

# STALIN IAS ACADEMY - BEST IAS COACHING IN CHENNAI

12/24, Muthurangan Muthali St, West Tambaram, Chennai - 600045

<https://www.evastaliniasacademy.in/>

Contact Number - +91-8678969915, +91-9940332851

## Civil society under siege, in India

A free civic space regulated under constitutionally guaranteed principles is the essence of democracy. India is lucky to have an unusually diverse and vibrant civil society. However, constitutional freedoms are themselves under siege. It will be important to recognise and protect these freedoms by social and political forces who repose their faith in the constitution.

The anti-communal and progressive civic space is under the most serious attack by the state. This is also the section of society that will unite against Hindu nationalism under any party that offers the prospect of secularism, interpreted *assurva dharmā sama bhava* (equal respect for all religions), and citizen well-being with economic growth.

### The scale of attack

We explored the range of instruments deployed by the state to limit the civic space of 15 organisations, small and big, relying on domestic and foreign donations. These organisations include the well-known ones that have been attacked such as Amnesty International, the Centre for Equity Studies, Citizens for Justice and Peace, Lawyers Collective, Centre for Promotion of Social Concerns and Act Now for Harmony and Democracy (ANHAD), among significant others, who will remain unnamed.

The organisations we studied were viewed as being either neutral, moderate, or strong regarding their views on minority rights, Dalit rights, Adivasi (tribal) rights and equity promotion.

Our findings suggest that organisations that were actively fighting against communalism were the most significantly under attack. We coded the attacks on a scale where a high level of attack has occurred on organisations that have not only run out of funds but also whose leaders have either been sent to prison or have charges that can potentially incarcerate them. These would include organisations such as Citizens for Justice and Peace (CJP), Amnesty India, Oxfam, Centre for Equity Studies and Lawyers Collective.

Moderately attacked institutions are those whose activities have been severely curbed because of multiple attacks by the state. These organisations have almost come to a grinding halt. They include the Centre for Policy Research (CPR) and a significant non-governmental organisation (NGO) with American funding working in the non-communal space. Moderately attacked institutions also include fiercely anti-communal NGOs such as ANHAD. Some of the organisations in this area are even neutral on



**Rahul Mukherji**  
is Professor and Chair, Modern Politics of South Asia, South Asia Institute, Heidelberg University, Germany



**Aditya Shrivastava**  
is German Chancellor Fellow, South Asia Institute, Heidelberg University, Germany

The last bastion for India's democracy is being targeted, with the anti-communal and progressive civic space under the most serious attack by the state

the anti-communal issue. An analysis of the moderate section in our scale suggests that the civic space has shrunk to such an extent that the Indian state is not even leaving a non-communal organisation such as the CPR alone. The current chair of the Economic Advisory Council to the Prime Minister and the Deputy Chairman of the NITI Aayog chaired by the Prime Minister are both from the CPR. One of the allegations against the CPR appears to be that it had some connections with Adivasi rights movements that impacted the mining interests of the tycoon Gautam Adani.

Institutions that have been impacted by relatively low levels of attacks are generally not active in the anti-communal area, even though they may be pursuing significant human rights causes. These are institutions that have been attacked by just one instrument. The woes of organisations such as Nansarjan, which is a leader in Dalit rights, and Save The Children's work on child rights are less compared to the ones that have been hit moderately or at a high level.

We also found that the disciplining instruments deployed by the state can impact organisations. Greenpeace, for example, has transitioned from one that faced high intensity attack to one that now faces a low level of attack by our definition.

In the process, Greenpeace had to change its identity from one that was strong on its rights-based mobilisation towards advancing environmental concerns and Adivasi rights to one that has become much more lukewarm in that regard.

### A range of instruments

We now turn to the variety of instruments that are being deployed. Attacks with penal consequences that can lead to imprisonment are charges of money laundering and investigations. We have not included the Unlawful Activities (Prevention) Act in our analysis and restricted ourselves to actions that largely afflict NGOs. The amendments, in 2019, to the Prevention of Money Laundering Act, 2002, brought through the Finance Act enabled the Department of Revenue to work with a broader definition of proceeds of crime. This has resulted in the now well-known attacks on NGOs and Opposition politicians by the Enforcement Directorate.

The Emergency-era law from 1976, the Foreign Contribution (Regulation) Act, 2010 (FCRA), was made stringent in 2010 under the United Progressive Alliance government, and again under the Bharatiya Janata Party (BJP) government in 2020. The BJP has used both the

2010 and 2020 provisions to take the right of NGOs to access foreign funds away from about 18,000 organisations between 2015 and 2022. Curiously enough, the FCRA's impact on foreign funding of political parties has been considerably weakened over time. But the same instrument has now been deployed with lethal effect on NGOs. Apart from the FCRA provisions, foreign donors are also intimidated by a Prior Reference Category List of around 80 internationally reputed donors who are monitored and intimidated for pursuing any human rights related causes.

Under the FCRA, the Central Bureau of Investigation (CBI) too is empowered to investigate NGOs and their personnel with lethal impact. For example, the CBI has filed a supplementary charge sheet against Amnesty India and its chair of the Board, Aakar Patel. Such an action can have penal consequences. And the tedious process itself is punishment.

Domestic funding of non- and anti-communal NGOs is also under siege. Sections 12A and 80G of the Income-Tax Act provide tax exemptions for NGOs and donors, respectively. The 2020 amendments now make renewals of 12A and 80G certificates mandatory every five years. And donor data including their PAN card numbers must be made available to the Ministry of Finance. These provisions enable the state to intimidate domestic donors who wish to fight communalism and crony capitalism.

When the state has no excuse to penalise NGOs, it uses income-tax surveys as a way of collecting data that can be used to further escalate and institute more cases either by the CBI or the Tax Department.

### Building on the Opposition's stand

The last bastion and ray of hope for India's democracy is its civic space. It is under serious threat. In the 2023 Assembly elections, the Congress's leaders (and now Chief Ministers) Siddaramaiah (Karnataka) and A. Revanth Reddy (Telangana) both took a clear secular position alongside welfare pledges that mobilised the anti-communal civic space against the BJP. Picking strong regional leaders will be critical for INDIA. Whether it was the "Eddelu Karnataka" (Wake-up Karnataka) or similar social movements in Telangana, they had one thing in common. Secular and progressive social and political forces came together in both these States. The Opposition INDIA bloc will not only need to fight like a single party. It will also need to mobilise the anti-communal and progressive civic space in its favour to save democracy.

EVASTALIN

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## Breaking new ground the Kerala way

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As 2024 begins, there is some good news in the urban spectrum. After almost 38 years there is another urban commission, this time in the State of Kerala. The first, i.e., the National Commission on Urbanisation, was formed by the then Prime Minister of India Rajiv Gandhi, and was headed by Charles Correa, one of the finest architects of the country. However, with the assassination of Rajiv Gandhi, some of the important recommendations were not taken into consideration. But the 74th Constitutional Amendment was one of the positive outcomes. Since then, there has been a shift in policy paradigm for more private initiative and investment in urban development

### Necessity of an urban commission

Currently, more than half of the world's population lives in cities (56%). When Capital was written by Marx, and cities were considered to be centres of industrial production and capital accumulation, there was just over 5% of the global population living in urban centres. The process of urbanisation has led to phenomenal changes across the world. Not only has it impacted climate change but has also created spatial and temporal changes such as massive land use, building typologies, iniquitous cities, duality, informality, crisis of pollution, housing, water and sanitation challenges, and some of the most unequal city spaces. One of the major processes of capital accumulation is the process of city development.

Post-independent India has witnessed two stark periods of development in the urban spectrum. The Nehruvian period lasted for almost three decades and began unravelling in the late 1980s. During this period, around 150 new towns were built with a holistic city approach, a characteristic feature being a centralised planning mechanism emphasising master plans/development plans. However, this process also failed miserably as it was drawn by the core idea of the state acting as a basic instrument of capital accumulation, pushing



**Tikender Singh Panwar**

is former Deputy Mayor, Shimla, and Member of the Kerala Urban Commission

The Kerala Urban Commission can lead the way for the rest of India in understanding urbanisation as a whole process

millions of people from rural to urban spaces, with manufacturing as the driving force. Manufacturing did not remain the central pivot of driving migration to the cities as it fell miserably and new areas were opened up. The cities still drew millions into its fold with the informal sector taking centre stage and the urban plans failing miserably.

The period of the 1990s is the one where the abject privatisation of cities began and global cities were the image on which the development process was built. Master plans were handed over to large parastatals, and big consultancy firms were hired to draw such plans. These companies gave away the concept of social housing, public health, education, and real estate was supposedly to be the core element of this hypothesis. Cities were made competitive and termed as 'engines of growth' – not spaces of enlightenment, future of dreams, and habitat. Instead of a whole city approach, a project-oriented approach was the guiding principle; mission mode of development, the Jawaharlal Nehru National Urban Renewal Mission, and the Smart Cities Mission were the buzzwords.

It is in such a background that the Urban Commission, formed in 1985, has to be revisited and relooked. Piecemeal approaches will not help. And neither are they making any breakthrough. Hence, an urban commission is required at the national and State levels to understand some of the interesting objective patterns of urbanisation. Migration is one of them. Settlement patterns are another one, and information technology is one of the enablers but also disablers. A holistic understanding of the process is required and must be developed. The urbanisation process cannot be reduced to some mission approaches such as the Swachh Bharat Mission or Atal Mission for Rejuvenation and Urban Transformation (AMRUT), National Heritage City Development and Augmentation Yojana (HRIDAY), or Pradhan Mantri Awas Yojana (PMAY). All of them have failed in their desired results and are bound to fall further as they are

distant from objective realities.

Likewise, the governance in cities is in a real mess. Eighteen subjects under the 12th Schedule that were supposed to be transferred to the cities are still far away. There is debate in political circles that there should be managers, instead of elected officials, running city affairs. The over-centralisation in the financial architecture is evident from the Fifteenth Finance Commission recommendations where the grants to the cities are linked to their performance in collecting property taxes and the increase in that should be commensurate to the State's Goods and Services Tax. These are complex processes unfolding in the urban realm.

It is in this light that the formation of the Kerala Urban Commission must be seen. Kerala has adopted this urban policy commission initiative that should address these complexities. Some of its members include M. Sathishkumar, an urban professor from Dublin, Janaki Nair, a historian, and K.T. Ravindran, Professor and Head of Urban Design at the School of Planning and Architecture, New Delhi.

The commission's 12-month mandate aims to address the challenges of urbanisation, particularly in the context of Kerala's urbanised population, which NITI Aayog has estimated around 90%. The commission's role is to lay a road map for at least 25 years of urban development. Kerala's urban development cannot be divorced from the overall urban processes unleashed both at the global and national levels, and, hence, a proper estimation of them is also required.

### Lighthouse for other States

What was desired was another national commission. However, even in its absence, the Kerala Urban Commission can be the lighthouse for other States such as Gujarat, Maharashtra, Tamil Nadu and Punjab that have a high urban population. It is the process of taking forward the urban commission that should be a learning lesson for these highly urban populated States.

EVA STALIN