Disciplining Civil Society: A Study of State-Civil Society Dynamics in India

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The proposed paper seeks to examine the nature, grounds and the operational dimensions of authoritarian tendencies of the state that impose constraints on civic expressions and deny democratic space. Though the trend is evident in most parts of the world, especially in developing countries, the paper focuses on the Indian scenario with special reference to anti-terrorism and anti-conversion laws.

The increased pace of liberalisation and privatisation coupled with the pressure of globalisation in the 1990’s and subsequently have affected the understanding and constitutional responsibility of the Indian state as a welfare provider as well as its planning process and priorities. Consequent upon gradual desertion of the traditional legitimisation tool and uneven effects of globalisation and market forces across sections of Indian society, policies and actions of the state have come to lack social anchorage. At the same time challenges to the legitimacy is sought to overcome through the rhetoric and policies bordering on authoritarianism and denial of civil liberties.

The ‘strong state’ measures are supported and justified by the militant historical bloc, articulated as Hindutva which defines identities in ascriptive terms. The state acting without ideological and societal consensus in the context of modernisation raising expectation, varying impact of market forces and growing assertion of affected and marginalised groups is increasingly toeing the hegemonic Hindutva line of thinking in which duty towards the state is placed above rights and ascriptive communities are seen as having hierarchical and differential access to the resources of state. In this, the ‘other’ who does not share the basis and values of dominant/hegemonic section is projected as the enemy and his/her claim to citizenship as an identity and emotional bond is seen suspiciously.

The all pervasive Sangh Parivar (comprising interest groups and political party having more or less similar socio-political perspectives)articulates and asserts Hindutva using aggressively civil society’s institutions to advance interests and to evolve a political community. The state has found it convenient and effective to co-opt or align with Hindutva forces to create a base carved out of exclusive Hindutva constituencies and to suppress or neutralise any legitimacy challenges to it. The coalition central government comprise of large number of political parties all of which does not share the perspectives of Sangh Parivar. Yet the state has largely been adept in evolving the social policies that are largely in tune with dominant Hindutva perspectives.

These policies appear to compensate the relative loss of state power in economically privileging certain sections of society in the face of globalisation by concentrating on creation of an ideological, social and cultural space conducive for its exertion of power. In turn, the Hindutva forces too have favoured such ‘strong state’ that is supportive of its ideology and help to keep is social base intact. The interest of the state and the hegemonic forces couple and the civil liberties have become a victim in the process.

The uncivil interface between the two is particularly evident in the Prevention Of Terrorism Act (POTA – 2002) and the Anti-conversion act. The former is used selectively for political purposes by the political elites and to keep the ‘enemy’ under constant fear of reprisal. In the act the police powers have increased and the power of the affected to
challenge the state are decreased. Evidence to terrorism is contrived from oral statements and even the ‘confessions’ made to police officer is considered as proof of involvement. The ruling class, often close to Sangh Parivar in states like Tamil Nadu, Gujarat and Uttar Pradesh have targeted their political enemies with POTA weapon. Individuals and some communities (especially minorities) are continuously suspected. Civil liberties, especially the freedom of speech and expression, right to privacy and safeguards against arbitrary arrest and detention, are restricted and any dissent is ruthlessly dealt.

The anti-conversion act adopted by some states in India like Tamil Nadu and Gujarat is yet another instance of denial of civil liberties. In India, apart from other reasons, conversions are resorted by lower strata of society (Dalits) with a hope to overcome the inequalities and disadvantages of the hierarchical caste structures and practices associated with Hinduism. The anti-conversion act, supported and appreciated by the Sangh Parivar, in general prevent religious conversions "by force, allurement or fraudulent means" without defining the terms. The law is so vaguely worded that even the promise of spiritual blessings and eternal life could be considered grounds for accusation and the law prescribes harsh punishments even to the converts. This almost bans conversion per se and deprives the member of oppressed caste an outlet to overcome societal stigma that percolates into other arenas.

These impress the denial of basic human, civil and constitutional rights and state’s assumption extra-ordinary power that is dismissive of due process of law and civil liberties. The national interest and societal concern (of the Hindutva variety) slogans are raised by the state to encroach the civil arena and to structure and tame it to act according to its wishes. In spite of this, the democratic fabric of Indian society has largely withstood rupture in the face of onslaught of Hindutva forces on the democratic spaces and institutions of civil society. But the strong arm tactics and the populist slogans which Hindutva forces use to advance its interests with the tacit, and at times, overt state support is a matter of concern.

In the evolving scenario, most democratic and civic institutions and organizations have largely withdrawn or abstained from active participation for fear of antagonizing dominant interests of society, being branded as ‘political’ and then being prevented from doing their genuine work. But in the process such gestures have only strengthened the undemocratic forces and damaged the prospect of achieving the goals of democratic institutions. Hence there is a need for active participation of the third sector in strengthening the civic virtues and democratic functioning. This calls for the internal democratization of these institutions and a dedicated work to increase the opportunities, change identities based on parochialism and to construct civil society as an arena of democratic contestation and negotiation of ideas and critical public conversations about goals and values of governance. This in turn is likely to make the state responsible and responsive to civic needs and, society at large, sensitive to the demands of human rights. This is a hope and possibility in India as much as in other countries.