



## Non-Technical Position Paper No.1

### Exploring effective practice in civil society organisations' promotion of citizenship rights, good governance and social justice in India and Bangladesh <sup>†</sup>

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<sup>†</sup> This briefing is from the 'Exploring effective practice' project 2018-19 funded by the Academy of Medical Sciences. It reports on the findings of fieldwork, including a two-day workshop, with NGOs in India who represent different religions and work to advance gender equality.<sup>1</sup>

#### Issues, progress and challenges identified by NGOs working to promote religious freedom and gender equality

- **Religion and the state - religious processions.** A number of NGOs highlighted the pressure from all sections of society - whether it concerns a minority religion or majority religion, to get more concessions from the government for religious processions. Interestingly, the NGOs highlighted a “ratcheting-up” – or “bargaining” effect whereby, whatever allowances the minority gets in terms of permission for a religious procession (e.g. *tazia*)<sup>2</sup> becomes the basis for the majority community to seek special privileges. This is notwithstanding the fact that minority rights are already included in the constitutional notion of citizenship. The NGOs observed this “everyday form of communalism” is getting more pronounced in contemporary Indian society. They also pointed to the fact that, to date, regional states and public authorities have not attempted to come up with any adequate solutions to this issue. While it is often expressed in relation to Sikh and Christian minorities, NGOs noted that there is undoubtedly a greater political effect in presenting Muslims as a cross-national religious grouping that, allegedly, receives undue allowances as a minority.
- **Scheduled caste communities – and religion.** NGOs noted an all-pervasive narrative of the state avoiding its responsibilities in relation to lower castes. Our research participants agreed that: often there is no trickle-down effect from government policies, limited – or no participation in decision-making, that rampant corruption persists, and that ‘untouchability’ is still a social reality. Yet they also argued that, of greater concern, is the political, economic, and civil rights of these communities. These, they asserted, have been overlooked to the extent that there is a major gap in civil society participation in relation to these castes.

Greater civil society activism needs to combine with government policy interventions. The NGOs argued that part of the problem, was a dearth of human capital – in other words a lack of skilled workers on the ground to deal with these issues in the domain of civil society. A key message from our research is that there is frustration at the current, limited level of civil society capacity to deal effectively with the rights of lower castes and religious freedom – as well as other aspects of socio-economic equality. The research underlined that civil society organisations urgently need to intervene in a critical manner to make these communities aware of their rights, interests and claims. Secondly, they made a powerful case that a lack of accountability and transparency on the part of government urgently needs to be tackled.

- **Bride trafficking - trafficked girls from Assam and Bengal, and Bangladesh.** Civil Society representatives revealed how non-governmental organisations have recently rescued several thousand women from trafficking. Of these, a large percentage belonged to the Muslim community. They also warned that it is over-simplistic to apportion blame on this issue to just one religious community because, to varying degrees, it affects most religious groupings. Amongst the NGO accounts gathered for this project, discussion centred on developments in the Mewat region; an area which is dominated by Muslims. NGOs warned that, in seeking to address the issue of bride trafficking, government bodies often behave in a communally-biased way when dealing with civil society and NGOs. They also underlined that a key challenge for NGOs is how to raise awareness of the issue of bride trafficking – and, crucially, the need for civil society to participate in the formulation of the government’s policy response. NGOs’ work across states in northern India, ranging from Assam in the east to Madhya Pradesh in the west, reveal that just two districts had some knowledge of the Indian government policies on the issue. This points to a classic government policy implementation gap: more often than not, many government schemes are not implemented. This, the research participants argued, points to an urgent need to ensure that civil society is mobilized on the issue of bride trafficking in order to uphold the citizenship rights of all women/ girls.
- **Child marriage and human scavengers** - A number of NGOs highlighted the importance of the Gandhian legacy of volunteerism in understanding Indian civil society activism today. To illustrate their case, they further alluded to work on child marriage and human scavengers. In terms of the latter, they spoke about how these people are often treated as untouchables. This raises key questions about upholding dignity for all – a requirement under India’s international treaty obligations.
- **Female *sarpanch* or “*sarpanchni*”**. NGOs also spoke of their work in seeking to uphold citizen dignity - notably, in relation to the institution of female *sarpanch* or “*sarpanchni*” (in other words, the elected head of the village-level constitutional body of local self-government in rural India).<sup>3</sup> NGOs highlighted how, notwithstanding the constitutional, positive action measure that requires that a third of *sarpanch* are women – the reality is that, male dominance continues through informal means because women village leaders are proxies for their husbands. Notwithstanding this, NGOs also spoke of *sarpanchni* resilience. How they have adopted a positive response to male-oppression that is more community-based and premised on a ‘silent revolution’. As one NGO observed, as a result their work comes to bear fruit gradually, but then it also ensures that awareness of citizen rights and societal values is more effective and enduring.

- NGOs also raised the issue of **NGO complicity in contemporary patterns and processes of discrimination on the basis of faith and identity**. They argued that a leading principle for any NGO should be that every human being is equal. They gave the example of a trafficked woman; she can lay claim to certain rights as guaranteed by the state. Yet, they argued, the crucial question that needs to be addressed is whether she is getting her due rights from her family who do not accept her as their own? This places the NGO in a difficult position. When it puts in registration papers on a trafficking case, research participants argued it is important for NGOs to act in a non-aligned way – in other words, in a manner that serves all sections of the community and treats all faith groups equally. Otherwise, they argued, civil society merely reproduces the problems it seeks to solve. Our research participants underlined that NGOs need to continually ask “for which community are they devoting their labour and efforts”? Civil society activism needs to work for all religious communities and there needs to be greater unity among NGOs, to work together and make their efforts bear fruit. Participating NGOs also argued that, in the face of the prevailing view that the government wants to close down the NGO sector – there is a strong need for NGO criticality in order to secure advances in religious and gender rights.
- **Current government constraints on civil society activism**. A number of research participants acknowledged that over the last few years, civil society as a whole is increasingly disempowered. NGOs noted that, over recent years, government implementation of several rules and regulations has drastically reduced the space for NGOs to do their work. Moreover, the research participants recalled how, of late, minorities have been burdened with the need to prove their “nationalist – or patriotic – credentials”. But this has been premised on a narrow, particularised notion of India and ‘Indianness’. From these deliberations it is also notable that the majority community is fearful of the minority communities, and this is becoming ever more commonplace. The research also highlighted the emergence of non-state actors who are taking on the actions of the state actor. In other words, NGOs from one religious community or social groupings, are cosyng-up to political elites and getting political favours in return (such as access to policy-makers and plaudits from governing party figures). In short, research participants argued that we are witnessing the politicization of civil society. A further key message was that disempowerment faced by NGOs today can be seen as part of a larger dynamic of government silencing civil society, academia and the media.
- **The meaning of the term ‘minority’**. A number of research participants questioned the conceptual meaning of the term ‘minority’. For example, one NGO asked whether ‘minority’ status was founded on numerical status alone. It was argued that other factors should be taken into consideration including, social, cultural and economic resources. A further observation was that, notwithstanding the numerical minority status of Jain, Parsi, Sikh, and even a few Muslim communities – some were relatively resource-rich – others were not. According to this view, a further troubling fact is that, in popular discourse, even though this country has several types of religions, the phrase ‘minority’, seems often to be only used in reference to Muslims. The overall NGO view was that there is a need for greater public criticality of the term ‘minority’. From an NGO perspective, it was argued that capacity building in civil society is a must if people of all faiths (or none) and genders – are to secure rights. It was observed that amongst the present political classes/ ruling elite, there are very few people in the political sphere who are willing to work on these issues.

- **Scheduled Castes (SCs) and Scheduled Tribes (STs) - Reservation – maladministration.** Research participants also referred to the issue of ‘reservation’. This is a positive action measure in the allocation of jobs and access to higher education designed to improve the socio-economic status of the SCs and STs in society. It is popularly known as ‘reservation’. It has its basis in Article 16 of the Constitution that states, ‘nothing in this article shall prevent the State from making any provisions for the reservation of appointments or posts in favour of any backward class of citizens, which, in the opinion of the state, is not adequately represented in the services under the State’. A number of research participants questioned whether the current system of reservation was fit-for-purpose. It was also suggested that when the Scheduled Castes/ Scheduled Tribes Articles of the Constitution were written there were different circumstances at play – and that the situation is very different today, especially in modern, cosmopolitan settings like Delhi. It was argued that political elites are complicit in ensuring that the special considerations for the SC/ST communities are maintained. Yet, it was asserted, the present regime of reservation is not necessary. Non-governmental organisations working to uplift and empower beggars and addicts said they face grave challenges in their work when the country continues to be gripped with clientelism<sup>4</sup> – or ‘vote-bank’ politics. It was argued that until the influence of vote-bank politics is completely removed, the youth of this country will not have the ability to progress and move ahead in life.
- **Fake News.** NGO participants also alluded to the dangers of fake news currently being distributed and circulated in relation to minorities. This has the power to exacerbate community tensions. For this reason it was argued that civil society organisations need to be careful about the reliability of their information-sources before acting. It was noted that a lack of diligence on the part of NGOs means it is not just the state but civil society that can also increase communal divisions.
- **Intersectionality – or multiple identities and citizenship.** A number of NGO participants observed that citizenship is best described as a “sum of multiple identities”. It was emphasised that any one person from a community possesses multiple identities or intersectionalities - spanning gender, religion, caste, class, ethnicity, and nationality. In turn, in the process of delineating citizenship rights, it is necessary that citizens’ multiple identities are acknowledged and empowered together. In this regard, along with the state, civil society must play a key role in working to uphold an inclusive mode of citizenship that recognises multiple identities.
- **Social Media.** The NGOs also alluded to the role of social media in fuelling intercommunal violence. Various examples were given, including a recent spate of mob lynchings in Jharkhand. These were fuelled by irresponsible posts and allegations made on social media. Rather than being a sectarian issue, the acts of mob lynching were not just centred on Muslims, but also tribals, Dalits, and traders. The accusations that were made against these persons were not just for killing cows, but also for kidnapping children. These violent incidences underline the key challenge facing civil society in Jharkhand and further afield.
- **Linking religious identity with nationalism.** The NGO participants noted how religion on its own does not pose any threat. Instead, it is when religious identity is linked with nationalism that it becomes problematic. They argued that this may seem an abstract issue for many in civil society who are concerned with more prosaic matters – like the fight for basic survival. It was underlined that one of the biggest obstacles that NGOs face in attempts at advocacy and

mobilisation is the dearth of political awareness in society. They also noted how, in the school curriculum contemporary politics, and issues of national identity are not adequately taught and discussed. On questions of democracy, they argued that poorer uneducated people are not generally concerned with contemporary politics but rather with the material conditions of their existence—as one NGO noted, “They just want money at the time of elections”. For this reason, they become the unwitting victims of clientelism – as political parties provide meals and various material offers in the hope of securing their vote.

- Reference was also made to the **abuse of NGOs as a tax avoidance and money laundering vehicle**. The endurance of this practice points to poor regulation, maladministration and adequate penalties in the legal system.
- **Youth and hope**. Notwithstanding the raft of issues and challenges identified by the NGOs, the research participants offered the optimistic view that amongst younger children the notions of religious and communal divisions have not yet taken firm root. As one NGO observed, “This should encourage us all to work towards ensuring that this ray of hope remains alive”.

## Summary of selected Issues, Transferrable Lessons and Changes identified by the NGOs

- NGOs' work is sometimes hampered by state restrictions on civil society;
- Outdated and repressive legislation also acts a barrier to activism;
- NGOs' work on religious tolerance is negatively impacted by the politicization of belief;
- Non-governmental organisations working to uplift and empower minorities said they face a grave challenge in undertaking their work when the country continues to be gripped with clientelism – or 'vote-bank' politics;
- Minority and majority religions compete to extract concessions from government on religious processions;
- NGOs noted the intersection between caste and religion. They also spoke about an all-pervasive narrative of the state avoiding its responsibilities in relation to lower castes;
- From an NGO perspective, it was vigorously argued that capacity building in civil society is a must if people of all faiths (or none) and genders – are to secure rights. It was observed that amongst the present political classes/ ruling elite, there are very few people in the political sphere who are willing to work on these issues;
- NGOs' work is made harder by government corruption as well as a lack of transparency and accountability;
- Research participants also spoke of the need to raise public awareness of minority citizenship rights – they noted that improving political education in the school curriculum would be a significant help in this regard – as would greater efforts in awareness-raising by NGOs;
- There is an urgent need to ensure that civil society is aware and mobilized on the issue of bride trafficking in order to uphold the citizenship rights of all women/ girls;
- NGOs highlighted how, notwithstanding the constitutional, positive action requirement that a third of *sarpanch* should be women (in other words, the elected head of the village-level constitutional body of local self-government in rural India) – the reality is that, male dominance continues through informal means - women village leaders are proxies for their husbands. This requires action from NGOs;
- A number of NGOs highlighted the importance of the Gandhian legacy of volunteerism in understanding Indian civil society activism today;
- Participants argued that it is important for NGOs to act in a non- aligned way – but rather in a manner that serves all sections of the community and all faith groups equally. Otherwise, they argued, civil society merely ends up reproducing the problems it seeks to solve;
- NGOs noted that, over recent years, government implementation of several rules and regulations has drastically reduced the space for NGOs to do their work.
- NGO participants also alluded to the dangers of fake news currently being distributed and circulated in relation to minorities. This has the power to exacerbate community tensions;
- In the process of delineating citizenship rights, it is necessary that citizens' multiple identities are acknowledged and empowered together. In this regard, along with the state, civil society must play a key role in working to uphold an inclusive mode of citizenship that recognises multiple identities;
- The NGOs also alluded to the role of social media in fuelling intercommunal violence;
- Reference was also made to the abuse of NGOs as a tax avoidance and money-laundering vehicle.

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## Acknowledgements

The authors wish to thank the Academy of Medical Sciences/ Global Research Challenge Fund for funding under project No. 513744. They also wish to thank all the participants that took part in the research.

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<sup>1</sup> Participants' names and affiliations are withheld as a condition of ethical research approval.

<sup>2</sup> Chup Tazia (Urdu: تعزیه چپ) or silent tazia is the name given to religious processions held mostly on 8th of Rabi' al-awwal by Twelver Shia Muslims in India and Pakistan to commemorate the death of Imam Hasan al-Askari, the eleventh of the Twelver Shi'a Imams. The procession is usually regarded as the last procession of the mourning period that begins in the Islamic month of Muharram.

<sup>3</sup> A sarpanch is an elected head of the village-level constitutional body of local self-government called the panchayat (village government) in India (gram panchayat). There are instances of women also being elected to post of sarpanch - called sarpanchni. This follows legislative reform in which reservations or minimum quotas are set for sarpanch positions to be held by females. A form of affirmative action, according to the law, if not in practice, a third of seats are reserved for the female contestants as per the constitutional requirement under Article 243D.

<sup>4</sup> A political or social system based on the relation of client to patron with the client giving political or financial support to a patron (as in the form of votes) in exchange for some special privilege or benefit.