the starting point of the democratic project. Citizens have the right to scrutinise the work of their representatives, publicise acts of omission and commission, such as infringement of civil liberties, appropriation of tribal land for purposes of accumulation, failure of governments to provide a reasonable standard of life for the citizens, and engage with leaders on the troubled issue of political conflicts. The right to engage with, interrogate and criticise representatives is an integral part of democracy. Without this right democracy becomes farcical, an empty term, a phantom concept, an illusion.

Democracy is ultimately about the rights of the people who vote representatives into power, to speak back to abuse of power. There has been too much emphasis on democracy as elections in India. The heat needs to be taken off elections. We need to be conscious of what happens between elections, given the opacity of government, given its awesome power over the lives and liberties of citizens, and given the propensity of every government to appropriate, accumulate and misuse power. This can be checked, provided we appreciate the competence of ordinary people to participate in political campaigns in civil society.

The focus on civil society dates back to the 1980s, when political scientists began to speak of a 'crisis of representation'. Citizens across the world had shifted from older and traditional forms of representation, such as political parties and trade unions, to 'newer' modes: social movements, informal citizen groups and non-governmental organisations.

### **RISE OF CIVIL SOCIETY**

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. Citizens turned their back on unresponsive and authoritarian states and formed associations, such as reading clubs and soup kitchens, in a metaphorical space outside the state. This space they called civil society. The power of popular mobilisation was in full view in 1989, when some very powerful states fell like the proverbial house of cards before agitating but peaceful crowds assembled on the streets. And the term civil society came on to everyone's lips, as a companion concept to democracy.

In India, by the late 1970s, the decline of all institutions gave rise to several mass-based political movements and grassroots activism. The anti-caste movement, the struggle for gender justice, the movement for civil liberties, for a sound environment, and against mega development projects that have displaced thousands of poor tribals and hill dwellers, the movement against child labour, for the right to information, for shelter, for primary education, and for food security have mobilised in civil society. The fact that vital issues related to livelihoods, to the fulfilment of basic needs, and for justice were not taken up by political parties but by civil society organisations acted to propel hopes in civil society as an alternative to the non-performing state and an unresponsive party system.

For unlike the Scandinavian experience, in India trade unions are yoked to political parties and represent a minuscule percentage of the workforce. Unions have shown little interest either in the welfare of the unorganised sector which constitutes 94% of the working class, or in the welfare of peasants. And political parties tend to think of social rights as an electoral/populist ploy rather than a basic right of citizens. In the first decade of the 21<sup>st</sup> century, civil society organisations stepped in to represent the interests of the most deprived and the most marginalised in the country.

Mobilisation proved effective, and the enactment of social rights followed a number of civil society campaigns, the filing of Public Interest Litigations in the Supreme Court, and the onset of a new phase of judicial activism.

### **ON THE BACK FOOT**

Today, we see the marginalisation of civil society and the sidelining of a rights-based approach to social policy. The Bharatiya Janata Party-led government at the Centre has no use for civil society activism or the **politics** of dissent. The government, along with the front organisations of the religious right, is determined to take over the political space as well as civil society. The perspective bodes ill for the future of democracy. From 2004 to 2014, civil society organisations came together to press upon the government the right of citizens to social goods. 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.

Today, social security plans are announced without corresponding mobilisation of, consultation with or intervention of civil society organisations. On the contrary, the government has come down heavily on organisations by blocking their bank accounts, by putting a stop to funding, and by casting aspersions on their ability to represent the people of India. In many instances, non-governmental organisations such as Greenpeace have been projected as being anti-national. The government has made determined efforts to shrink the space available to civil society.

The rather sharp reversal in the political fortunes of civil society compels us to recognise that civil society cannot be conceptualised independently of the state. A democratic state needs a democratic

civil society. But a democratic civil society also needs a democratic state; a state that respects the politics of 'voice' as opposed to the politics of the 'vote'. If the government respects the voice of citizens through the grant of the right to freedom of expression and association, it should be enabling civil society to articulate aspirations, critically engage with the state, and issue social report cards. The promises of democracy can only be realised through collective action in civil society. If the state constrains civil society space, democracy is truncated, and citizens are seen only as voters. They are deprived of status.

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