

**1. What are the controversies surrounding the activities and functioning of NGOs in India? Are the concerns genuine? Critically examine.****Approach**

Introduce with a general definition of the NGOs and then contextualise to the demand of the question. In next part write what are the concerns with their functioning and address the part on genuineness. In conclusion take a positive stand on role of NGOs and suggest way forward.

**Introduction**

NGOs are voluntary organisations, that work toward a social cause and social justice. They have assumed a significant space in civil society. NGOs with the support given by the government has been accelerating its development activities by taking up specific issues like poverty alleviation, casteism and discrimination, women rights, child labour, etc. Recently there have been allegations against various NGOs by the government that they are harming the development of India.

**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.
- Lack of Credibility: During the last few years, numerous organisations have mushroomed which claim to work for the cause of helping the poor.
- Non-accountable, non-transparent undemocratic functioning: CBI records filed in the Supreme Court show that only 10% of the total registered NGOs under the Societies Registration Act file annual financial statements.
- Money Laundering: Corrupt or unscrupulous NGOs that receive foreign funds may serve as conduits for money laundering.
- Accreditation remains a big challenge as it is very difficult to distinguish whether an organization wants to work for the cause or has been set up only for the purpose of receiving government grants.
- Over dependence on funds from the government dilutes the willingness of NGOs to speak out against the government.

- NGOs are often seen as encroaching on centuries-old tradition and culture of the people, and lead to mass protest at times. Ban of Jallikattu, after the PIL by PETA is one such example
- Under the garb of being an NGO, these NGOs often mint money from donors and are also involved in money laundering activities.
- There is nearly one NGO for every 400 people in India. However, not every NGO out there is engaged in serious social welfare work. Many are fraudulent and many are there without much serious intent.

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 destabilise 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.
- Further recently government with various rules and amendments in FCRA act have made funding to NGOs very hard to come through. This raises the suspicion on the motive of government itself, as the new rules are rather looking to strangle the NGO sector.

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**

NGOs, Pressure groups and CSOs form the backbone of democracy. Democracy does not just revolve around elections but how rights of the citizens are protected and are allowed to hold power holders accountable. A democratic state needs a democratic civil society and a democratic civil society also needs a democratic state. In this view the role of NGOs in India have been critical for development and especially to the most vulnerable where government reach is less. Therefore the State needs to weed out the NGOs which harm development and encourage the good ones rather than a witch hunt against all.

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

**Approach**

Define what is displacement with help of examples for introduction. In next part mention various provisions on rehabilitation in India. In next part write what role the NGOs can play. In conclusion take a critical view and contextualise role of NGOs.

**Introduction**

Developmental projects like construction of roads, dams, canals and flyovers displace people from their home. The 25 million persons displaced on account of development projects, less than 50 per cent have been rehabilitated. The rest have been 'pauperised' by the development process, and 40 per cent of all such persons are tribals. Speaking of the profound implications of displacement due to the present-day development process, the Supreme Court in its majority judgment in the Narmada case (Narmada Bachao Andolan v Union of India; October 18, 2000) said, "Displacement of these persons would disconnect them from their past, culture, customs and traditions."

**Body**

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

- The NGOs posses expertise in various fields of rehabilitation due to their constant work in the field and also direct connect with the community at the ground. Further their role fluctuates from helping government to achieve its purpose to opposing the unjust laws and policies.
- The Narmada Bachao andolan voiced its concern in initial years when the project was still at implementation stage thus it was at forefront to support

the community being displaced but as the project got approved and completed it has changed its role to advocacy for proper rehabilitation under the new laws and is helping people get their benefits.

- The NGOs can also help the tribals understand the need for rehabilitation many times as the government is seen with negative perspective especially in Maoist affected belts.
- NGOs can built infrastructure needed for new settlements and also in selection of sites. Also the initial livelihood concerns can be taken care with help of NGOs.
- NGOs can educate the displaced population about their legal and constitutional rights and fight for them if they are being wronged.
- Further the NGOs can help to innovate and try to bring an alternative to present rehabilitation measures which can be later debated and made into law.

### **Conclusion**

Land acquisition is an important part of a developing nation where the land is utilised to further the development of the nation. But this should not become a cause for the discontent in a large population. Further the development of many should not be at the cost of few who are already vulnerable. Therefore there is a need to strictly follow the goals of rehabilitation and resettlement stated in the new land acquisition act. The corruption and middle man collusion seen in the Sardarsarovar dam should be case in point for state to design better mechanisms for a transparent and accountable resettlement.

### **3. What are your views on the increasing demand for a comprehensive caste census in India? Substantiate your views.**

#### **Approach**

Introduce with why there has been a debate on caste census in recent times with census 2021 being mentioned. Then write the positive and negative side of the caste census. In conclusion take an individual stand in which you believe with substantiation provided with reasoning.

#### **Introduction**

With the 2021 Census coming up, several political parties have demanded a nationwide caste census. Every Census in independent India from 1951 to 2011 has published data on Scheduled Castes and Scheduled Tribes, but not on other castes. Before that, every Census until 1931 had data on caste. However, in 1941, caste-based data was collected but not published. In the absence of such a census, there is no proper estimate for the population of OBCs, various groups within the OBCs, and others. Therefore many political parties, pressure groups and citizens are voicing for a caste based census for better clarity on the different castes and their status.

#### **Body**

Arguments for caste census

- A caste census is not merely geared to the reservation issue. It is needed for the better policy formulation and also the reservations policy can be streamlined to target the groups which are actually socially and economically backward.
- Enumerating the marginalised: A caste census would actually bring to the particular the number of people who are at the margins, or who are deprived, or the kind of occupations they pursue, or the kind of hold that institutions like caste have on them.
- Data for Policymaking: This information is absolutely necessary for any democratic policymaking. Further in the age of digitisation this data can be used for tailoring different affirmative actions in specific categories.
- Judicial backing: The courts in India have often emphatically said that it is important to have adequate data with regard to the reservation. It will help in the subcategorisation which is also being taken by the central government.
- Caste offers privilege: Caste is not only a source of disadvantage; it is also a very important source of privilege and advantage in our society. Therefore this needs to be enumerated to see the skewed resource allocation in PHDs, higher posts of government and also in private sector.
- Caste doesn't marginalize: We need to do away with the idea of caste being applicable to only disadvantaged people, poor people, people who are somehow lacking.

- Rids away caste rigidities: Counting of caste doesn't necessarily perpetuate caste or the caste system. Myths of caste elitisms can be debunked through a caste census.

#### Arguments against caste census

- 50% breach: It is argued that a Socio-Economic Caste Census is the only way to make a case to breach the 50% cap on reservation and rationalise the reservation matrix in the country. Therefore those who oppose say that this will lead to further demand to increase reservations which can be counter productive to the general population.
- Inefficacy of reservations
  - Fractional benefits: The way reservation is practiced has invariably led to elites among castes and communities.
  - Domination: These elites within the castes have tended to exercise their dominance over their very communities and not let them exercise the kind of freedoms, or search for equality, which any democratic polity deserves.
  - Welfare isn't reservation: The state has helped privileged communities far more, even though this help has not taken the explicit form of programs like reservation.
- Rising assertiveness: More the State ignores out caste, the more is the tendency to preserve caste, protect it. This has been observed in many states. The recent demands by the Bihar Chief minister and other states seems to bring caste back into the political debates in each matter.
- Chaos: Data gathering itself is a big problem because it can become very, very invasive. But we need to actually balance it with enabling people and asserting citizen equality.
- Social friction: Caste identification can lead to friction amongst various classes. There have already been many caste uprising in the past. This enumeration will specifically again lead to caste mentality into the mainstream which goes against the ethos of Indian constitution
- Rigidity: Caste census in past have made caste more rigid and more entrenched rather than the fluid characteristics which it had before the census operations were carried out. This has harmed the social mobility in the traditional system and stopped the integration process going on for centuries.
- Vote bank politics: Vested interests of particular state governments in hunt for vote banks are also visible these days.

#### **Conclusion**

The present clamour for caste census is mainly an outcome of lack of development and opportunities to all the sections of society. The rising poverty, gap between rural population and urban population, poor and rich which have been highlighted by Oxfam report points to these underlying issues. Eradicating caste was one of the goals of Indian freedom struggle and spearheaded by many social reformers. After 75 years

of independence if our debates on development are still linked to caste then it points towards failures of the reservations policy as well as state actions in development. The way forward from here should be rapid economic development with inclusive growth so that the debate of caste census doesn't get polarised in future. Caste should not be the only destiny of modern India.

