

Preliminary draft outline of paper

Role of Civil Society organizations in Governance – Possibilities & challenges

Ramesh Sharan

Department of Economics Ranchi University, Ranchi

In recent times there has been growing acceptance of the role of CSOs can play in good governance of a country .It is being increasingly felt that good governance is very crucial for reaching the benefit of the present day market based development being perused since almost two decades to the poorest. It has also been realized that the process of development has almost by passed these poorest communities. Besides, the present process has also led to the marginalization of a number of communities. In spite of the very high growth rate of the Indian economy in recent decade, the hunger and poverty continues at a very alarming rate.The need for inclusive growth has been well accepted in the Eleventh plan in the India. The role of CSOs has not only been accepted by the donor agencies but also by the Government of India and the State Governments as well as Indian Planning Commission. CSOs historically have played very important role there has been considerable change and composition in the role of CSOs in the past two decades. They have gained a more important role in governance and governance issues in the country demanding not only greater accountability and transparency from the state, but are also engaging in public policy making as well as in monitoring state actions. It is estimated that there are more than 2 lakh such organization in the country with enormous diversity, size, purpose.

In the above mentioned background the present paper has made a modest attempt to examine the role of CSOs in Governance primarily in the context of the state entitlements. It is needless to say that Pro people effective governance is very important governance and is very crucial for the effective delivery mechanisms and the realization of entitlements created for the poor. It briefly discusses the nature of CSOs, the expected and the changing roles, the roles they can play in realization of entitlements and the challenges and the limitations of the sector.

Concept of Civil society and CSOs

There has been growing volume of literature on the Civil society and CSOs. Civil society has been variously defined and conceptualized. The concept has evolved over time period .It is sometimes defined as then sum of individual and collective initiatives directed towards the pursuit of common public good (Tandon and Mohanty 2002)

Civil society describes the multitude of associations, movements and groups where citizens organize to pursue shared objectives or common interests. These organizations function beyond the individual or household level, but below the state.

The definition clearly states that a wide set of such associations form the Civil society .Civil society organizations include highly institutionalized groups such as religious organizations, trade unions, business associations, international NGOs, think tanks; local organizations such as community associations, farmers' associations, disabled people's organizations (DPOs), local sports clubs, cultural groups, business groups, local NGOs, credit societies, community media outlets; and looser forms of association such as social movements, academia, networks, virtual groups, and citizen groups outside national borders such as Diaspora , DFID White Paper 2006)

Civil society is also considered as the third sector refers to the arena – distinct from the market and the state – in which Citizens come together to pursue common interests through collective action, neither for profit nor for the exercise of political power. Thus, all organizations and associations that lie between the family and the state (except firms and political parties) are part of civil society. These include religious and professional groups.

The CSOs are also loosely referred to as the voluntary sector and sometimes also denoted as NGOs or VDOs. Civil society has emerged out of the contexts of the particular time and situation. The CSOs are therefore variously understood and projected due to the diverse nature of organizations arising out of variety of reasons.

One of the nomenclatures is terming them as voluntary organizations by Indian Planning Commission in the National Policy on the voluntary sector. According to the document VOs mean to include organizations engaged in the public service based on ethical, cultural, social, political, religious, spiritual, philanthropic or scientific and technological considerations. The definition is very broad and includes all categories of non government initiatives for the social work. The four characteristics of the organizations envisaged by the Planning Commission are

1. it should be private
2. should be a not for profit organization not returning profits to its owners or directors
3. must be self governing not controlled by government
4. they can be registered or non registered with defined aims and objectives

It is worth mentioning here that historically the concept of civil society has undergone many changes. It is said that although the idea was present in the ancient times in one form or the other but it got more concretized in the Western World in the 17th century (Tandon, Mohanty, 2002). In contemporary literature three approaches to Civil society conceptualization can be located which have emanated from the context in which the civil society has emerged

- Civil society emerging out to democratize the state power in erstwhile socialist states which turned authoritarian in nature as well as the collective actions in many parts of the world against the military regimes. This happens to be a Revolutionary imagery of Civil society also where the peoples collectives have contested the state power either to replace it or reform it for democratizing it.
- Watchdog of democracy as conceptualized by Tocqueville in Western societies /US where the groups.
- Third sector a separate from market and the state. This has evolved after the process of liberalization and globalization has begun recently.

Typologies of CSOs in India

It is very difficult to classify the CSOs or the NGOs in the country because of the enormous diversity in organizations of the or in the purpose, size, promoters and the size of such organizations

1. Gandhian influenced voluntary groups their number has fallen
2. Professional rural development agencies by professionals, by Corporate and by smaller groups
3. Civil and political rights groups
4. Missionary organizations Christian Mission, R.K. Mission
5. Student, worker and women movements related to left and other political parties
6. Independent social movements of *dalits*, *adivasis*, women, environment, science)
7. Movements and groups of minorities (Muslim, Christian, Buddhist etc)
8. Religious movements; both of a spiritual and fundamentalist types

Expected role of CSOs/VOs/

The roles played by the CSOs and their importance have now been increasingly been recognized **CSOs** are now expected to play important multiple roles by both the government

DFID

1. Civil society organizations (CSOs) and networks are important players in national political life, with the potential to improve governance and transform state – society relations.
2. A robust sector analysis and drivers of change approach can reveal which CSOs are representative of poor people and have greatest access – often groups other than NGOs
3. Donor programmes benefit from an integrated approach to governance which supports the wider enabling environment for citizen-state engagement

Planning Commission

The sector contributes significantly in

1. finding innovative solutions to poverty, deprivations , discriminations and exclusions through awareness generation ,social mobilization, service delivery, training, research and advocacy
2. non political link between people and government

Governance in India the framework and the principles

Indian constitution has been one of the most progressive base for governance envisaged in the country .It has been designed basically to ensure fundamental rights to all its citizens, has directive principles setting the constitutions in the world .The constitution has guarantees fundamental rights to all its citizens , has given in detail the directive principles which ought to be the basis of Governance, a adult franchise and federal structure, decentralization of power to the Panchayati raj institutions, positive discrimination for the socially most unprivileged sections of the society and special Governance provisions for the Tribal Areas as The Fifth schedule and the sixth Schedule.

Governance

Governance is normally seen in very narrow sense of governments elected or otherwise functioning in efficient manner delivering the public goods expected from them that includes the ensuring the basic civic and political rights, primary goods, ensure rule of law, controlling and promoting enterprise. But Governance has three important components namely legislature in most efficient way, executive and judiciary. For delivering the goods to the people especially to the poorest of the poor who are not only powerless but marginalized, good and responsive governance is very critical. Good. Governance could mean the following

- Having a responsive political and bureaucratic system
- Having appropriate policies for the poor and adequate allocations .for the schemes
- Having participatory, decentralized and efficient implementation of the programmes
- Having transparent and accountable system
- Having a quick and fair justice where poor can get justice at low cost and quickly

It may be mentioned here that there has been a general acceptance that governance is very important for economic development. A number of indicators for good governance has been developed which capture six key dimensions of institutional quality or governance:

1. *Voice and Accountability* – measuring political, civil and human rights
2. *Political Instability and Violence* – measuring the likelihood of violent threats to, or changes in, government, including terrorism
3. *Government Effectiveness* – measuring the competence of the bureaucracy and the quality of public service delivery
4. *Regulatory Burden* – measuring the incidence of market-unfriendly policies

5. *Rule of Law* – measuring the quality of contract enforcement, the police, and the courts, as well as the likelihood of crime and violence
6. *Control of Corruption* – measuring the exercise of public power for private gain, including both petty and grand corruption and state capture

Structural and institutional situation in the country

Indian society has been a highly stratified society with the dalits at the lowest end. These communities have suffered the worst inhuman social and economic deprivations and dehumanization over the historical periods which in spite of all the efforts including the legislations and in the post independence India continues in one form or the other. The post independence India has witnessed a wide social change with power shift from upper castes to the middle castes. There has been also rising assertion of the Dalit communities in India. But one of the problems has been that there are number of castes and communities who have lagged behind. The benefit has been cornered by a selected few one of the reasons being the entitlements created for the most unprivileged communities has been highly insufficient.

The other unprivileged and marginalized community has been that of tribes in the country who lost their rights in forest and land during the British period. Due to their protests, their customary rights could only be partially restored. In the post independence period, the old policies continued and the development process also resulted into displacement and eviction from the natural habitats, increasing urbanization led to further alienation of land and other natural resources. The provisions of the constitution for the Scheduled areas in the Fifth schedule areas have been blatantly violated. The other group lagging behind had been the primitive tribal groups

Minorities particularly the Muslims are also one of the most deprived and marginalized communities bearing the double burden of inherent exclusion due to the partition and the burden of poverty and the resourcelessness.

The basic institutions, law, and the framework of administration and justice created for governance continued to be colonial in nature. The systems created were for different purpose but the extensions have been questioned in recent times but the changes are not very fast

State of Governance and implementation of the entitlements

There has been general acceptance now that the programmes in India especially in the most poor regions have been very inefficiently implemented and the Governance has been very in terms all the indicators of governance. This has been true for all the three wings. Political governance and the quality of legislature especially the concern for the poor has declined considerably. The performance of the executive is dismal. Even the PILs are sometimes are not very effective although the judiciary has taken a liberal view. This is true for both the public distribution system and wage oriented schemes, because earth work is difficult to monitor and it is easier to fudge muster-roll. The general factors resulting in low capacity of the district administration are poor accountability, lack of motivation, absence of performance appraisal, absence of system of incentives and penalties, predominance of unstated objectives over stated objectives, and large-scale leakage due to corruption. For the Tribal dominated poorest areas covered under the Fifth schedule of the Constitution the provisions have hardly been implemented. The implementation of Tribal Sub Plan which is very crucial for the development of the tribes has been callously implemented This has been extensively commented by SAST commission(2004) The judiciary at all levels is overburdened, justice at higher levels is too costly for the poor and there are long delays. In such a general scenario the implementation of the food related and employment schemes have been very poorly implemented. The commissioners appointed by the Supreme Court for the purpose have submitted six reports which have pointed out in detail the various

issues pertaining to these schemes. The schemes suffer from commitment failures with inadequate allocations and coverage and poor implementation. None of the schemes have been properly implemented properly

Important trends in the post independence period in CSOs roles

CSOs in India have shown considerable response to the political, social and economic changes in the post independent India and have been able to influence policies, demand accountability and also create social harmony in the wake of communalism and fundamentalism in the country. The growth of the civil society organizations and change in their composition in India can also be traced to the challenges due to the changing scenario.

- Immediately after the independence there was challenge of national reconstruction and development. Under the Nehru Mahalanobis strategy of development the country was led to a modernist development agenda with big industries/ dams, a dominant role of public investments and government control, expected to have a trickle down effect on the lowest strata of the society. Besides, land reform measures that included abolition of zamindari, land ceiling redistribution of land and consolidation of land holding. On the other hand there was considerable influence of Gandhian ideology so a number of organizations pursuing the volunteerism, grassroots mobilization, peace and non-violence with movement by Shri Vinoba Bhave was one such big movement on these lines. Some of these interventions was basically to challenge the development paradigms through non violent means to show the viability of the alternative people centered development with human scale of the technology and based on the notion of self governing self reliant villages a dream of Gandhiji.
- The result of the developments was that there was wide increase in corruption, with the trickle down failing to takeoff, land reforms virtually unsuccessful, especially in the eastern part of the country there was considerable disillusionment during the mid sixties in the country resulting into the naxalism which continues to dominate in the poorest areas in the country. The naxalism was ruthlessly suppressed during the late sixties and early seventies but the ideology continues to grow, the primary reason being the fundamental problem of the inclusive development and pro people governance.
- These developments had other repercussions resulting into one of the most important civils society movement in Gujarat and Bihar led by J.P. during 1973-75 ultimately resulting into imposition of Emergency in the country. This for the first time threatened the Civil and political rights in the country and led to the formation of organizations like PUCL and PUDR for the protection of Civil and political rights.
- the environmental movement in the early seventies and anti-dam movements, the movement for tribal rights, against displacement led to the formation of CSOs and support to such movements
- The decade of eighties witnessed direct anti poverty programs in the country on a very large scale. This was also the time when CSOs were assigned important role in ensuring the delivery of the government program as government felt that the government machinery was unable to deliver. The Government set up a, the Council for People's Action and Rural Technology (CAPART) to fund CSOs / NGOs working for rural development. Later on it set up an apex national committee, called the Joint Machinery for Government and NGO's, with its secretariat in the Planning Commission.
- The decade also witnessed the emergence of entry of professional training institutes to get highly skilled manpower for the sector and the rise of rural management professionals in the sector with lot of young people moving into the sector more as professional and less as social workers.
- A number of professional organization also entered the sector doing a large number of innovations

- The decade of nineties brought new challenges of globalization, more funding, more international donor funding which also led to mushroom growth of doubtful organizations in the sector

Role of the CSOs/Voluntary associations: some important contributions in recent years

1. Mobilizing people and sensitizing people **for secular agenda** and questioning government failure in communal riots especially post Ayodhya and post Godhra situation .Unfortunately some of the organizations claiming to be a nationalist have also helped in flaring up such incidences.
2. Advocacy for Enactment of **RTI**, training and sensitizing communities and people for its use and strong mobilizations against diluting the provisions of the Act.
3. **Right to food** has been ensured due to PIL in the Supreme Court. People's Union for Civil Liberties (PUCI) filed a Public Interest Litigation (PIL) in May 2001 in the Supreme Court (case no 196/2001 (Civil) PUCI Vs Union of India and Others) demanding reinforcement of state's duty to avoid hunger deaths and adequate arrangements by the state to provide access to food to the poor, particularly the poorest and the most vulnerable It sought Supreme Court 's directives under Article 21 of Indian Constitution that guarantees Right to Life as a fundamental right. The Supreme Court has held several hearings on the case and has passed important interim orders. Apart from giving directives on immediate relief under drought situations, it has identified eight food related schemes), and directed the Central as well as all the state governments to strictly ensure their implementation. CSOs are also helping the SC to monitor the implementation as well as disseminating the orders and mobilising people for the implementation of these orders
4. **NAREGA** This limited employment guarantees has been also possible due to the intense pressure of the CSOs. The important role being played is in dissemination and sensitizing people, social audits and exposing the corruption demanding action.
5. **SSA** CSOs are also playing important role in innovations in teaching methods for children, bringing out of school children in the mainstream both as partners community mobilization.
6. **Advocacy**, policy questioning, participation in policy dialogues with various levels in government youth, women and child policy, tribal and forest policy etc.
7. **Implementation of programs** like watershed / **innovations on livelihood programs /SGSY/SHGs micro credit**
8. **Demanding accountability** through public watch reports , social audits and public hearings and budget analysis has important impact on the government functioning
9. **Environment and resettlement / rehabilitation issues making them national and international agenda / sensitizing and dialogues with the government / multilateral funding agencies**
10. **PRI strengthening**, voter awareness, helping the most unprivileged to come an participate and sensitizing people
11. **NRHM and right to health**

Limitations and constraints in effective intervention of CSOs in Governance

However a number of internal and external constraints limit the effectiveness of the interventions of CSOs in governance for effective delivery of the entitlements for the poor in the country.

Internal constraints

- Only a small nucleus of organizations in the country have increased technical capacity on governance issues that includes advocacy for public policy, demanding accountability and transparency and also in strengthening of the local self governance. The instruments like social audit, PIL, etc have not been internalized. The CSOs still lack adequate skills and capacity to exercise an effective watchdog role.
- A number of CSOs suffer from weak internal governance and accountability systems
- lack of internal participation in management and decision making by the workers
- Many CSOs have weak systems of transparency and public information, which limits their credibility to demand the same from the state. In a number of cases the state officials have retaliated by asking the organizations for transparency.
- A number of smaller and medium sized NGO workers are poorly paid, have high insecurity of their jobs without much social security even minimum wages and facilities like maternity leave etc, may have undefined working hours and irregular wage payments placing workers in multiple projects
- CSOs working on social accountability often have lacked targeted media strategies.
- The other constraint has been that of over dependence on their founders or leaders for guidance. This inhibits and the vision of the leader or the founder is not internalized by the workers as they sometimes perceive themselves only as paid employees lacking commitment for the people with whom they are working
- A number of CSOs although working for the most poor have very little effective representation of such group either at management level or decision making levels
- A large number of CSOs have to depend on public funds or international donor agencies support which reduces their autonomy

External constraints

- Attitude of the Government officials treating them as contractors and behaving in the same way forcing the sector to make compromises
- Rise in the government interference in the name of demanding accountability from the sector
- Sometimes changes in the programme managers have interferences in the programs
- Honest and sincere are threatened by the spurious and corrupt elements which have entered the sector to take advantage of the funds flow

Important learning from PACS I

One of the largest program for empowering the people and the communities through strengthening the capacity of CSOs has been PACS which has key learning. Some of the learning have implications for the future planning and the role of CSOs. Some of the important learnings are

- Poor and marginalized in are distributed thinly spread over vast geographical areas and have remained by and large excluded even from the civil society Actions.
- CSOs have more penetrating power than the state agencies and can play important role in enabling communities and the people to access their entitlements
- For the achievement of the MDG goals CSOs, Government partnership is vital
- MDG goals should be the focal point
- The management of the programmes need to be more decentralized and more flexible taking into consideration of the specific situation
- CSO can manage large project if supported by correct professional groups
- Frontline CSOs are small having limited professional management capability but highly motivated and committed towards the poor so a supportive system is required for them
- Frontline organizations /CBOs can influence only up to District levels networking and support of higher level CSOs is required and is highly effective

Thematic

- Thematic should be well thought of and clearly spelt otherwise CSOs / groups do not understand - Social cohesion / Self help
- All the groups should be given space for innovations
- Standard norms fail to deliver / innovations and flexibility is required to reach the poorest and the most vulnerable.
- CBO formation is time space phenomenon so work schedule should include the local ethos and should not be imposed from outside. Externally formed CBOs have high probability of failure or non sustainability
- Formation and sustainability of the groups are need driven / these are basically micro level institutions so work best if serving common interest
- Entitlement is only a visible target but can not be ultimate goal but the groups require support for ensuring that the entitlements reach the poor and new entitlements are created from entitlements self help should emerge.
- CBO formation is time space phenomenon so work schedule should include the local ethos and should not be imposed from outside. Externally formed CBOs have high probability of failure or non sustainability
- Formation and sustainability of the groups are need driven / these are basically micro level institutions so work best if serving common interest
- Entitlement is only a visible target but can not be ultimate goal but the groups require support for ensuring that the entitlements reach the poor and new entitlements are created from entitlements self help should emerge.

Challenges ahead

- To have self governing system like Press Council to have low interference of the Government in the management, having voluntary disclosures, minimum social security etc.
- To enhance the viability of the CSOs and make them more participatory
- To reach the most unprivileged communities both in remote geographical areas and the areas with naxal influence
- Isolating the corrupt and uncivil elements from the sector, identifying and exposing them having some system of credibility ratings
- To effectively counter the violence / threats which the sector is now exposed in fighting corruption and exposing the corrupt officials and the middlemen at the lowest levels .A number of police cases have been reported. the rise of the sector has threatened the various corrupt elements in the present governance structure
- To have a grievance redressal institutional mechanisms in place
- To ensure that the entitlements reach the poor / achieve the MDGs