

## 1. How do NGOs help in bringing about behavioural changes needed for policy implementation? Illustrate with the help of suitable examples.

### Introduction

Non-Governmental Organizations (NGOs) are part of the development processes of our country. NGOs provide an extra governmental network to connect with the people and is helpful in bringing behavioral change in people. As UNDP notes, NGOs have a significant role to play alongside governments to augment the resources, connect with the public and oversee meaningful policy implementation.

### Body

#### NGO bringing behavioral changes:

- Behavioral change among policy makers:
  - The glaring data released by some of the renowned NGOs nudge the government to take proactive steps in policy formulation and implementation. E.g. IPCC report and change in government behavior towards climate change.
  - Policy insights: and reorientation required is put-forth through credible data and reports which helps in changing strategies and structural changes. This in turn improves policy implementation. E.g. Pratham report on education leading to structural changes recommendations by committees like Kasturirangan.
- Bringing awareness about policies among the public: in many cases, public are unaware of the policies, schemes etc., and NGOs are instrumental in reaching out to public through street plays, reports etc., E.g. awareness of RTI is mainly spread by NGOs, awareness campaigns on Mudra Scheme, PM Fasal Bhima yojana etc.,
- Knowledge dissemination:
  - NGOs are close to the people and hence enjoy more credibility and hence help in conveying government message and shatter superstitions, disinformation. E.g. NGOs role in UP in eradicating the misconception on polio vaccine (seen as planned sterilization by government).
  - Also, NGOs are vital in dealing unconventional areas of policy interest like LGBTQ rights, mental health care, women menstruation etc., where proper awareness is important for policy implementation. E.g. Shraddha foundation in Maharashtra for mentally challenged, Saathi NGO for LGBTQ.
  - As most of the NGO members are from local community, they help address issues of language and cultural barriers and hence increase the target penetration. E.g. NGOs in Chattisgarh reaching out to tribal people and help availing government benefits to set up SHGs.

- Persuasion of public is done by various strategies including naming and shaming, building social capital etc., E.g. NGOs involved in 'Darwaza band Karo' campaign help in Swachh Bharat mission.
- Social Behaviour change:
  - NGOs like Lepira society (for leprosy patients), Snehalaya (for HIV infected) etc., are working in changing the behavior of public towards those patients and vulnerable section and help in mainstreaming them in the society. They are helping in implementing policies vis-a-vis leprosy, AIDS, TB etc.,
  - NGOs like Age India is bringing awareness about the elderly care and running campaigns on the responsibility of children to take care of parents. Further, by treating the poor for free, it has helped in changing behavior of family who doesn't see the elderly as a burden. This in turn is supporting government measure towards elderly.
  - NGOs tap in young generation students and youths and instill a serving mentality which in turn help in the long-term behavioral change. E.g. An NGOs working on the concept of 'Time Bank model' – youths taking care of elders in old age home and accumulating time which they would get in their old age by volunteers.
  - Bringing awareness among parents on subjects like girl education, women rights, children rights etc., E.g. Smile foundation working to uplift slum dwellers and children, Kailash Satyarthi's Bachpan Bachao andolan etc.,
- Several NGOs are dedicated to achieve sustainable goals and help governments by bringing behavioral change in resource use among consumers. E.g. Greenpeace, FORREST (in Maharashtra) etc., helping in environmental impact assessment. Prakruti NGO in Bangalore promoting electric vehicle, solar energy etc., help government policy on renewables.

## Conclusion

NGOs has boosted the government efforts and provide an additional policy network for better integration and internalization of policies. Thus, NGOs are vital in bringing behavioral change when the major issue in any government policy is 'not the policy formulation' but 'the policy implementation'

## 2. What are the controversies surrounding the activities and functioning of NGOs in India? Are the concerns genuine? Critically examine.

### Introduction

A non-governmental organization (NGO) is a non-profit, citizen-based group that functions independently of government. NGOs are organized on local, national and international levels to serve specific social or political purposes.

In India, NGOs can be registered under a plethora of Acts such as the Indian Societies Registration Act, 1860, Religious Endowments Act 1863, Indian Trusts Act, etc.

**Body****Controversies surrounding the activities and functioning of NGOs in India**

- Transparency in working – Many NGOs fail to file their income-expenditure statements. Many FCRA-registered NGOs have been warned by the government for not filing mandatory contribution reports.
- Allegations of corruption against NGOs – In 2009, 883 NGOs were blacklisted after being found to have indulged in misappropriation of funds.
- The external issue of funding – According to government data a total of 3,068 non-governmental organizations (NGOs) received foreign funding above Rs. 22,000 Cr in 2014-15. It is often said that foreign-funded NGOs tries to propagate the foreign propaganda to stall developmental projects. Example: Kudankulam Protest.
- Support from government – While there exists plethora of NGOs in India, only a handful of NGOs linked to politicians, bureaucrats or other high-profile individuals get hefty government funds.
- Tight regulation of NGOs by the government –
  - NGOs can receive foreign funds if they are registered with the Home Ministry under the Foreign Contribution (Regulation) Act (FCRA). Without this, no NGO can receive cash or anything of value higher than Rs 25,000.
  - In late 2018 government cancelled the licenses of nearly 20,000 NGOs receiving foreign funds under the FCRA.
  - Even NGOs such as the *Public Health Foundation of India*, which has expertise in public health policy, and *Navsarjan*, which works for the protection of Dalit rights, have had their licences to receive foreign funding cancelled.
  - According to a report on India's philanthropic landscape by the consultancy firm Bain & Company, there was around a 40% decline in foreign funding between 2015 and 2018.

**Are the concerns genuine?**

- As per CBI report fewer than 10 per cent of NGOs in 20 states have filed balance sheets with the authorities.
- An IB report in past has alleged that several foreign-funded NGOs were stalling India's economic growth by their obstructionist activism. The report accused Greenpeace of attempting to destabilize India's energy mix in collusion with a US-based anti-coal lobbying group.

Yet, in recent decades, many NGOs in India have assisted the state to serve its citizens by pushing for laws including those on the right to information, food security, and rural employment.

Issues such as the rising cases of violence against Dalits and land grabs by the state in India provide an opportunity for NGOs to ask uncomfortable questions of the government. This particularly so at a time when the rights of those who don't agree with the state need to be protected.

### **Conclusion**

Regulation of NGOs is very much required but it should be 'light' and consistent with the fundamental rights, so as to give effect to the objects for which voluntarism is being promoted. The new framework should enable a "national uniformity" of approach following the principle of "cooperative federalism".

### **3. Self-help groups (SHGs) are the panacea for rural self-reliance. Do you agree? Substantiate your views.**

#### **Introduction**

A self-help group (SHG) is a voluntary association of men or women in similar economic conditions. The members of the group make small savings until they have enough capital in the group to start their own lending process.

#### **Body**

##### **Self-help groups (SHGs) are the panacea for rural self-reliance**

- Credit availability – Bank credits are not easily accessible to individual poor, but by forming a SHG, there are make better prospects for bank credits. (Often without collateral). Under the SHG-Bank linkage programme, many SHGs have become institutions of micro-credit.
- Entrepreneurship – Opportunities for self-employment through setting of micro-enterprise.
- Skill development – Skill development program undertaken by SHGs improves employability of members involved.
- Rural poverty – SHGs have become a vehicle to lift people from below poverty line, generate awareness about welfare and developmental schemes of government, monitor its implementation etc. Positive correlation between SHGs and poverty can be inferred from the fact that southern states with high number of SHGs (71%) have average poverty rate at 9% as against nation's average of 21%.
- Improved living standards – As a result of increased jobs there is rise in income which enhances access to food, health services and overall rise in living standards.
- Women empowerment – By providing employment opportunities, financial and social security SHGs help improve the status of women and creating awareness regarding their rights and responsibilities, as pointed by the 2nd ARC report.
- Literacy rates – with more women participation and their enhanced status address issues such as nutrition poverty and low literacy rate.

- Social capital – The SHGs provide a forum in which people can meet on a regular basis and discuss various issues or concerns that the members face in their day-to-day life which acts as the basic source of social capital generation.

#### **Successful examples of self-help groups**

- Kudumbashree in Kerala has helped in providing skill training and poverty eradication of women.
- They act as pressure groups for policy framing as seen in legislation- making for prohibition in Bihar which was the result of pressure from several women SHGs in Bihar.
- Tamil Nadu used SHGs to inculcate sanitation habits among the community people under Swachh Bharat Abhiyan.
- SHGs like SEWA, Lizzat papad promotes entrepreneurial culture among women.
- Andhra Pradesh Government programme of poverty alleviation by successful integration of women by SHG formation.

#### **However, SHGs faces many challenges in India**

- Low average loan size by the lending institutions
- Lack of monitoring and training support by self-help group federations.
- Escalating non-performing assets of self-help group loans with banks.
- Several studies have also found issues related to governance, quality, transparency and irregularity in their functions.
- Low levels of literacy among members
- Many SHGs are disintegrating on account of coordination issues.
- Rural micro-enterprises run by SHG members suffer from critical bottlenecks, whether in raising funds for start-up, growth and working capital or accessing high-quality technical assistance.

#### **Conclusion**

SHGs have been instrumental in bringing about structural changes in the rural society and its economy. Given the multi-faceted role played by SHG in rural development, Government needs to further support SHG by handholding nascent SHGs and bringing them at par with the rest of the sections.

#### **4. Do you think compulsory corporate social responsibility affects genuine philanthropy and charity work? Comment.**

#### **Introduction**

The progress of a society depends on the businesses that thrive in its environment, similarly the success of a business depends on the stability of that society. In this regard, Corporate Social Responsibility(CSR) plays such a role in the society where according to World Business Council for Sustainable Development, 2001, CSR is “the

commitment of business to contribute to sustainable economic development, working with employees, their families, and the local communities.”

### Body

- The Companies Act, 2013 has introduced the idea of CSR to the forefront and through its disclose-or explain mandate, is promoting greater transparency and disclosure. The Act encourages companies to spend at least 2% of their average net profit in the previous three years on CSR activities.
- In the current scheme of things, business enterprises are no longer expected to play their traditional role of mere profit making enterprises. The ever-increasing role of civil society has started to put pressure on companies to act in an economically, socially and environmentally sustainable way.
- The emerging concept of Corporate Social Responsibility (CSR) goes beyond charity and requires the company to act beyond its legal obligations and to integrated social, environmental and ethical concerns into company's business process, which is also applicable to Indian companies who are part of a global boom.
- CSR in India has traditionally been seen as a philanthropic activity. And in keeping with the Indian tradition, it was an activity that was performed but not deliberated. Presently, the practice of CSR in India still remains within the philanthropic space, but has moved from institutional building (educational, research and cultural) to community development through various projects and also CSR is getting more strategic in nature (that is, getting linked with business) than philanthropic.
- Presently in India, there is a widespread feeling that the high GDP growth rate of the past few decades has remained confined to urban areas only and has not reached the rural India, particularly to the poor section of the society. Corporates have the know-how, strategic thinking, manpower, and financial strength to enable widespread social transformation. Operational partnerships between corporations, NGOs and the government will place India's economic growth and social development more inclusive.
- The government perspective on CSR has been that though India's business sector has generated wealth for shareholders for decades, the country continues to grapple with problems of poverty, unemployment, illiteracy and malnutrition. Corporate growth is sometimes seen as widening the gap between India and Bharat (rural India) through its income-skewing capability.
- At the same time, it should be known that Philanthropy is a private matter and must be encouraged but the government has no business intervening in such decisions. Though companies have a social responsibility, but it is not to engage in philanthropy. Rather, their fundamental social responsibility is to generate wealth for their shareholders in a law-abiding, ethical and sustainable way. When they do that, they generate surpluses for society, provide consumers with goods and services that they need, create employment, purpose and dignity among workers, and strengthen the nation.

- Even the most fiscally responsible governments cannot cover all the gaps, which is where philanthropy comes in. But it is up to the individual to decide whether, how much and who to give to. The government can encourage this—through tax deductions, public acclamation and moral suasion—but has no business intervening in those decisions. In other words, shareholders and employees, as individuals, should be giving money to causes that they like.
- The only good reason to encourage CSR is to allocate funds into activities that a government of a low-income democracy cannot. Poverty is not merely about lack of income, it is also about a lack of dignity. We will remain poor if incomes improve, but dignities do not. That is where individual philanthropy and CSR can be useful — they can support causes that democratic politics won't allow the government to.
- In independent philanthropy, a donor is free to decide – to whom, where and how he/she will give. While in true philanthropy there is no expectation of a quid pro quo, companies are motivated to be socially responsible mainly because of the possibility it offers of promoting their brand, and by the benefit it offers for better labour relations and a good corporate image.
- Corporate executives are often unable to decide on the best social use of CSR funds because they are not equipped to do so. Nor should one expect them to, for their job is to run companies and create wealth. However, it must be admitted that in the short run, the outreach of CSR is likely to be far broader than much individual philanthropy.
- To illustrate good practice, the case studies of corporate-NGO partnerships that have achieved scale in both coverage and impact, namely, the Akshara Foundation supported by the Omidyar Foundation, the Akshaya Patra Foundation and Infosys, the Public Health Foundation and multiple donors.

### Conclusion

While philanthropy as a concept is essentially that of voluntary giving arising out of concern for one's fellow beings rather than any benefit – even intangible – that can be derived from it, mandated CSR is really an attempt by the government to involve business in the nation's sustainable development goals and to supplement government efforts in this regard.

**5. Critically evaluate the existing legal jurisprudence related to rehabilitation of development affected population. What role do NGOs play in this area? Discuss.**

### Introduction

Displacement of people in India, is largely triggered by factors such as, development projects, political conflict, setting up Protected Area Networks and Conservation areas and natural disasters, amongst others. The International Displacement Monitoring Centre in 2007 reveal that about 50 million people in India had been displaced due to development projects in over 50 years.

### Body

India, after Independence in 1947, geared towards the path to development, leading to construction of large multipurpose river valley projects, thermal power, mining, transport linkages etc. According to the Working Group on Human Rights in India and the UN Report, India has the highest number of people displaced due to development projects in the world, largely the traditional forest dwellers and the Scheduled Tribes. The report of the Lok Sabha Secretariat of 2013 show a figure of 60 million from the period 1947-2000, the worst sufferers being again the Adivasis or the Scheduled Tribes of the country.

#### **Legal jurisprudence related to rehabilitation of development affected population**

- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in section 4 (5) states that save as otherwise provided, no member of a forest dwelling Scheduled Tribes or Other Traditional Forest Dweller shall be evicted or removed from the Forest Land under his occupation till the recognition and verification procedure is complete.
- Government has enacted the RFCTLARR Act, 2013. The purpose of the said Act is to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition with the least disturbance to the owners of the land and the other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired.
- Under Section 48 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013 in short), a National Level Monitoring Committee for Rehabilitation and Resettlement has been constituted in the DoLR vide DoLR's Order No. 26011/04/2007-LRD dated 2nd March, 2015 for the purpose of reviewing and monitoring the implementation of rehabilitation and resettlement schemes and plans related to land acquisition under the RFCTLARR, 2013 and National Rehabilitation and Resettlement Policy, 2007.
- By way of safeguards against displacement special provisions have been made for Scheduled Castes and Scheduled Tribes under Sections 41 and 42 of the RFCTLARR Act, 2013 which protect their interests. The RFCTLARR Act, 2013 also lays down procedure and manner of rehabilitation and resettlement.
- The First Schedule of the RFCTLARR Act provide for compensation for land owners. The Second Schedule provide for element of rehabilitation and resettlement for all the affected families (both land owners and the families whose livelihood is primarily dependent on land acquired) in addition to those provided in the first Schedule. Similarly, the Third Schedule provide for infrastructural amenities for a reasonably habitable and planned settlement in the resettlement area.
- The Panchayats (Extension to Scheduled Areas) Act, 1996, also provides that the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas or development



projects and before resettling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State Level.

- Constitutional provisions under Schedule – V also provide for safeguards against displacement of tribal population because of land acquisitions etc. The Governor of the State which has scheduled Areas is empowered to prohibit or restrict transfer of land from tribals and regulate the allotment of land to members of the Scheduled Tribes in such cases.
- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement act- the Act grants compensation for the owners of the acquired land shall be four times the market value in case of rural areas and twice in case of urban areas. The LARR Act 2013 requires that the consent of 80% of land owners is obtained for private projects and that the consent of 70% of land owners be obtained for PPP projects. The 2014 Ordinance creates five special categories of land use which are exempted from the above requirement: (i) defence, (ii) rural infrastructure, (iii) affordable housing, (iv) industrial corridors, and (v) infrastructure projects including Public Private Partnership (PPP) projects where the central government owns the land.
- National Policy on Rehabilitation and Resettlement 2007 The policy aims at striking a balance between the need for land for developmental activities and, at the same time, protecting the interests of the land owners, tenants, the landless, the agricultural and non-agricultural labourers, artisans, and others whose livelihood depends on the land involved.

### Role of NGOs

Civil society is made up of a rich array of groups, including professional associations, religious institutions, non-governmental organizations, trade unions, academic centers, women's groups and other organizations with varying degrees of capacity, expertise, and commitment. Civil society plays different roles in different contexts and cultures. Success of NGOs could be seen in their achievement in influencing government to bring out various development-oriented policies and laws. Few of such laws and policies include: Right to Information, Integrated child development scheme(ICDS), Integrated child protection scheme(ICPS), MNREGA, Juvenile justice, Nirmal gram initiative, Rastriya swathya bhima yogna(RSBY), Various policies on women development, forest and environment development, anti-trafficking, people with disability etc.

Voluntary Organisations can offer:

- committed expertise
- an understanding of the local opportunities and constraints
- capacity to conduct a meaningful dialogue with communities, particularly those that are disadvantaged.

- The NGOs focus on the search for alternatives to development thinking and practice
- It creates an atmosphere of participatory research, community capacity building and creation of demonstrable models
- Catalyze Rural Population
- Build Models and Experiment
- Supplement Government Efforts
- Organizing Rural Poor
- Provide Training
- Disseminate Information
- Mobilize of Resources
- Ensure People's Participation

### **Conclusion**

Needless to say that majority of population of India is still deprived of basic fruits of development, but rather than adopting the approach which is more inclusive and look for solutions within the constitution, India is faced by disturbances in many parts of the country. This not only hampers the development projects but also shrink the space for people's participation to achieve their goals through peaceful means.

