

The Changing Role of Civil Society in a Middle-Income Country

A case study from India

Lucy Dubochet

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Abstract

In 2008, India met the \$1005 level of Gross National Income (GNI) per capita, the World Bank's threshold to qualify as middle-income country. Other major countries—China, Indonesia, Nigeria, Pakistan, Sudan—have followed a similar trajectory, the consequence being that most poor now live in middle-income countries. This evolution, and the economic situation in many donor countries, has prompted a debate about how best to focus efforts of poverty alleviation.

This study seeks to present views from India on some of the questions raised by this evolution. It uses the findings of 35 interviews with academics, leaders of marginalised communities, social movements, NGOs, donors and representatives of the corporate sector to answer the following questions. How have social and economic issues evolved, and what are the main challenges? Does the role of civil society change in this context, and what are the challenges for civil society? How are interactions between major stakeholders such as civil society, the government and the corporate sector changing? With donors phasing out, how will civil society be affected?

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Acronyms

AIDS	Acquired Immune Deficiency Syndrome
BJP	Bharatiya Janata Party
BRICS	Brazil, Russia, India, China, South Africa
CSR	Corporate Social Responsibility
DFID	Department for International Development
FCRA	Foreign Contribution Regulation Act
GDP	Gross Domestic Product
GNI	Gross National Income
GoI	Government of India
ILO	International Labour Office
MKSS	Mazdoor Kisan Shakti Sangathan
NAC	National Advisory Council
NACDOR	National Confederation of Dalit Organisations
NBA	Narmada Bachao Andolan
NCDHR	National Campaign on Dalit Human Rights
PIL	Public Interest Litigations
RSS	Rashtriya Swayamsevak Sangh
UDRO	Human Development Report Office
UNICEF	United Nations Children's Fund
UPA	United Progressive Alliance
WTO	World Trade Organisation

I. Social and Economic Context: Evolutions and Challenges Ahead

High but unequally shared economic growth is unanimously identified as the dominant feature of India's evolution during the last decade. The trend was initiated by systemic economic reforms started in 1991, in response to a severe balance of payment crisis. The two decades since have seen great continuity in economic policies. The same Manmohan Singh, who had initiated the reforms as Finance Minister under the Narasimha Rao government, has been India's Prime Minister since 2004. Trade has been progressively liberalized, and most sectors previously controlled by the state have been privatised and opened to foreign direct investments. Taxation reforms were introduced.

The reforms translated into high levels of growth, at an average 7.4 percent of GDP from 2000 to 2010 according to World Bank estimates. India's GNI increased from around \$450 per capita in 2000 to \$1340 in 2010.

Economic growth has boosted India's international influence. The total values of exports and imports have more than doubled between 2005 and 2011.¹ India's economic interactions are diversifying beyond the traditional European and North American partners. In Africa, South America and Asia, India is competing to get its share of natural resources and market opportunities. This has blurred the line between its diplomatic activities, growing aid projects, and corporate interests. As a member of the BRICS and the G20, it is part of the club of "systemically important"² economies that have a privileged say in global governance. India's influence also shows in the role it has played in a number of international negotiations: in the World Trade Organisation's (WTO) Doha round and the United Nations Framework Convention on Climate Change for example, its alliance with some BRICS countries has effectively influenced the outcomes of negotiations.

Domestically, the picture varies across regions and groups. The rich tremendously benefited from the growth. Wealth holdings by Indian billionaires, for example, are estimated to have risen from 0.8 percent to 23 percent of Gross Domestic Product (GDP) (Walton, 2010). But a broader group also saw its income increase. This created what is described as India's middle class, though the appellation remains disputed for a group where a majority remains close to the poverty line. In fact, different studies point at the fluidity between the officially poor and a large section of the middle class.³

The impact of growth on the poor is debated. Estimates point at a decrease in the percentage of poor.⁴ However, there is a widespread feeling that the poor have not benefited from growth as much as was to be expected given India's levels of growth.⁵

¹ Exports passed from US\$ 103 to US\$ 246 billion between 2005, while imports passed from 149 to 350 in same period, according to India's Exim Bank (www.eximbankindia.in/ind-eco.pdf).

² "About G20": www.g20.org/about_what_is_g20.aspx

³ According to some estimates, more than 70 percent of Indians in rural areas, and more than 60 in urban areas live below the international median poverty line of US \$ 2 a day. It is frequent amongst these groups to pass from official poverty to middle income, and vice-versa (Lanjouw & Murgai, 2011: 71).

⁴ The percentage of poor declined from 37 in 2005 to 32 percent in 2010, according to government estimates using the revised poverty line of INR 15 in rural areas and INR 18 in urban areas. However, the meaning of such measurement is disputed: India's poverty line has historically been very low compared to other developing countries; its adequacy continues to be

Our challenge is to understand the real problems remaining for India. The idea of India becoming an economic power is very seductive. But we need to recognise that the real issues have not gone away: class has not disappeared, discrimination against women, Dalits, Muslims, and scheduled tribes have not gone away. Urvashi Butalia, Director, Zubaan Books, 9 August 2011.

The following points summarise major facets of these inequalities.

1. India's rural areas have been neglected. Inadequate modes of production, and the lack of basic infrastructure and support weakened the agricultural sector. In striking contrast with India's overall levels of growth, growth in the agricultural sector has been a feeble 3.1 percent per year during the last five years, according to government estimates (GoI, 2011: 3). Despite the introduction of laws that impose ceilings on landholdings, land redistribution after Independence has been marginal. Only 2 percent of surplus land has been redistributed to the poor, as opposed to 44 percent in China and only slightly less in other East Asian countries (Deshpande, 2003: 196). Privatisation of land and water has further increased the precariousness of small or landless farmers, forest dwellers and fisher folks.
2. Emigration has traditionally helped mitigate poverty in rural areas. Some members of a family would move to cities and their income helped rural communities during periods of unemployment between sowing and harvest season, or in case of losses due to drought, storm or pests. But decades of such migrations, and the growing gap between cities and rural areas are loosening this family structure, and increasing the vulnerability of household
3. Recent data on poverty and urbanisation nuance the assumption that cities offer more opportunities for the poor since their economic growth is fastest. The reduction of poverty in urban locations has slowed down during the last decades (Himanshu, 2006.). In large cities, the poor are pushed further away from central urban areas, to peripheral settlement where there is little access to basic services. Migrants rarely benefit from government schools, hospitals, and social schemes: facilities do not match the demand, and migrants are often denied access altogether for administrative reasons.
4. Discrimination based on caste, gender, religion and community remains deeply rooted in society.⁶ There is a risk of a vicious circle, where the growing economic inequalities feed pre-existing social inequalities, as marginalised groups have less access to basic services and thus skilled employment. Widespread corruption is

questioned despite the recent increase, from INR 12 to INR 15 in rural areas and from INR 18 to INR 19 in cities. In contrast, the Human Development Report's estimates of multidimensional poverty are at 55 percent (HDRO, 2010: 106-107).

⁵ India's trajectory on the Human Development Index is one illustration of this fact. The trajectory has more in common with the trajectory of its South Asian neighbours than with those of the BRICS, despite levels of growth that compare with the BRICS countries. See these countries national trends: hdr.undp.org/en/data/trends/.

⁶ 81 percent of people of Scheduled Tribes are multidimensionally poor, alongside 66 percent of those of Scheduled Castes and 58 percent of those of Other Backward Castes. About a third of other Indian households are multidimensionally poor. Women who have attended secondary school are 27 percent against 50 percent of men. Mortality patterns and sex ratios at birth that disadvantage women have risen from 1.06 in the early 1970s to 1.08 today, with rates as high as 1.26 in Delhi, Gujarat, Haryana and Punjab (HDRO, 2010: 76, 99, 158).

an additional factor of inequality because it impairs social programmes meant to support marginal groups.⁷

5. Improvements in basic services have not kept pace with India's growth. The public health system is in disrepair, while private providers take over higher income patients. The government's 12th Plan Approach Paper emphasises health care. It pledges to double the share of budget between 2012 and 2017 (GoI, 2010: 147), from its current 1.1 percent of GDP. But there is no legislation ensuring a right to health, contrary to most other basic needs.
6. The quality of education is often poor, despite progresses in enrolment. Absenteeism and poor training of teachers, as well as child poverty and malnutrition make it a deeply rooted issue.⁸ As a result, a large part of India's youth lacks the skills needed to access meaningful employment. The Right to Education Act takes a step towards addressing this issue. But the implementation of the policy has run into difficulties. Private schools have proliferated in the previous policy vacuum such that any reform must confront powerful corporate interests.
7. Linked to all these issues is that of employability. A vast majority of Indians have vulnerable employment.⁹ India faces the challenge of creating employment and simultaneously building appropriate skills. In the current situation, job creation does not remotely match the population growth.¹⁰

India cannot grow beyond middle-income; in fact it will slip back to low income if employability is not developed. Any programme needs to make job available and develop employability simultaneously through the very job they create. You cannot wait for employability to create jobs, nor can you give jobs without creating employability. Dhirubhai L. Sheth, Honorary Senior Fellow, Centre for the Study of Developing Societies, 8 August 2011.

The government's response to these challenges is ambivalent. It acknowledges the problem of exclusion. It recognises the contribution of civil society in addressing it, and is seeking its input on social policies, governance and delivery. Yet, the feeling among civil society is that the government remains intransigent on propositions that challenge its model for high growth. It has been particularly intolerant towards individuals and groups opposing the appropriation of natural resources for massive projects of economic development such as mining, dams or economic zones.

⁷ India ranks 87th out of 178 countries on Transparency International's Index of corruption. Perceptions of corruption are particularly high for public services most relevant to the poor—the Public Distribution System and hospital services (Rao & Srivastava, 2010).

⁸ 3 percent of seven to ten year olds, and 6 percent of eleven to fourteen year olds are not in school. However, only 53 percent of children in grade five can read a grade two level text. Only 36 percent of children in grade three can do two digit subtraction problems (ASER, 2010: 51-52).

⁹ A report by the International Labour Office estimates that 82 percent of Indian labour had a vulnerable employment in 2005 (ILO, 2011: 56-47). Similarly, the government of India estimates that about 95 percent of the country's labour works in the informal sector, where conditions and wages are precarious (GoI, 2010: 89).

¹⁰ According to government estimates based on the weekly activity status for the entire population, employment growth accelerated from 1.25 to 2.62 percent per annum between 1999 and 2005. The labour force grew at a rate of 2.84 per annum (GoI, 2011: 299).

The current balance of power between government, civil society and corporate sector results in a model that favours rapid growth but includes redistributive policies. It does not question the path of liberalisation, but includes some meaningful redistribution mechanism. Interestingly, the legislations introduced during the last years frame redistribution as a right to take part in the country's economic development.

Since before Independence, policy makers have created a large number of affirmative action laws for scheduled casts, scheduled tribes, and more recently women to compensate for deep-rooted inequalities. This has helped improving representation, though the outcomes vary from group to group: it has been relatively successful for Dalits, but much less for scheduled tribes. Women reservations, which were introduced in 1992 at panchayat level (but have gotten stalled at the state and union level), are still too recent to assess. However, a common feature of these policies is that they are not redistributive measures. The overlapping of social discrimination and class for the entire group remains a challenge.

Despite these efforts, the government's record on inclusiveness is questionable. Many within civil society argue that redistributive measures do not compensate for the government's inability to provide fundamental rights—notably by redistributing land and providing acceptable basic services. More generally, there is a widespread feeling amongst lower and middle-income groups that the government is not doing as much as it should to increase their access to services and employment opportunities.

This frustration is seen as a major challenge facing India. The feeling takes different forms depending on social categories and groups. It is exemplified by the anti-corruption movement led by Anna Hazare, which succeeded in mobilizing an impressive number of middle class citizens. Another more worrying facet of this frustration are violent groups in Central India, who oppose the state on issues of social justice and distribution.

In some ways, the emergence over the last fifteen years of a free and competitive media fuels these frustrations. India's media landscape has evolved dramatically, from a few official media before 1997, to the plethora of newspapers, television and radio news channels existing today. This evolution has homogenised aspirations throughout India. Inhabitants of poorer states are exposed to images of a wealthier India. The gap between these images and the condition of a majority of people has increased the feeling of dissatisfaction amongst the population.

My hunch is that we have entered an era of conflict. Yet, we do not seem to understand violence adequately. We want to believe that we are a peace loving country, but in fact we are a very violent society: domestic violence, violence against children, caste-related violence, and now violence on the street are widespread. We need to develop early warning mechanisms. There are always signs, but we do not seem to have the antennas for them. Rajesh Tandon, President, Participatory Research in Asia, 19 August 2011.

II. Civil Society in India: an Overview

The notion of civil society is much debated—a fact exemplified by the diverging positions adopted by interviewees. In the Indian context, the term covers such a wide array of actors, processes and identities that some doubt its usefulness. People's movements, which are not registered with the government, research institutes, local NGOs working on delivery or those focusing on advocacy, Indian chapters of international NGOs: all claim to fall under the category despite their very different operational modes. In fact a number of interviewees pointed at the specific problem of the term in India; it is particularly broad, and the organisations it refers to particularly divided. With no sharp definition, the term calls for a constant redefinition. A look at the history of the term helps to grasp its substance.

Until the 1990s, people's movements, NGOs, and voluntary initiatives, were not referred to as "civil society". Only then did the term progressively enter the public discourse. The introduction of the notion by donor agencies, and its hesitant appropriation by groups that found in it a unifying principle led to a series of attempts to outline a minimal definition. The first major attempt came from a number of studies published in the early 2000. "Civil society comprises individual and collective initiatives for common public good" (Tandon, 2002: 32). "Only those associations, which affirm openness of entry and exist, and stand by universalist criteria of citizenship" should be considered as part of civil society. "As such, any association which excludes persons on the basis of ethnicity, class, or religious persuasion is clearly not a part of civil society" (Joyal, 2001: 43-44).

This set of criteria is obviously very debatable. The notion of "common public good" in particular is problematic by its breadth. Especially as the notion has been broadened further in recent years, with the term frequently used for religious or caste-based organisations. The media's loose use of the term certainly plays a role in this semantic evolution. But another factor is the increasing visibility of identity and communal groups. The vibrancy of Dalit and Muslim groups on one hand, and the sudden visibility of Hindu fundamentalism on the other made it difficult to speak of civil society without taking in account the variety of identities that compose it.

The early 2000 studies help to understand the diversity of civil society in that they describe its history and various strands (Chandhoke, 2010; Sheth, 2005; Tandon, 2002). The oldest strand reaches back to Pre-Independence India, where an array of religious and communal groups engaged in welfare activities. The type continues to be powerful in civil society. Every new disaster highlights the outreach of these groups: they are often the first present and are influential in all relief activities. The period leading to Independence also saw the emergence of reformist movements defending protective measures for vulnerable groups—children, widows, and the then-called "depressed casts". The freedom movement gathered momentum in the same period: welfare organisations, reformist movements, and the civil-rights movement, and functioned in a space outside the realm of the state.

After Independence, the civil-rights movement was absorbed into the construction of the new state. Its leaders became the architects of India's modern institutions. But progressively, disappointment towards a state that failed to fulfil its promises on basic rights prepared the field for groups challenging the government. The 1975-1977 Emergency led to the creation of the civil liberties movements, often described as the

origin of contemporary civil society. In some sense, these protests against rights violations or, as in Jayaprakash Narayan's movement, against an oppressive and corrupt state, tie to pre-independence civil rights movement.

The following decade saw the emergence of broad alliances whose power lies in their ability to use different tools of advocacy. They bring together very different groups and individuals ranging from affected communities, to activists, academics, and celebrities. The biggest of these movements is the Narmada Bachao Andolan (NBA), which started to oppose the construction of a series of dams in Gujarat, Maharashtra and Madhya Pradesh in the late 80'. The movement operated in diverse ways. It relied on mass mobilisation, it lobbied the World Bank, which was funding the project, and used the media to its advantage. Such alliances remain powerful social actors. They have emerged around a variety of issues—on the right to food, or on the rights of construction workers and homeless people, to give only a few examples. However, the mass mobilisation that characterised the NBA has disappeared.

The fifth Plan in 1987 brought one further shift. The Plan allocated budgets to NGOs, marking the start of what is sometimes called the “ngoization” of civil society. Donor agencies also contribute to this trend, by using NGOs to bypass an often corrupt and sometimes inexistent state. The number of NGOs dramatically increased after that.¹¹

The dependency on funds from the government and agencies has its problems. Many interviewees regret that it reduces civil society's sharpness on politically sensitive issues. NGOs and foreign agencies often think twice before speaking up against government policies. Moreover, it is felt that the emphasis on professionalization and its battery of practices—logical frameworks, impact assessments and result based management—impairs the ability of small organisations to focus on their work. The emphasis on short-term projects also affects the institutional coherence of many organisations. For all these reasons, many activists and observers feel that the relevance of civil society in the non-party political sphere is reduced: it lacks the ability to mobilize an active citizenry that is aware of its rights, and lacks the tools to be recognised.

It is in this context that the concept of “civil society” was introduced. The notion, thus, is fraught with ambivalence: on one hand it is associated with the formal recognition of its contribution; on the other hand, it happened alongside an increasing dependency upon forces outside civil society.

Two more trends are worth mentioning. First, since the 1990s, identity-based groups have gained in visibility and influence. Dalit groups have brought the rights-violations against scheduled-casts to the fore, and have obtained better budget accountability on funds earmarked for this group. Muslim groups have succeeded in bringing about a debate on the discriminations they face. They have also highlighted the implication of the BJP government in the 2002 anti-Muslim mobs in Gujarat. But their efforts to push investigations on the violence have run against such resistances in the government that investigations have stalled.

¹¹ There is no certain data about the number of NGOs existing in India, but in 2010, the Ministry of Statistics and Programme Implementation estimated the number of non-for-profit organisations at an impressive 3.2 million. However, only 41 percent of those organisations engage in social services and philanthropic activities, others are sports clubs, religious organisations, research institutes, etc (GoI, 2009: 26).

However, this visibility has a more sobering implication for India's civil society: if secular Muslim and Dalit leaders see the need to create their own organisations, it is also because they feel badly represented in other sphere of civil society. The profile of civil society members—mostly middle and upper-caste Hindus—backs this assessment.

Traditional civil society is not different from the Hindu society. All actors of civil society want to have some Dalits in their pockets to establish their democratic legitimacy. But they do not see us as partners. Many times, this forces Dalit organisations to withdraw from civil society discourses. We are forced to find a place within the narrow space of Dalit and marginalised communities. Ashok Bharti, National Confederation of Dalit Organisations, 11 August 2011.

A second trend adds to this sobering picture. The 2002 anti-Muslim mobs in Gujarat cast light on the dark sides of the Sangh Parivar, a network of Hindu Nationalist organisations whose activity range from social welfare to quasi militias. The network draws on a tradition of communal and religious welfarism that reaches back to the early ages of people's actions before Independence. But it adapts it to a programme aimed at capturing political power. The power of these organisations in Maharashtra, a state known for the liveliness of its civil society, shows that such organisations can compete with secular mobilisation. Today, the change from a Hindu nationalist Bharatiya Janata Party (BJP) government, to a Congress-led union, and the light made on the Gujarat BJP government's involvement in the 2002 killings, forces these organisations to adopt a low profile. But members of secular organisations consider that the political battle at the community level continues to take place, and that secular values are loosing ground.

The religious and communal type of civil society has gained momentum over the last decades. Rashtriya Swayamsevak Sangh (RSS) for example started by mobilizing people on religious and communal grounds, but soon realized that it needed to do more. The aim of RSS is to capture the state. While they are not able to do so, they focus on capturing society. They have adopted some of the methods of the missionaries who have been very successful in many places in India. Chandra Prakash Bhambri, Professor, School of Social Sciences, Jawaharlal Nehru University, 30 July 2011.

Over the last decade, the different types of organisations mentioned above continue to cohabitate and compete within civil society: alliances explore different methods of advocacy and mobilisation, NGOs continue to proliferate, identity-based groups have further gained institutional strength, while communal forces linger on.

One noteworthy change in the last decade is the development of a more numerous and affluent middle class. This has somewhat changed the profile of civil society's members: once the realm of an elite devoted to changing an unjust system, it is increasingly the space of a middle class whose aspiration for change stems from its own experience of hurdles and constrains. The development arguably contributes to embolden and empower civil society. Given the group's relative wealth and its presence in urban centres, it enjoys a visibility in the media and in political debates that the poor do not have.

Finally, an important change in the last decade is the development of a diverse media. Today, 25-odd news channels, an array of newspaper and radio channels are competing for news. This development helps civil society publicise an increasing number of issues, and build pressure around topics such as corruption or failures of justice. Yet, it also has limitations. Journalists are concentrated in a few cities. Their absence in remote areas

mean that issues in rural or peripheral regions are generally under represented. Similarly, the readership and audience impacts their coverage. It is widely felt that issues are selected according to the interest of a middle-class urban audience. Finally, interviewees point at an additional ideological factor. Most mainstream media adopt an editorial line that espouses economic liberalization and the image of India as an emerging economic power. Stories of poverty appear of little interest in comparison.

To sum up, civil society today is a sphere which contour is blurred by its own divisions. It brings together reformist and religious fundamentalist groups, which superficially appear to have similar mobilisation techniques and aims but have fundamentally different values. It rubs the non-party political discourse of people's movements and activists against the development discourse of NGOs. It articulates relations between organisations representing the poor and movements that express the aspiration of the middle class. This set of interactions is made more complex by the fact that internal relations have increased with the creation of alliances around specific topics.

Today, the currency of the notion in the public discourse increases the stake of the debate about who is and who is not part of that sphere. As groups of different and often contradictory identities compete for scarce resources of visibility, influence, funds and people, they are tempted to gain legitimacy by drawing a contour for the sphere that suits views.

III. The State and Civil Society

This overview of civil society would be incomplete without considering its relation to the state. The end of the BJP-led government, and the election of the United Progressive Alliance (UPA) government in 2004, marks a shift in the relation between state and civil society. The UPA government largely relies on civil society to shape its social policies, and has created institutionalised mechanisms of consultation. Similarly, many movements and groups who could not conceive engaging with a BJP government have since reconsidered their stance.

Spaces of engagement have evolved at various levels. At the union government level, the most visible and institutionalised mechanism of consultation is the National Advisory Council (NAC). The body, composed of influential members of civil society, was set up to provide policy inputs to the UPA government. It has played a crucial role in shaping landmark legislations, like the Right to Information Act, the National Rural Employment Guarantee Act, and the Forest Rights Act. Consultations on other matters are numerous and genuine, according to those involved. For the first time in 2010, the Ministry of Finance organised a pre-budget consultation with civil society. Moreover, many feel that the organisations selected for the 12th Plan preparatory consultation represent civil society better than those selected for past consultations.

This influence can first be attributed to a mix of political conjuncture at the beginning of the UPA mandate, as well as longer-term trends. The Congress relied on inputs from civil society for its campaign manifesto for the 2004 elections. Its unexpected victory and its alliance with the left allowed this interaction to keep going after the party gained power. Propositions from civil society, notably the right to information and guaranteed rural employment, became crucial components of the alliance's common minimum programme. The NAC was established to provide further advice on these policies and monitor their implementation.

Another important long-term factor is the role of the judiciary. The activation of Public Interest Litigations (PIL) in the eighties opened an avenue through which civil society could influence policy debates on basic rights. Since then, civil society has widely relied on the Supreme Court to influence policies. The court has been very active in upholding the right of Indian people to social goods. Though it has generally ruled against movements, which have opposed major projects that were part of the government's policy for economic development. For example, it ruled against the NBA, for the finalisation of the dams.

The international rights framework has also played a role in empowering civil society.

In the last 20 or 30 years, India has become a signatory to many international conventions. These international treaties have allowed civil society to highlight gaps in our domestic Constitution and develop new tools. Today civil society can use both the constitutional mandate and international conventions to hold the government accountable. Mridula Bajaj, Executive Director, Mobile Crèche, 20 August 2011.

However, this positive picture needs to be nuanced. The final legislations are often quite different from those envisaged by civil society. The drafting process for the Right to Food Bill, for example, benefited from inputs from the NAC, the Commissioners to the Supreme Court, and many organisations working on the right to food. But the proposed

Bill disappoints those involved in the drafting process. Implementation is another challenge. The Right to Education Act, for example, shows how corporate interest and the vested interest of local official jeopardizes its enforcement.

At the state and panchayat level, a few potentially positive evolutions have taken place, though the real picture widely varies from state to state. The 73rd and 74th amendments passed in 1993, which devolve meaningful power to panchayats and create a one-third reservation for women in panchayat assemblies, open opportunities for civil society. However the devolution of social policies was poorly funded, which reduces its benefits. Still, the reform creates a space where local communities can engage with political issues affecting them. Panchayats are the best link to insure that centrally-led social schemes function on the ground. Therefore, grassroots initiatives that train local representatives and help communities to hold them accountable are essential to unlock the positive effects of the reform.

I believe in a pendulum approach. On one hand, we have to work at the community level, with panchayats, districts and states, and then sweep it to national and international levels. But this is not enough; we also need to come back. We need to compare United Nations guidelines with domestic laws, and work on the resistances of our authorities. Then we have to bring new guidelines to the panchayats. We need to play this dance continuously. Paul Divakar, General Secretary, National Campaign on Dalit Human Rights, 3 August 2011.

A change in electoral tendencies also yields potential for civil society. Voters of a number of states appear to sanction achievements rather than follow logics of status, kinship and caste. After the 1970s, these traditional voting patterns progressively weakened. The dangerous shortcuts that politicians used to draw votes—populism, centralisation of power, intimidation of voters and buying of voices—have been extensively studied (Jaffrelot, 2003; Kothari, 1983). However, a more positive trend has emerged recently. Arguably, Nitish Kumar in Bihar, Sheila Dixit in Delhi, or earlier Y. S. Rajasekhara Reddy in Andhra Pradesh where elected for a second term on the basis of their achievements. These leaders have reached out to civil society because they understand that the ability to deliver social services impacts votes. There is hope that this will set examples. The trend is important to harness. Civil society organisations that monitor government's achievements on social programmes and communicate their outcomes to voters play an important role in this context.

Polarisation between civil society and local authorities is a problem in some states. In Chhattisgarh for example, the intolerance of local authorities and the pressure of insurgent groups have dramatically reduced the space for organisations that engage with the state critically yet constructively. Arguably, the vacuum has itself become a factor of violence: the absence of a moderate space to mediate the demands of the populations only increases the risk of radicalisation. In contrast, Andhra Pradesh exemplifies a more conducive environment for state-civil society interactions.

To summarise, the government's attitude towards civil society does not follow a unified pattern, whether at the local or union level. Overall, the government acknowledges civil society's contribution in shaping and delivering social programmes. However, the depth of the interaction is often limited by divergences of views and interests. In fact the willingness of specific individuals or departments continues to be a crucial variable.

The government's attempt to regulate civil society adds to this ambivalent picture. The framework it has created is widely criticised as inadequate and infringing on the

independence of NGOs. The Societies Registration Act, 1860, makes no difference between an NGO, a body set up by the government like CAPART, a family trust, or a sports organization. Similarly, the new Direct Tax Code treats all surpluses including those of NGOs as profits and charges taxes on that. The Foreign Contribution Regulation Act (FCRA), which regulates contributions to non-profit organisations, falls short of making a difference between NGOs and religious organisations. This ambiguity becomes very problematic in the light of the FCRA's 2010 amendment, which tightens control over donations. The reform does not only increase control over fundamentalist religious organisations, it also creates a situation where the administration can silence critical NGOs.

The positions adopted by civil society towards the government are equally diverse. After the 1980s, many groups have moved from a position of opposing the state to one of critical engagement. The number and influence of these groups has increased over the last decade. They have been involved in drafting landmark legislation, have applied to the higher judiciary on basic rights issues, and have developed a variety of tools to hold the government accountable. However, simultaneously, radical opposition groups such as Naxalites have spread. This polarizes the relation between the state, civil society and communities, and makes a critical but constructive engagement very difficult in regions and on issues that are linked to internal conflicts. Yet another position adopted by many NGOs working on delivery is one of partnering with the government.

Many groups at the middle of the range are faced with the delicate issue of how to position themselves between state and communities. Can engagement with the state and independence go together? Can critical advocacy go together with quiet engagement to fine tune policies? The debate about this issue is marked by accusation of co-option from within civil society and treason from the government's side. This adds to the difficulty for organisations to position themselves.

We should avoid seeing things in black and white. Some NGOs will be co-opted; some NGOs will want to be co-opted. If it takes five years to be co-opted, I fight the battle during these five years, and after that others will want to be co-opted or resist being co-opted. This is the beauty and the excitement of civil society: you co-opt, but for co-opting you make compromises; in that processes of co-optation and opposition hopefully both will have changed. Dhirubhai L. Sheth, Honorary Senior Fellow, Centre for the Study of Developing Societies, 8 August 2011.

Two more factors add to the difficulty. The first is the government's move to consolidate and in some ways control this space by creating institutionalised mechanism of consultation or by regulating the sector. For a civil society organisation, it is a fragile balance to position itself in this regulated space while remaining independent.

The second factor is the UPA government's use of discourses traditionally heard from civil society or donor agencies. Today, laws and policies are framed in a discourse of inclusion and good governance. Social movements and NGOs had typically used ideas and terminologies linked to inclusion as a way of positioning themselves between state and communities, while the vocabulary of good governance responds to an emphasis of donors like the World Bank.

The government has co-opted the discourse of inclusion from NGOs. Biranchi Upadhyaya, South Asia Regional Director, Oxfam GB, 19 July 2011.

Jan Lokpal Bill: a Crisis and a Victory

The recent episode of the Jan Lokpal Bill illustrates many of the aspects mentioned above. The bill sets up an independent ombudsman body (the *Lokpal*, or people's protector in Hindi) to register and investigate corruption of politicians and bureaucrats. In some ways, the Bill is as much a victory as a crisis for civil society. It is a victory in the sense that civil society has been able to obtain legislation on a sensitive issue. It clearly shows how media attention has empowered it. So much so that civil society appears to have ceased to negotiate and instead can request legislative changes.

So far, the government's response has reflected its uncertainty about what space it wants to give civil society. After the first demonstration in April, the Government accepted to work on a draft Bill. But opposition grew around the content of the Bill and Anna Hazare threatened to take up his fast again. He was arrested, only to be freed on the following day. During the subsequent weeks, civil society became the topic of a political debate at high level. The Prime Minister accused the movement of illegitimacy and voiced suspicions of foreign support, while the leader of the opposition accused the government of engaging only with the section of civil society that toes the government line (Kay, 2011).

The Bill is now in parliament, and the protestors claim they are reasonably satisfied with the outcome. But the meaning of this arm wrestling for the state/civil society relation is yet to be understood. Has it been an opportunity for actors to learn how to engage with each other non-violently? Will it prompt the state to be more wary of civil society and reduce its space for engagement? If the notion "civil society" becomes a matter of political dispute between a weakened Congress and the BJP, how will organisations position themselves?

The protest also exemplifies some of the tensions within civil society, often criticised for focusing on an urban middle class. The profile of its leaders—all upper-caste men—questions the movement's ability to represent women, Dalits and Scheduled Casts, Muslims and Scheduled Tribes.

Furthermore, many activists who work on corruption, question the real impact of Bill. Eradicating corruption is a day-to-day effort at all levels of society. For a majority of Indians, corruption is about getting access to schools, hospitals, water, Below Poverty Line schemes, etc. This struggle takes place at the community level: it is about getting the poor to know what they are entitled to, and how to obtain redress. It is very much related to the development of accountable local administrations. The Lokpal Bill in fact risks adding to the problem by concentrating power in the hands of a centralised committee and of its state level delegates (Roy & Dey, 2011).

Corruption is the agenda of the most marginalised. This is where the movement's dichotomy lies: it can gather a lot of middle class people, but unless the main victims of corruption take the leadership, this movement is not going to lead anywhere. It will lead to a Bill, which does not serve its purpose. Ashok Bharti, National Coordinator, National Confederation of Dalit Organisations, 11 August 2011.

Yet organisations working for rural poor, such as Ekta Parishad or Dalit groups like the National Confederation of Dalit Organisations (NACDOR) and the National Campaign on Dalit Human Rights (NCDHR) are willing to associate themselves to the movement. They see an opportunity to broaden its agenda and include corruption that prevents marginalised groups from accessing their entitlements.

IV. Roles of Civil Society in the Current Context

A. Delivery

The roles of civil society are evolving with India. In the following sections, we outline some of civil society's major roles and discuss how the country's evolution is affecting them.

Traditionally, many NGOs have provided basic services where government schools, hospitals, or basic infrastructures were not available. The signs of a slow yet fundamental shift in the relation between civil society and the government are starting to show in this area. The Government's increasing resources allow it to deliver more social goods. In the last ten years, it has implemented some of the biggest social programmes in the world.

The National Rural Employment Guarantee Act is one of them. The programme provides a right to 100 days of employment at minimum wages per rural household. Labourers who are not given work within 15 days are entitled to unemployment benefits. After its enactment in 2005, the policy was progressively extended to all rural districts. Despite issues of corruption or exclusion of marginalised groups that have nuanced the achievements of the programme, it will certainly have a deep impact on livelihood in rural India.

The government's emphasis on partnerships with NGOs and the corporate sector for basic services means that more funding will go to such partnerships. NGOs that used to provide services on their own are well placed to continue their work on behalf of the government when it moves in.

However, this approach is widely questioned. Critics argue that it is the government's responsibility to provide basic services. Regarding education for example, the quality of government school is often poor. Families who can afford paying private schools avoid government institutions. Yet, 78 percent of mainly poor children rely on government schools in India (ASER, 2010: 1). This number calls for improving government institutions rather than setting up parallel schools. Advocating for improvements in government schools is a long-term effort, where impressive results cannot be expected in the short term, and where clashes with local authorities risk occurring. These challenges have prompted many NGOs to set up their own schools. But in a context where the government has more resources and where it has introduced a law that makes education a right, this appears rather unhelpful.

Take school absenteeism. In a meeting, we proposed to put up a blackboard in every school and have a representative of the children noting down the absence of teachers and children. He or she would then record the information. Major NGOs were enthusiastic about the idea, but only a few small NGOs eventually agreed to implement it. Big NGOs were too afraid of losing their status with the government. Smaller organisations did it for some time, until they had a clash with the government. One after the other stopped. Vimala Ramachandran, Managing Director, Educational Resource Unit, 29 July 2011.

The relevant question for NGOs might increasingly become one of ensuring that people access the basic services they are entitled to, rather than providing those services directly. This might shift the need from direct delivery, to evidence building and

advocacy. For the government, the question will be: where does it want NGOs to sit on the line between service delivery and advisory and mobilizing role.

As India becomes increasingly secure in its middle-income status, there will be a challenge around where civil society works vis-à-vis the state. Historically, the work of civil society in India is very much about the absence of the state. Now, the state is making efforts to move into a whole range of areas where NGOs have traditionally been very active. There will be questions about the balance between action on the ground, and policy influence. Owen Jenkins, Head of the Climate Change and Energy Unit, Department for International Development, 22 August 2011.

Nevertheless, this statement needs to be somewhat nuanced. Direct delivery remains a necessity in situations of emergency like conflicts or disasters, and for especially vulnerable groups like the disabled or migrant children.

B. Defending Constitutional Rights

Over the last decades, approaches that frame basic services as entitlements have come to dominate discourses on poverty alleviation. India's Constitution offers a basis for such approaches: part III insures the fundamental civil rights of citizens, while the Directive Principles of State Policies in part IV urge the government to work towards realizing the basic social, economic and culture rights of Indian citizen. But civil society organisations have taken up a series of actions aimed at narrowing the gap between these constitutional rights and the real life conditions of a majority of Indians.

Their best-known achievement in that regard is in shaping social legislation that frames access to basic services as an enforceable right. They have played a crucial role in inspiring and pushing through a number of reforms that lastingly changed India's legislative landscape. The Right to Information Act, the National Rural Employment Guarantee Act, the Forest Rights Act, the Right to Education Act, the upcoming Right to Food Bill, and the Land Acquisition Act are examples of such laws.

This is not to say that those acts fulfil the expectations of most groups within civil society. Their final form is the fruit of a negotiation where resistance of the Union Government and corporate interest are powerful parameters. Moreover, the same factors, compound by vested interest of local officials, create further obstacles during their implementation. Yet, these laws arguably contribute to the creation of an environment where people can access constitutional entitlements.

I am convinced that in 50 years when we write the history of India, we will say that there has been a pre and a post Right to Information Act. The achievement of civil society is that it has not tempered with the details of so much money lost here and there, but has been able to bring in major laws that really change the landscape. Yamini Mishra, Regional Gender Responsive Budgeting Specialist, UN Women, 12 August 2011.

C. Accountability

Accountability and governance is another area where civil society has played a major role. Civil society organisations have brought these issues to the forefront. A conducive international context helped them doing so: the emphasis on governance by donor agencies such as the World Bank made it beneficial for the government to adopt this language, if not to practice it.

Organisations have developed a range of fairly technical tools to monitor the government's record. They have organised audits of government projects or services by affected communities. The importance of such audits is now recognised by the supreme auditing authority of India, and is making its way into the private sector. India also has a rich practice of budget analysis. A range of organisations analyse budget for the social sector, defence, and marginalised communities. Dalit organisations, whose mobilisation on budget transparency has been particularly strong, have obtained the creation of a mechanism that tracks public funds for Dalits.

In the current context, where the issue is less one of available funds than one of getting those funds to be used efficiently for the poor, the relevance of such activities is obvious. Interestingly, these tools reproduce mechanisms that were originally government owned: social audits build on a government practice, as do the tools used for budget analysis.

Civil society has gone beyond its traditional role of watchdog to try inserting itself in the governments functioning. It has used the government's mechanisms to hold it to account: social auditing, budget analysis, monitoring outcomes of programmes, all these tools are traditionally government owned. Yamini Aiyar, Senior Research Fellow, Centre for Policy Research, 22 August 2011.

D. Empowering the Poor

Beyond these successes, the major challenge for poverty reduction in the current situation is one of mobilizing the poor. The impact of recent laws and tools of accountability will depend on whether the poor know about them and are willing to use them.

Civil society too often neglects this work at the grassroots, interviewees argue. The challenges of supporting such mobilisations are numerous for donors and NGOs. They require partnerships and programmes in remote areas and with people who do not participate in the development debate at national level. Priorities at the community level tend to diverge from those at headquarters. Actions are often sensitive because they clash with the interest of local officials. There are issues of funding: funds inevitably come with targets and obligations of accountability; the challenge of ensuring that these targets match with communities' aspirations is difficult to overcome.

More efforts should be made to overcome these challenges, interviewees argue. A number of mechanisms that help increase accountability towards communities might help in that regard. A general assembly that comprises local people and has the power to influence strategies is one such mechanism. People's movements, which work on a membership basis and are thus dependent on the communities they work for are another possible source of inspiration.

There are no short cuts in that case: you cannot exist and grow without people's support because you have made yourself dependent on them. People will not give even small amounts without being convinced. Mridula Mukherjee, Professor, Centre for Historical Studies, Jawaharlal Nehru University, 18 August 2011.

Moreover, there is an issue with how the poor are represented within civil society. The number of leaders who emerge from marginal communities and can represent them at all political levels is problematically small. Instead, communities are often mobilized and represented by urban and educated actors. For example, reformist Muslim activists

regret the absence of a Muslim leadership that effectively takes up issues of social discrimination (Hashmi, 2010). The lack of leaders stemming from the scheduled tribes is a noted fact (Jayal, 2001a : 210-218). Peasant movements, that used to provide leadership within rural India, have weakened. Within policy debates, the importance of the NAC and central-level consultations means that influential members of civil society indirectly represent these communities. It is felt that more efforts should be made to support the emergence of a leadership within these communities and to open consultations to groups that do not necessarily know the ins and outs of policy making.

This weakness of the grassroots ties to one further shortfall. There is a widespread feeling within civil society that organisations have wrongfully abstracted themselves from politics. A number of publications (amongst others: Jayal, 2001 & 2007; Chandhoke 1995; Tandon, 2002) provide nuanced analysis on this question. There is no scope here to venture into this complex field. We only point out one political function repeatedly mentioned during the interviews.

It is felt that civil society is neglecting the work of politicising people at the grassroots, by giving them the means to hold their representatives accountable and claim their rights. The relevant sphere for such politics is local, where decisions on wealth and power sharing, as well as representation are implemented. Such actions are viewed as powerful factors of change. Yet, the general feeling is that civil society has neglected this role.

The dependency on external funding, and the related fear of antagonizing the government certainly plays a role in this neglect. Yet it also shows civil society's difficulty to position itself in a context where political ideologies are disregarded. Disillusion with party politics is strong in India. Parties are seen as parochial, corrupt and incapable of presenting an alternative that captures the aspiration of voters. Internationally, development organisations have been so much criticised for the ideological basement of their actions, that they carefully avoid any explicit political affiliation.

Today, we have coalitions of different actors, which come together on the right to food, the right to education, etc. These are campaigns; they are not social movements trying to politicize people. They do not have a big idea. They use a variety of means to lobby and raise issues in the media, but ideology has taken a back seat. Making people aware of their rights requires a lot of hard work. Besides, with globalisation we are in an un-ideological society. Neera Chandhoke, Professor, Department of Political Science, University of Delhi, 5 August 2011.

The Right to Information

Mazdoor Kisan Shakti Sangathan (MKSS) is commonly cited as an example for its work spanning from grassroots mobilisation to influencing legislations. The movement started in central Rajasthan, a drought prone region where farmers largely depend on government relief work to survive. The payment of fair wages was a recurrent issue of conflict between farmers and local authorities.

MKSS set out to obtain financial records of panchayats. Local communities then examined the records, and public audits of the work financed by these expenses were organised. Progressively, the movement mobilized an active citizenship at the local level through workshops on how to file petitions in villages and through contacts with community leaders.

The lack of legal basis for accessing information about government expenses soon came as a major obstacle. This motivated MKSS's campaign for a Right to Information Act. The state of Tamil Nadu was the first to legislate on this matter with a 1996 law. Goa, Madhya Pradesh, Rajasthan, Maharashtra, Karnataka, Delhi, Assam, and Jammu and Kashmir followed it. Finally, in 2005, the Union Government passed a law extending the measure to the entire country.

Political constellation in 2004 forced the government to take a positive view on this issue. The Congress interacted with MKSS activists when preparing its manifesto for elections, as a result, the intention to legislate on a right to information went into the manifesto. It was not challenged because no one expected the Congress to be elected. After the Congress won, they had to align with the left, which had always supported these actions. So it came that the right to information was included in the common minimum agenda of the alliance. This gave it political visibility. Because MKSS leaders were part of the NAC, they were then able to push for the Act. Yamini Aiyar, Senior Research Fellow, Centre for Policy Research, 22 August 2011.

MKSS's engagement on the Right to Information has remained closely linked to issues of employment for the poor, even as it went to the Union Government. The Right to Information Act is closely associated with the National Rural Employment Guarantee Act. Arguably these two policies are the major social achievements of the first UPA alliance, and the reason for the Congress's massive re-election in 2009. This makes the leaders of the Right to Information campaign very influential figures in policy debates at the Union level. After giving crucial inputs to the Congress's pre-election manifesto, Arun Roy became prominent voice in the NAC.

Yet, MKSS's most recognised quality is its continuing presence at the grassroots. In Rajasthan, the organisation is praised for its contribution to a civil society that watches the deeds of local representatives with particular acuteness. In the country as a whole, the impact of the Right to Information Act will depend on the capacity of groups and individuals to use it widely. This requires further mobilisation, in an often adversary context. Individuals are often unaware of these tools, or fear reprisal. Activists applying for a Right to Information have stumbled against the vested interests of officials and corporate: there have been cases of harassment and even assassinations.

E. Building Evidence

One last major role for civil society is to build evidence about existing social programmes and to inspire innovation. In a context where many social programmes

have to be implemented and fine-tuned, civil society has an important role to play in gathering data about successful social policies, and pointing out gaps or failures. It needs to generate information at the community level and bring it into a debate at local, national, and even international levels.

Workers of major development agencies such as the Asian Development Bank, the World Bank or mainstream think tanks acknowledge that finding solid micro level information to base their researches on macro policies is a challenge. The same holds for the government. With its presence at the community level, civil society is best placed to fill this gap. Yet that would require building capacity to do rigorous research. Most grassroots organisations or institutes working in peripheral regions currently lack the ability to provide data and analysis that is taken seriously by policy makers.

Civil society should establish links between ground realities and central policy processes, micro research at the community level and macro discussions held in the Capital. We have plenty of academics, but they do not have a policy focus; at the same time, there is a major deficit of expertise amongst policy makers, and little capacity to do research in remote areas. We need to articulate ground realities within a platform that is respected among policy makers, and where government officials would come and meet members of civil society. Biswajit Dhar, Director, Research and Information System for Developing Countries, New Delhi, 15 June.

Similarly, civil society has a primary role to play in developing innovative models that can then be scaled up by the government. Here again the presence amongst communities is a key advantage. But beyond this, civil society has a freedom to experiment that other actors do not have. The government is unlikely to take the risk of trying out new models without guarantees of their success, and the private sector will not venture in a field where no stable benefit can be expected. It behoves civil society to try out new models, gather evidence proving their success and push for their adoption by the government. India's democratic system and the avenues this creates for civil society advocacy and campaigns open possibilities in that regard, as the right to information campaign exemplifies amongst others.

V. Engaging the Stakeholders of Middle-Income India

The decades of liberalization and growth have brought a number of new actors and issues to the forefront: the corporate sector, the growing middle-class, the media, and India itself as a country whose footprint in the world is increasing rapidly. In many ways civil society is still exploring how to engage with these questions.

A. The Corporate Sector

Arguably, the corporate sector is the fastest changing in India. Its rapid growth constantly redefines partnerships, relations of power and sources of funds. Today, the corporate sector is present in most areas where civil society is active: in the rural sector, it plays a significant role in selling inputs to farmers, post-harvest processing and marketing, which were previously dominated by the government; India's health system is one of the most privatised in the world; private run schools are attracting an ever growing number of rich and middle-class children. The government's policy of favouring public-private partnership makes companies a de facto participant in any discussion on accessing basic services.

Faced with this rapid evolution, civil society finds itself hard pressed to outline a coherent position. Mistrust on both sides has so far made it difficult for both civil society and the corporate sector to work out the nature of engagement they wish to pursue.

Traditionally, Indian civil society has privileged the role of watchdog. In a context where legal frameworks are notoriously weak and badly implemented, the task of holding businesses accountable on human, social and economic rights of communities and individual workers remains crucial. For many companies whose track record on social issues is problematic, this remains the only legitimate role for civil society.

Yet, India's evolution over the last decades complicates the issue. The corporate sector is not only present in most areas where civil society works; it is also a growing funder for social projects. In a context where external funds are uncertain, civil society has to decide whether and how it wants to be associated with these funds.

A trend of Corporate Social Responsibility (CSR) has developed in India over the last two decades. A growing number of large, and increasingly medium size companies are setting up CSR programmes and foundations. This is currently the main opening towards socially responsible practices. The opening remains limited, however. Projects generally focus on the direct surrounding of the site with the short-term aim of building acceptance amongst communities. They generally focus on providing facilities such as schools or health centres. This is far from the expectations of many NGOs, which believe in the necessity to work on systemic issues rather than creating a substitutive system in some pockets.

The fact that many companies set up their own CSR wing further reduces opportunities of interactions for NGOs. However, the practice is currently the object of a debate in India: voices in the donor community, NGOs, and some isolated philanthropists argue that NGOs specialised in social work with communities are better placed to implement projects.¹² Hopefully, this debate will be on par with the rapid evolution of private

¹² See the column published by Rohini Nilekani, wife of Nandan Nilekani, Chief Executive Officer of Infosys (Nilekani, 2011).

philanthropy: CSR spending was rare one decade ago; they are now frequent amongst big and medium companies. In its current form, CSR appears superficial, but these practices may evolve. If the debate could steer philanthropy towards more independent forms, it might open possibilities for a wider engagement.

On issues such as environment, education, or finance for the poor, there might be scope for a deeper engagement in sustainable business practices. There, sustainability is in the companies' own interest and NGOs might be able to influence business practices or work on some common programmes.

The difficulty for civil society will be how to articulate different ways of engagement. Ideally, different roles should be reconcilable, but in practice, it might be difficult for specific organisations to act as a watchdog and have a more cooperative engagement. Mistrust on both sides might prompt private companies to adopt a defensive position towards organisations that are holding them to account.

Furthermore, there is an issue linked to means for assessing success. For many in the private sector, claims of success need to be backed by quantitative data about reduction of poverty and illiteracy rate, number of children schooled, or patients treated. This type of quantitative data is not adapted for organisations working on systemic issues. NGOs that want to engage with the private sector without adopting their focus will nevertheless need to generate data supporting their claims to success.

B. The Middle Class

The role and aspirations of the middle class inevitably surface when discussing the evolution of civil society in India. The middle class has been in the limelight during the recent demonstrations against corruption, it is filling the ranks of NGOs, and it is seen as a possible source of fund. There is no doubt that movements working on poverty and marginalisation have to find ways to engage with this class. Yet, questions arise on just about everything beyond this observation: the social and economic situation of its members is very excessively varied and changing rapidly; many activists or NGO workers acknowledge their difficulty to understand the aspirations of the middle class.

A number of them feel helpless towards a group whose values are generally more conservative than those they defend. Women's rights activists point at middle class acceptance of practices that have long been officially condemned. The dowry and sex selective abortion are two examples in that regard. Others point at their opposition to reservation policies for marginalised community. In this perspective, the rise of India's middle class is primarily competing with the agenda of the poor and the marginalised. It risks shifting social claims from issues of the poor to issues of the middle class.

However, this negative view is not shared by everyone. Other people welcome the new willingness to take up common issues. They call for a more proactive approach towards this emerging class. Efforts to understand how to reach middle class citizens are insufficient, they argue. More should be done to answer such questions: what messages can help engaging them? What emotions and values do they respond to? What media can help reaching them? Can social networks be used as a tool?

C. The Media

The media is another sector whose profile has changed dramatically under the liberalized regime. Yet, civil society's efforts in holding the government and the corporate sector accountable, contrasts strikingly with its relation to the media. Much of

civil society's engagement with the media is about how to get coverage for a specific issue. Some observers argue that this is not enough:

The way civil society in India deals with the media is an issue in itself. It sees the media as a way to get attention, instead of looking at the media as one major player who sets the agenda. Ammu Joseph, Independent Journalist, 29 July 2011.

The development of a competitive and privatised media has taken place without regulation. India has no media ethics committee. Any government attempts to create a media development framework are understandably denounced as curtailing freedom of information.

Observers feel that such institutions are needed. Civil society is best placed to outline such a framework and set up an independent committee for media ethics. To go further, civil society may have a useful role in training journalists to cover issues such as poverty, health, environment, etc. Sustained involvement through workshops, field visits, etc., might improve the quality of information about such topics.

D. India's Role in the World

For decades, civil society has played a powerful role in influencing international debates on issues linked to internal challenges. Yet India's growing presence abroad raises new questions for civil society.

Civil society mobilisation influenced the government's stance at the WTO Doha negotiations on agriculture and food security. India's insistence on measures to support food self-reliance and protect domestic agriculture positioned it as a defender of farmers in developing countries. By allying with likeminded countries, it was able to resist some of the demands of European countries and the US. The stance is a response to internal pressure: in a country where more than half of the voters are farmers, the government cannot afford to be seen as ignoring their interests; farmer demonstrations and mobilisations amongst intellectuals insured that the government heard this point.

In the United Nations Framework Convention on Climate Change, India has also emerged as an influential player after allying with Brazil, South Africa and China in 2009. Here again, civil society has been strongly mobilised: activists, academics and NGOs have highlighted the need to reduce emissions and create measures of adaptation targeting vulnerable populations—small farmers, fisher folks, etc. Yet, the voice of private lobbies, which oppose measures that limit their freedom to emit, often dominates in the media and in policy debates.

Caste-based discrimination is another issue where Indian civil society has influenced international debates. At the United Nations, organisations representing Dalits and other discriminated groups have highlighted the violations of human, economic, social and cultural rights they face. They have called for measures to implement laws protecting scheduled casts against violence and affirmative actions, which have then been taken up in reports and recommendation by the United Nations. By doing so, these organisations have played a role in highlighting issues that affect not only India, but South Asia as a whole.

However, on many other issues, civil society is hardly heard. On tax evasion, for example civil society has been unable to push the government to take a firm international stance, despite a heated domestic polemic. The G20 would arguably offer a platform for such demands, but the government has not insisted on the issue. Instead, it has privileged the

re-negotiating of its bilateral Double-Taxation Avoidance Treaties. While doing so, it has often favoured short-term solutions aimed at satisfying its public opinion, while making important concessions on less visible but crucial points (Longchamps, 2010).

Civil society largely remains silent on issues raised by India's growing interaction with other countries that are not as obviously related to pressing internal challenges. Investment in natural resources is one such question. Indian companies are acquiring large areas of arable land. Information about agreements is generally scarce; land rights of local communities are rarely officialised, thus communities are easily excluded from the benefits of the deal; governance in the regions providing the land is often poor, which increases risks of rights violations and corruption. Yet civil society has hardly taken up these issues, in stark contrast to its mobilisation on land issues within India.

India's government is throwing its diplomatic weight behind companies. This ties to another potential issue for civil society. India is a small donor, but its budget for cooperation is increasing.¹³ The focus of India's development programmes is progressively changing as well: South Asia, once its overwhelming focus, remains the largest recipients, but Africa's share is increasing. Its aim appears to evolve accordingly: once primarily centred on insuring India's strategic influence in the region, it is increasingly used to sustain high levels of growth by ensuring access to resources and markets.

So far, this evolution has taken place with little emphasis on institutionalisation and transparency: budgets are difficult to establish because spending is scattered between agencies; the principles of aid are not explicit; coordination with other donors is an issue: India is not part of the main coordination bodies for major donors (the Development Assistance Committee of the Organisation for Economic Co-operation and Development notably). In July 2011, the government has announced the creation of a central aid agency, which could signify a shift towards more institutionalisation and transparency. The issue has attracted limited attention within India, in contrast to the attention drawn internationally by the debate around emerging donors.

Discussion on how to engage these issues are slowly picking up, though they often remain limited to a few organisations—Indian chapters of International NGOs and their partners notably. The question in the years to come will be how to link these issues to domestic ones and make them relevant to a wider circle.

India's civil society has shaped the discourse of global civil society on different issues. But the question we need to ask is: are we able to bring these issues to local communities? Amitabh Behar, Executive Director, National Foundation for India, 22 July 2011.

¹³ Estimates for 2005 range from \$100–200 million (Kragelund, 2008: 68) to \$574 million (Chanana, 2010: 2).

VI. Challenges for Civil Society

A. Legitimacy, Transparency, Governance

India's evolution, and the transformation that took place within itself create major challenges for civil society. Arguably, the deepest long-term challenge is that of legitimacy.

This ties to some of the issues mentioned above. Engagement with the government puts the legitimacy of many organisations on a fine balance: while strengthening their impact on policies, it exposes them to accusations of co-option. Efforts to work out an engagement with the private sector will raise similar questions in the years to come.

The current context also raises questions about whom civil society represents and what founds its legitimacy in doing so. The ability of civil society and NGOs in particular to represent the poor by matching their needs and aspiration has been questioned in the past. But such questions have become more pressing in a context where the government has the resources to extend basic services, and where the need of an external intervention is questioned. NGOs are exploring new ways of responding to this challenge. International NGOs for example are "indianizing". The success or failure of such attempts will be a matter for the years to come, as discussed below.

Questions of legitimacy are more pressing today that civil society is playing almost too important a role in shaping laws and policies. Who is your constituency and how do you engage with them? If civil society says it speaks for the poor: who are these poor? Is it really speaking for them? Are you representative of an idea because you can get media attention, because you can do comprehensive research to back an idea, or because you are able to mobilise people from a village? These questions are difficult, because civil society is not structured to be representative. Debates about this issue exist within civil society, but it is too much of an existential question to engage with deeply. Beyond a point what do you do? There is no answer to this issue. Yamini Aiyar, Senior Research Fellow, Centre for Policy Research, 22 August 2011.

A related, yet more concrete issue faced by civil society is that of governance and transparency. Comprehensive data on the amount and sources of funds going to civil society is not available. But it is certain that government funding to NGOs has increased tremendously. The increase has not come in hand with rigorous regulations, which makes it relatively easy for well-connected individuals to get funds and act as the government's subcontractor. As a consequence, numbers of NGOs are serving as front organisations to divert funds. The nature of a majority of NGOs adds to the problem: interviewees mentioned weak institutional structures build around single charismatic leaders.

One possible response is to strengthen, broaden and popularize platforms that define some minimum common criteria of accountability. Such platforms already exist; there is for example the Credibility Alliance, or the GiveIndia foundation. But their reach remains limited to a few organisations in urban centres.

The sector suffers from its internal weaknesses. There are no widespread norms of accountability or recognised framework to establish the difference between a good NGO and a family trust set up for personal gains. This is affecting the overall image

of the sector. If civil society was a little more introspective, it would be better placed to apply pressure on the government and the market. Organisations that already follow norms need to defend a framework. Otherwise people will continue to use the same brush for all organisations. Existing platforms of accountability need to be made more open and inviting. Deep Joshi, member of the National Advisory Council, and former Executive Director of Professional Assistance for Development Action, 14 August 2011.

A final weakness of the sector is its lack of sustainability. Beyond institutional weaknesses, the problem is also one of funding and human resources. The dependency on donations tied to specific projects makes it difficult for many NGOs to have continuity and coherence in their actions. This issue is also closely related to the debate amongst international donors as to whether and how to withdraw from India.

B. Donors Withdrawal

The tendency among international donors is to gradually reduce funding to India. Many bilateral donors left after 2003, when the government reformed its aid policy. It accepted fund from just five bilateral donors (the United Kingdom, the United States, Russia, Germany, Japan) and from the European Union; 22 smaller donors were asked to channel funds through NGOs or the United Nations (Price, 2004: 5). Though the following Congress-led government reversed this decision, many donors have reduced their spending. Early this year, the programmes of the Department for International Development (DFID), India's largest bilateral donor, were extensively debated between the English and Indian governments. The result is that DFID will continue its programmes for the next five years, but the foreseeable long-term trend is for them to be significantly reduced. Many private foundations remain, though a large number have seen their budgets cut.

One nuance has to be introduced, however. Interviewees from the donor community consider it likely that agencies will continue supporting NGOs working on advocacy or accountability, to some extent. The withdrawal primarily concerns direct support for the government or NGOs working on delivery of social goods.

Reactions from civil society are twofold. Many observe that the money of donors has never been crucial to India's development. It is a small percentage of the overall budget for development. Moreover, some of the most impactful actions were not funded by donors. Many activists even view the withdrawal as an opportunity to free the sector from the negative impacts of its dependency on donors—typically, the lack of sustainability and coherence, the fear of addressing politically sensitive issues, and the lack of accountability to stakeholders. People's movements are presented as one model for NGOs that see their funding reduced. The movements work on a membership basis, and are able to function with very little external funding.

That picture might be true for India's development as a whole, but certain groups do have major concerns. Small NGOs are particularly vulnerable. Donors commonly offer grants for a minimum amount, which many NGOs cannot match. Besides, their institutional capacity to do fund-raising cannot compete with larger organisations, which have devoted staff and offices in donor regions. They claim to be the first impacted in a context where funds are shrinking. The issue of funding ties to that of human resources, creating what some consider a real crisis.

It has become more and more difficult to attract competent people. Whenever we get people who are qualified, their salary expectations are such that we cannot match them. Part of this has happened because the international structure in Delhi is huge— we have NGOs like Oxfam or Action Aid, donors, embassies, etc. There is no way small NGOs can match the salaries offered by such organisations. If you link that with the following facts: foreign funding is reducing and domestic funding is difficult to get, the government is tightening the FCRA regulation, you will see that we are heading towards a major crisis. Miloon Kothari, Regional Coordinator, Habitat International Coalition's, Housing and Land Rights Network, 12 August 2011.

Identity-based organisations are also warning against the negative impacts of an early withdrawal. Donors' attention to identity-based organisations is relatively new, and the institutional consolidation of Dalit organisations, for example, is new as well. For them, the needs are stronger now than ever before. They foresee that calling upon secular and equalitarian value is unlikely to bring about meaningful domestic donations. Instead, it will require slowly building a relationship with donors. Some women organisations have also drawn attention to the shortage of funds they are faced with.

This makes it a necessity for NGOs to find sustainable domestic funding. The corporate sector is a potential source of fund-raising. India has some very old examples of corporate philanthropy—the TATAs, Mahindras, Azim Premji from Wipro, or Rohini and Nandan Nilekani from Infosys, to mention only a few. These practices have for long been centred on a few figures or families from the corporate world, but an increasing number of companies—large and medium—have started philanthropic activities over the last decade. They have progressively formalised their spending by setting up their own foundations.

However, there are limitations to this development. Though a few major donors have set up fairly independent and professional foundations, most others are family trusts, and offer no independent funding. A similar limitation holds for the CSR activities that have developed over the same period. Civil society might join the debate on corporate philanthropy and try to steer it towards a more independent form. It is felt that discussions on international best practices might bring in some useful perspectives.

Indigenous philanthropy has become more visible. We can expect that it will become more interested in engaging with systemic issues. Corporate philanthropy in India needs to provide civil society with flexible, untied funding. It should do so on the grounds that such support is crucial to sustaining the key roles civil society plays today: holding the government accountable, generating evidence based on pilot programs, and undertaking policy advocacy on a host of issues. Vasant Saberwal, Programme Officer, Sustainable Development, Ford Foundation, 1 August 2011.

Most businesses are reluctant to engage with civil society, which is an additional obstacle to access independent funding. When questioned, companies argue that civil society is unreliable. They advise civil society to engage with the corporate sector before addressing it for funds in order to build confidence. Other measures mentioned during interviews are more stable human resource that insures continuity in interactions, better guidelines and continuity for projects, and more transparency on goals and results. However, it remains to be seen to what degree businesses are willing to engage in activities that go beyond direct profit.

Other forms of engagement with the corporate sector might be worth exploring. For example, the United Nations Children's Fund (UNICEF) asks companies to directly pay for projects, without serving as an intermediary. Amongst other, they produced a series of documentaries on AIDS. The company directly paid the production house and the news channel airing the documentary, while UNICEF provided the messages.

The middle class is a third possible source. In fact, many interviewees thought that more efforts ought to be put into exploring this source. In case the corporate sector proves unwilling to provide substantial independent funding, relatively small but numerous donations from a growing middle class might become a crucial source of funds. Marketing strategies need to be better understood. What mechanism, what media and what message can be used? Can civil society target communities that have strong feelings about certain issues? What are the pros and cons of mass donations versus a small number of major donations?

Donors and support NGOs would play a helpful role in exploring and sharing funding mechanisms that are likely to work in the Indian context. Currently, much of the work on sustainability is about internal capacity building. But in the current context, consolidating funding streams is critical as well.

Donor agencies also need to address the specific vulnerability of small NGOs. Donating to major NGOs like Oxfam or Action Aid is easy; funding small NGOs at a large scale requires a lot of work. To balance this, donors need to target small organisations voluntarily. Small NGOs would need special training on how to overcome the obstacles linked to their size. Can they join up to create fronts able to access grants unavailable to them individually?

C. Indianization of INGOs: an Answer to Challenges?

Most international NGOs have answered to the change in context described above by transforming their offices in India into fully Indian chapters. Since this tendency is recent, the transformation yields many expectations but allows for few clear-cut assessment. It is worth mentioning some of these expectations. In many ways, they reflect the dynamics that characterise the current context, and the way they have to compose with the challenges and the opportunities mentioned earlier.

People are watching. NGOs have not yet transformed into fully Indian organisations. Their structure and funds are very distinct from Indian NGOs. They are still the vehicles of the same bodies. If the resource packages changes, and external funding decreases significantly, the relation to local NGOs will change. But so far, the gap between Indian NGOs and these newly indianized chapters is still meaningful. Biranchi Upadhyaya, South Asia Regional Director, Oxfam GB, 19 July 2011.

One issue raised by many interviewees is that newly indianized organisations will compete with local NGOs for limited resources. With professional fund-raising staff and a stronger international outreach, they have the capacity to attract more funds both domestically and internationally. Similarly, they are better placed to get qualified staff. This power shows in their ability to draw attention during campaigns and gain access to officials. The ability to take stronger policy stances, otherwise seen as an advantage of indianizing, increases the risk of competing with national civil society organisations on similar messages, methods and resources. Given the existing imbalance, newly

indianized NGOs need to voluntarily address the risk of displacing local organisations if they want to avoid being seen as a threat.

We need to be clear about the fact that we are there to support space for people working on local institution building, and not displace or compete with them. It is not enough to think this, we need to make this aim explicit in every aspect of our work. We need to ask people in what space they want our leadership, and in what space they do not. Sandeep Chachra, Executive Director, Action Aid, 17 August 2011.

Other points raised by interviewees do not question the process as such. Some highlight the danger of letting inequalities that define social structures in India pervade the organisation's work. This risk holds as much for the choice of agenda and the relation to partners as for the recruitment of human resources.

Will they remain progressive as they used to be? One danger is that Indian people are social networkers, and that means networking of caste, nepotism and friendship. Will they be neutral when recruiting their staff? Will they shape the agenda from the bottom? Ashok Bharti, National Coordinator, National Confederation of Dalit Organisations, 11 August 2011.

Others caution against the risk of institutional rigidity and complacency in the leadership.

I hope that the Indian chapters will have the rigour to have people changing every few years, because we need discussion and change, rather than set patterns. Once you are in a position of leadership, it is very comfortable after a while. International staff is employed for a limited period; that reduces the risk of complacency. What can someone who has been there for 5 years bring more than what he or she already has? Karin Hulshof, Representative for India, UNICEF, 18 August 2011.

Yet positive expectations probably outweigh the fears. For many interviewees, the move should enable organisations to be more accountable to stakeholders. It is felt that the choice of issues, staff, and methods has a better chance of responding to local and national expectations. However, this will largely depend upon organisations deliberately pursuing this aim by setting up mechanisms insuring accountability to their constituency. Action Aid, for example, which set up its Indian chapter in 1993, has a general assembly constituted by leaders of affected communities, NGO leaders, academics, lawyers, etc. Its programmes are debated within this assembly, and ultimately have to be accepted by it.

The move should also allow organisations to take stronger stands on policy. It should reduce their vulnerability to being criticised for representing foreign agendas, which is often used to discredit the work of disturbing organisations. By shifting some of their sources of funds to India, organisations will also be less dependent on the FCRA, which should allow them to take stands on sensitive issues.

These positive outcomes will largely depend on the choices made during the transition period. This also means that the quality of leadership will play a crucial role in shaping people's perceptions.

It will take time to establish an Indian Identity. People's perception will depend on your actions and honesty during the transition period. Sandeep Chachra, Executive Director, Action Aid, 17 August 2011.

VII. Conclusion

After more than one decade of sustained growth, India's government has more leverage than ever to tackle poverty, but using this leverage effectively is a challenge. Civil society is crucial in that regard; defining its role despite rapid social and economic evolution raises tricky questions.

India's rise to middle-income questions civil society's involvement in direct delivery of aid, while emphasising its role in advocacy, evidence building, and grassroots mobilisation. This shift in focus requires NGOs to adapt their structure to better root themselves in India's population. Faced with this necessity, many international NGOs have set up fully indianized chapters, yet the process of indianization raises further questions. What mechanism can insure their accountability towards communities? How much can they afford to challenge the government and the corporate sector? How much engagement is constructive?

Furthermore, these NGOs are at risk of competing with people's movements and activists that are already mobilising citizens and engaging in advocacy. One further challenge for those organisations will be to find a substantial role without displacing existing movements. The shift towards domestic fund raising will certainly add to this challenge in the medium term at least, by increasing competition for funding and raising tough questions of independence. These questions call for specific measures. It is the responsibility of donors and newly indianized NGOs to find ways of supporting smaller NGOs for fundraising and human resource, creating space for partners, and stepping back where needed.

Finally, changes in civil society come at a time when India's international influence is growing. International matters have so far remained in the shadow of domestic issues. But India's growing influence calls upon civil society to take these matters up, by finding ways to link them with the concerns of Indian people. Given India's size and dynamism, successfully involving its vivid civil society could yield consequences far beyond India. It might make a difference for civil society mobilisation worldwide.

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Annexe I: Questions

1. What constitutes civil society in India and why has the term gathered such momentum?
2. What do you see as the major economic and social changes in the last decade and what has been the role of civil society in bringing about these changes?
 - Has it been an effective role? What have been the major contributions?
3. What do you see as the major economic and social challenges facing India for the coming decade?
4. In your view, what role should civil society play in addressing these? Now that India is a middle-income country, does it play a different role than during the last decade?
5. What could civil society do differently to be more effective in the future?
6. What are the big challenges facing civil society itself in the coming decade?
7. Are there changes within the government which civil society needs to take in account? Do they entail changes in its way to engage with the government?
8. Does civil society need to find different ways of working with other stakeholders?
 - (1) middle class citizens
 - (2) the corporate/private sector
 - (3) media
 - (4) networks of civil society
 - (5) the youth
9. What has been the impact of a number of donors leaving India
 - (a) On the economic and social development
 - (b) On the role of civil society
10. With many international NGOs (like Oxfam, Actionaid, Plan, CARE etc) Indianizing, is there a change in the relationship between such NGOs and local, grassroots organizations?
11. How do global initiatives and debates on socio economic issues impact Indian domestic debates, and vice versa?

Annexe II: List of Interviewees

Dinesh Agrawal, Manager CSR and NTPC Foundation

Yamini Aiyar, Senior Research Fellow, Centre for Policy Research, Director of the Accountability Initiative

Mridula Bajaj, Executive Director, Mobile Crèche

Amitabh Behar, Executive Director, National Foundation of India, Asia Convenor, GCAP

Chandra Prakash Bhambri, Professor, School of Social Sciences, Jawaharlal Nehru University

Ashok Bharti, National Coordinator, National Confederation of Dalit Organisations

Urvashi Butalia, Director, Zubaan Books

Sandeep Chachra, Executive Director, Action Aid

Neera Chandhoke, Professor, Department of Political Science, University of Delhi

Thomas Chandy, Chief Executive Officer, Save the Children

Sejal Dand, Director, ANANDI

Biswajit Dhar, Research and Information System for Developing Countries, Director general

Suneeta Dhar, Director, Jagori

Paul Divakar, General Secretary, National Campaign on Dalit Human Rights

Shabnam Hashmi, Director, Act Now for Harmony and Democracy

Himanshu, Assistant Professor, School of Social Sciences, Jawaharlal Nehru University

Karin Hulshof, Representative for India, UNICEF

Indrani Kar, Deputy Director General, Confederation of Indian Industries

Miloon Kothari, Regional Coordinator, Habitat International Coalition's, Housing and Land Rights Network, former Special Rapporteur on adequate housing, United Nations Commission on Human Rights.

Amitabh Kundu, Professor, School of Social Sciences, Jawaharlal Nehru University

Shankar Jaganathan, Independent Consultant

Owen Jenkins, Head of the Climate Change and Energy Unit, DFID

Ammu Joseph, Independent Journalist

Deep Joshi, member of the NAC, former Executive Director of Professional Assistance for Development Action

Yamini Mishra, Regional Gender Responsive Budgeting Specialist, UN Women

Mridula Mukherjee, Professor, Centre for Historical Studies, Jawaharlal Nehru University

Aditya Nigam, Senior Fellow, Centre for the Study of Developing Societies

Biraj Patnaik, Principal Adviser on right to food, Office of the Commissioners to the Supreme Court

Lucy Dubochet, *The Changing Role of Civil Society in a Middle-Income Country*, October 2011

Vinod Raina, General Secretary, Bharat Gyan Vigyan Samiti

Vimala Ramachandran, Managing Director, Educational Resource Unit

Vasant Saberwal, Programme Officer, Sustainable Development, Ford Foundation

Ramesh Sharma, International Coordinator, Ekta Parishad

Dhirubhai L. Sheth, Honorary Senior Fellow, Centre for the Study of Developing Societies

Rajesh Tandon, President, Participatory Research in Asia

Paresh Tewary, Director, Aditya Birla CSR Foundation, Federation of Indian Chambers of Commerce and Industry

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