Introduction

Ideas of Civil society: The Problematique

This study is about the idea of civil society – more particularly its manifestations when it originated in the European context, and reception and rearticulating of the same in the context of India. In this attempt, it aims to present main thrust and contours of civil society theory in detail through its various protagonists. While doing so, its main effort is to bring in an analytical critique of it, and to provide a substantial argument for the Indian case through its alternative to western models of civil society. And, it is also to contextualise civil society concept and its practice in the Indian context.

The present chapter enunciates the context of idea of civil society in the first section. Second section provides an account of various philosophical trends available to understand the civil society. Later section, with its various sub-sections examines reception of the same and its contents covering broad commonalities from the various authors. In the fourth section, it proposes a problematic of civil society in the context of India.

Contextualising the Idea of Civil Society

Civil society as a practice has become immensely popular in the decades of 1980's and 1990's with the swelling of popular mobilisations all over the world. Then, it has drawn attention of scholars and activists in its various dimensions in different parts of the world. In the west, there has been well laid out traditions of ideas around it. There has emerged a space of public action even in the non-west. However, the description and theorising of this public space met with serious hurdles. This further led to the ensemble of complications as western kind stood in opposition to the emerging forms of public life in India and other colonies. In this context, it is imperative to examine the nature of relationship between normative forms of western civil society and institutions of colonialism. It suggests that western forms of civil society, at this juncture, were used to justify institution of colonialism all over the world. In this context, it becomes extremely important to examine viability of western forms of civil society and see the possibility for alternatives.

Theoretical Sources of Idea of Civil Society

In theory itself, the concept of civil society owes to variety of sources. Following Charles Taylor,[1] the idea of civil society draws its resources from two distinctive theoretical traditions. (a) Locke (b) Montesquieu, Hegel and Tocqueville.

Though the concept of civil society draws its theoretical resources from variety of philosophical traditions, the central features of it can be mentioned as follows,

(a) State and civil society constitute two distinctive spheres. They presuppose each other. Existence of one is necessary for the existence of the other though all existing states do not have functioning civil societies.

(b) State has a task of maintaining minimal conditions of civilized existence by guaranteeing rule of law without which civil society cannot operate.

(c) The sphere of civil society lies outside the state. It consists of variety of voluntary associations whose membership is open to all.

(d) Civil society is a public domain which can restructure itself and affect state policy. But, it is not a domain where actual decisions are made.

(e) In a minimal sense, the ideal of civil society goes along with other concomitant ideals like individual autonomy, political liberty and liberal democracy.

These features are constitutive of the normative version of civil society in the west. However, the version of civil society that follows from this normative vision is different from actually existing civil society. Thus, it remains a political project to be actualised. It has been realised to different degrees in different parts of the world. Whether similar vision can be realised in Indian context is a pertinent question.

Plainly, many features of civil society mentioned in its above sense do not exist in India. Its applicability to Indian context with an ethico-political underpinning is also a debatable issue. Attempts to do so may fail, because Indian experience with civil

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[1]Taylor Charles, "Invoking Civil Society" in *Philosophical Arguments*, Cambridge, Cambridge University press, 2005, pp.204-224.

society is different; it emerged under the conditions of colonialism i.e. under British colonial state, laws and economy. Infusion of the libertarian view of human nature, society and polity into it is also conceivable with reference to this colonizing force. But the way self, other and society are conceived and imagined in India is different. It will be helpful to look at how society has been conceptualised in India. A close relationship between libertarian philosophy and civil society in its western sense can be gleaned from it. Hypothetically speaking a decolonized version of liberalism can yield a different conception of civil society in Indian context.

Reception of Ideas of Civil Society in India

One mode of articulating society comes to surface in writings that treat India as civilizational unity. Kothari argues that the essential identity of India is cultural and not political or economic. It is one civilization that has withstood vicissitudes endured largely because of its basic identity being cultural.[2] An absolutely traditionalist approach, however, cannot go along with the concept of civil society in conjunction with the decolonized liberalist philosophy as proposed by Bhikhu Parekh.[3] The cleavage between traditionalism and modernism introduces some further possibilities in the trajectory of imagining civil society in Indian context.

Shivakumar brings out three important implications of *Dharma* as a central norm in the ideological universe of pre-modern India. (1) Moral obligations and entitlements associated with *Dharma* constituted a powerful basis for redistribution of wealth. (2) In the process the moral universe constituted a strong basis for cohesiveness and solidarity of social groups. (3) The compulsive force of the Dharma acted as a strong counter to concentration of wealth and power.[4] Above arguments club the state, modernity and capitalism under one package, and argue that the entire modern developments that were central to western modernities and its civil society

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[2] Kothari, Rajni, "Cultural Context of Communalism in India", *Economic and Political Weekly*, 24(2), 1989.

[3] Parekh, Bhikhu, "Decolonizing Liberalism" in Alexander Shtuomes (ed), *The end of isms*, Oxford, Blackwell Publishers, Oxford, 1994, p.86
[4] Shivakumar, S.S and C. Shivakumar, "The Meaning of Social Order in the Tamil Country," in Robb, Peter (ed), *Meanings of Agriculture: Essays in South Asian History and Economics*, Oxford University Press, Delhi, 1996.

theories homogenise cultures across the geographical scales and atomise individuals. The modernising tendency is repressive rather than being transformative. Available critic of western modernity that push forward Indian viewpoint, however, has been limited to critic of western variant from a highly modernist angle. Again the scholarship presumes tradition as one of essentially hierarchical and it denies even formal equality. The so called civilizational unity of India was erected on discrimination and inequality between and within social groups.[5] Cultural critics' portrayal of traditions is essentialist while the other version is highly insensitive to cultural meanings. This tension between traditionalism and modernism in the context of explicating the concept of civil society can be looked upon for a further possibility that may emerge from the prevailing democratic format of India.

Partha Chatterjee[6] provides a conceptual pull to make sense of civil society in Indian context. He offers two different parameters i.e., civil society and political society to think about civil society and democracy in India. Chatterjee understands civil society in its classical sense, as the bourgeois society as the sphere of modern contractual relations, of entry and exit, of rights, sovereignty and citizenship. However, this domain is very limited in India created by nationalist elite during freedom movement. It constitutes the high ground of modernity. In contrast to this, political society covers a section of the population to which the State is expected to bring welfare through its policies. The inhabitants of this site are not right bearing citizens, but recipients of state policy. They negotiate with the state through various mobilisational avenues available in democracy. They do not speak the language of rights. They articulate through non modern modes like kinship, community etc. Even during nationalist period, a pedagogical relationship existed between civil society comprising nationalist elites and political society. Consequent upon this, civil society got immobilised within itself, while political society continued as the main site of democracy.

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[5]Pandey Vikas N, State and Civil society: Reframing the Question in Indian Context in Jaya Ram, N, *Civil society: issues and Perspectives*, New Delhi, Sage Publication, 2005, pp.90-109

[6]Chatterjee, Partha,*Nationalist thought and the colonial world: A Derivative discourse*, London, Zed Books, 1986, *The Nation and Its Fragments: Colonial and Post-Colonial Histories*, Princeton: Princeton University Press, 1993. *The Politics of the Governed : Reflections on Popular Politics in Most of the World*, Permanent Black, New Delhi, 2004, *Lineages of Political Society, Studies in Postcolonial Democracy*. New Delhi, Permanent Black, 2011.

Idea of political society helps us to capture non modern experiences and languages, which do not fall under the scope of modern nationalist civil society. The actors/inhabitants of this site avail resources of tradition to mobilise themselves and remain relevant under the conditions of democracy. It covers non modern experiences, conceptions and languages used in Indian context.

However, Dipankar Gupta[7] points out that these cultural critics, including Chatterjee, project traditional solidarities and primordial ties turning a blind eye to their many repressive attitudes. Gupta adds that how the role of state can be ignored in countries like India where poverty and backwardness exists in such mammoth proportions.

Bhargava[8] argues against Chatterjee's distinction by taking a position that, one should not see civil society as the only domain of legal rights and political society as necessarily outside the boundaries of law or without rights. It may be a true description of Indian situation, but not an appropriate one to draw such normative conclusions. First, theory should have meaningful distance from activist perspective. Secondly, he argues that, it is a mistake to think rights as falling within a purview of civil society and political society as entirely outside the discourse and practice of rights. He opines that rights discourse can be meaningfully applied for both civil society in proximal terms with rights discourse not only in its legal perspective but also with Human Rights discourse in general.

The above arguments can be catalogued as follows,

(1) Thinking deeply through cultural critics provides different ways in which self, other and society is conceived and imagined in India.

(2) Cultural critics portrayed tradition in an essentialist manner which cannot account for process of change and the dynamic way tradition is interpreted and translated.

(3) Civil society- political society distinction espoused by Chatterjee is relevant and illuminating in Indian context. Civil society refers to a modern realm conducted on

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[7] Gupta, Dipankar, "Civil Society in the Indian Context", *Contemporary Sociology*, Vol. 26, No.3, 1997, pp.305-7

[8] Bhargava Rajeev, "Introduction" in Bhargava Rajeev &Reifeld Helmut *Civil Society, Public sphere and citizenship: Dialogues and perceptions*, New Delhi, Sage publications, 2005 pp 13-55.

the basis of principles of individual rationality, liberty and rights. Political society refers to a non-modern realm which functions through mobilising traditional resources.

(4) Idea of political society provides a way out of tradition-modernity dichotomy by locating tradition within modern and distinguishing this from high ground of modernity represented by civil society.

(5) Concept of political society does not provide enough analytical space for the role of state and rule of law.

Further Moorings from the Literature

Chatterjee[9] travels a different route to avoid pitfalls in conceiving tradition and modernity dichotomously. He tries to locate tradition squarely within the modern by an innovative conceptual distinction in Indian context, between civil society and political society. He treats civil society as bourgeois society characterised by modern contractual relations of entry and exit, rights, sovereignty and citizenship and this domain is very limited in India. For him political society is the principal site of democracy as an aspect of entry of masses into politics or the form of mobilisation by which political society tries to channelize and order popular demands on the development state. The logic of this sphere is such that it does not obey the rules of civil society, governed as it is still by the imaginative power of traditional structure of community, even though it is wedded to the modern emancipatory rhetoric of autonomy and equal rights. To that extent it pitted against the search for modernity. Political society roughly corresponds to the discourse of policy and the domain of civil society is governed by the discourse of rights.

Still others argue that, it is wrong on the part of cultural critics, including Chatterjee, to conceive the state as merely a repressive force and completely being blind to its role in ensuring freedom, democracy and rule of law. Political society and civil society should not be understood as two distinct domains when it comes to

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[9] Chatterje Partha As cited above

claiming rights. Normatively speaking, rights should be available to all, though the natures of right claims differ. At the same time, the role of cultural specificity is not discounted. A key problem of the study centres on how to theoretically conceive autonomy of cultures. K. C Bhattacharya[10] provides an illuminating option. He makes distinction between cultural subjection, isolation and autonomy *Swaraj in Ideas*. *Swaraj* means self rule where negotiation with other cultures take place with humanity and patience which needs to be distinguished from meaningless brushing aside of age long customs and institutions.

The objective of the present work would be to develop a culturally informed conception of civil society rooted in tradition and simultaneously account for the role of re-imagined state in its institutional aspects and other modern ideal of democracy in consonance with it. Approaching it by conceptual recuperation of tradition may lead to essentialising tradition and miss the dynamism of cultural processes. But the dynamism includes emancipation as well. The thematic of the civil society discourse from the stand point of the West undergoes a serious alteration from this point of view and it gathers a problematic dimension. This thematic-problematic tension can be contributive towards formation of a viable philosophy of civil society in the Indian context today.

In pursuit of this basic objective, the attempt has been made to study the idea of India as a civilizational unity, whose centre is cultural but not political. It has been realised that it must be viewed in its dynamics. Hence, the role of nationalism in sustaining or destroying community life of tradition, and its implications to thinking about civil society assumes importance

Dynamics internal to nationalism enables or constrains the growth of civil societies. Normative ideas of critic of nationalism are available in the writings of leaders of anti-colonial nationalist movement in India. Here, emergence of cultural and social spaces of nationalism and of civil society is inter-woven. Thus, the possible connections between the two ideas need to be explored for specific contours of public life in India.

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[10] Bhattacharya, K.C, "Swaraj in Ideas,"*Visvabharati Quarterly*, 20, 103-114, 1954

The precondition for the existence of civil society is solidarity, trust, and reciprocity. Trust and reciprocity is imagined to exist among people belonging to the same culture. But, all societies are culturally diverse. Creation of trust among diverse communities is a difficult problem. Traditional societies had developed arrangements to live with diverse communities without radically threatening the identity of others. Modern nation and state frame competition among communities for resources, economic, social, and political; which may lead to breakdown of traditional harmony and emergence of virulent forms of conflict.

Thus, investigation into the idea of community is likely to involve culturally informed conceptions of self, other, state and freedom and unveil the contours of public culture in India. The proposed study try an attempt to delve into the problem in terms of a complementarity between the traditional perspective and the emancipatory one, the deepening of traditional insights into the philosophy of life and world-view and the universal human aspirations and critiquing ability of humans in general.

Problematique of Civil Society in Indian Context

Before posing the problem, it is useful to bring in the two sharply contrasting perspectives on civil society from within India. Before putting the debate[11] in place, it is important to note certain useful concepts in line, such as, State, democracy and citizenship. These three concepts were deployed with different weight in each of the conceptualizations in the debates. Civil society is conceived in a particular way depending on how these concepts are viewed and interconnected. State is viewed as organized coercion or as a guarantee of rule of law; democracy is conceived as participation and moral equality of all individuals. Citizenship ensures rights to the members of political community; it depends on the connection that one establishes between them, the specific idea of civil society.

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[11] Kothari, R. *State against Democracy*, Delhi, Ajanta Publications. 1990. Mahajan, Gurpreet, "Civil Society and its Avatars : What happened to Freedom and Democracy,"*Economic and Political Weekly*, May 15, 1999, 4, & "Civil Society, State and Democracy,"*Economic and Political Weekly* Dec 4, 1999. Beteille, Andre, "Citizenship, State and Civil Society,"*Economic and Political Weekly,* September 4, 1999.

Kothari has not used the term civil society with theoretical nuance that informs contemporary discussions. One needs to exhume from the literature to formulate an idea of civil society. He thought that it has not been explicitly stated. Non-party formations or gross-root initiatives are the two terms used synonymously. Non-party formations, for him, include "associations, organizations and networks of social life *unaffected* by homogenizing, technocratic managerial state offers scope for participation on *their own terms* which is crux of civil society" (emphasis is mine).[12]

Being unaffected by state that is 'homogenizing, technocratic and managerial'[13] in nature is one of the key ideas in his project. He articulates it in all pervasive sense of crisis that emanates from failure of such a state. Initially, he calls it crisis of institutions. Later on, in the progression of the argument, he terms it multi-dimensional crisis affecting all aspects of social life. It is crisis of state and its institutions, political parties, state sponsored NGO's or voluntary associations. The crisis, he describes as crisis of communication, and the argument follows as follows, the aspirations of the masses could not be articulated and made part of mainstream political system. They were not part of political system from within their life-world contexts. They were reconstituted as objects of technocratic managerial control. It did happen so because of particular logic that determined the course of political modernity in India. Political modernity involves setting up modern state and its institutions like bureaucracy and parliamentary democracy, quickening pace of development through science and technology, building scientific and managerial culture necessary for sustaining centralized process of development. Political modernity failed in realizing itself as institutional matrix could not channelize organic expression of aspirations of the masses. Masses were excluded from modernity because it was not dialogical but monological. Modern institutions have a tendency towards centralization of power, homogenization of culture and bureaucratization of development. The goals of the development are not decided through a participatory process by the community: national and local. The goals are decided by experts on the basis of 'rational' calculation of costs and benefits. The participatory processes are abandoned in favour of power of technical experts to decide upon goals and means to pursue. Thus political modernity failed due to the failure of communicative capacities

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[12] Kothari, Rajni, *State Against Democracy:In search of Humane Governance*, Delhi, Ajanta Publications, 1988, P-202
[13]*Ibid*

of institutions of political modernity to facilitate organic expression of aspiration of the masses. Due to the failure of modernist state institutions, democracy has become a formal framework without substantive normative content. Thus, Kothari viewed non-party formations as having capacity to articulate varied needs and aspirations of masses without disentangling them from their life contexts.

These three expressions inform his thought well "unaffected by process of modern state", "organic expression" and "participation on their own terms". It implies that state processes disentangle masses from their life-world situations. It objectifies them to make them the objects of developmental process and participation of people on their own terms implies people rooted in their life-world contexts. Expressions of their true / undistorted aspirations are made possible not by political parties aiming to capture power, but by non-party formation primarily not intended to gain power. They articulate issues left out by mainstream politics arising out of life-contexts of masses. These concrete issues would transform the nature of political system itself.

There is one crucial distinction regarding who are the participants in the processes spearheaded by non-party formations. That is between those people who are constitutively part of modern regime of power, associated with state, and other modern processes, and those who are not yet part of it. Non-party formations articulate aspirations of such masses. Kothari says, they develop new language of politics. And he elucidates the contents of it as follows,

"As regards new expression of politics there is, first, a new form of voluntarism that is not non-political, but is political in a different way than are parties, aiming its ends different from mere seizure of state power, in the process, redefining not just the meanings of politics, but also concepts like revolution and transformation. And there is, second, a new genre of movements that, while having an economic content, are in practice multi-dimensional and cover a large-terrain, the environmental movement, the civil-liberties movement, the women's movement, movements for regional self-determination and autonomy, the peasants' movements and the still feeble and small, but slowly gaining movements for peace, low military budgets and anti-hegemonical stand vis-à-vis India's neighbours."[14]

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[14]*Ibid*

Thus Non Party Formations (NPF's) does not come under the rubric of left-right politics, either programmatically or organizationally. They represent a different agenda, and different content of politics. It redefines the whole meaning of politics and also ideas of revolution and transformation. They do not pursue class-based politics and vanguard leadership of the party to lead masses to capture state power. NPF's takes up issues of loss of livelihoods, displacement, discrimination at local level etc. They do not believe in constant violent opposition, but through a process of conscientization of the supporters as well as officials. They emphasize on participation and critical of the ideas of the leader and the led. NPFs cover aspirations of wider set of movements. Kothari visualizes a global coalition of such NPFs which would emerge in as new kind of politics.

Kothari talk about popular participation not in the sense of participation in mainstream politics or its institutions, but participation at local levels like participation of people in panchayats, NGOs and other bodies in which they can manage their affairs by themselves. It is a kind of direct participation. Direct participation of people at local level is different from participation in institutions of national scale. Participation in larger institutions, limits the quality of participation. It is participation of limited type where one participates as a voter, worker, professional etc. It is a consequence of emergence of modern type of roles. Vast numbers of people remain outside the sphere of modern economy, polity and culture. These people participate at local levels thereby leading to transformation at local levels, which would, in course of time change political structure at large. The civil society includes "a network of voluntary self governing institutions in all walks of life"[15] apart from social movements. These institutions provide the "grassroots model of mass politics…. In which people are more important than the state."[16]

There is one common characteristic to all these organizations and institutions, i.e., they are not part of the state, government, and modern political parties and even not part of NGO's sponsored by agencies like world-bank. They provide an alternative to these state-centric institutions sponsoring false consensus. They open up new areas outside these institutions.

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[15]*Ibid*
[16] Kothari, Rajni, *Transformation and Survival : In Search of Humane World Order*, Delhi Ajanta, 1988

Mahajan[17]criticises Kothari's version of civil society armed with developments in liberal theory. Kothari essentially bases his ideas on failure of the state in having a communicative relationship with the people, instead, it resorted to coercive approach. Mahajan comes from the side of the state. She argues that it is the duty of the state to develop a certain concomitant culture in civil society. And notes that,

"The state enunciates laws that objectively embody conditions necessary for enhancing equal citizenship. Civil society operates in accordance with the established system of laws and rights, so that individuals can pursue the particular ends while simultaneously respecting claims of equal citizenship. As such, in a democracy, the state and civil society act together in tandems with each other to promote citizenship rights and conditions of subjective freedoms."[18]

She articulates synchronization between state and civil society. For her the State cannot sit pretty well on an uncivil culture in civil society. Both are locked with each other. State ought to create conditions necessary for realization of equal citizenship rights through law. Here, Mahajan brings in Hegelian insight of state as constitute of civil society in the process of development of ethical realm.

Mahajan criticizes Kothari's idea of civil society as consisting of associations, organizations and local networks. This includes variety of associations. This conception does not take into account the nature of associations or groups. These groups are not based on moral equality of individuals and freedom of choice for entry and exit into such associations. These are groups based as hierarchy and exclusion.[19]

She further argues that the nature of communities in India and the west are different. In India, communities are still bound by ascriptive loyalties. In the west, communities have been transformed into the civic communities and as a consequence, they are supposed to conform to the norms of democratic equality of constitutional state.[20]

Thirdly, in a democracy, participation of citizens is always good. Kothari talks about participation of people in decision making processes at various levels. Mahajan

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[17]Mahajan, Gurpreet, "Civil Society and its Avatars: What happened to freedom and democracy,"*Economic and Political Weekly*, May, 15, 1999.
[18]Mahajan, *Economic and Political Weekly*, 1999, Dec, P, 3471
[19]Mahajan, *Economic and Political Weekly*, May 15, 1999, P, 1194
[20]*Ibid*

contends that participations as most of time boils down to majority rule. Majority rule does not always ensure guarantee of rights in a society, where community membership permanently shapes choice, there is a strong need to "delink distribution of political privileges from social ascriptive identities."[21] To secure this, civil society must rest upon recognition of rights of citizens. She claims that Kothari is not explicitly against ensuring rights of individuals. However, as mentioned earlier, there is difference in nature of communities in the east and the west. Given the secular transformations in social life in the west, participation in the local life does not strengthen narrow identities. Contrary to this, given the ascriptive nature of community identities in India, the idea of participation in non-state associations would lead to "justifying communitarian ethic" that is contrary to the principle of inter group equality.[22]

Fourthly, for Mahajan, Kothari had been a critic of state and state led development. State failed to be an instrument of transformation. It failed even as a mediator in the conflicts of civil society and became a coercive mechanism. With this background, Kothari visualizes that small village level bodies, panchayats and NGO's through participation would transform the nature of the state. Mahajan criticizes that the ideal of self-governing village communities cannot be realized in the face of conflict of interests that exist in caste and community divided villages".[23] In real terms, Mahajan argues that Kothari's critique of state and state led development ends up postulating a romantic picture of homogenized village communities that are immune to the struggles of power that infest the machinery of the state.[24]

Thus, Mahajan questions the potential of grass-roots organizations and local bodies to realize democracy and citizenship rights. Local participation may not help in realizing democracy, as village society is seeped into divisive and discriminatory practices. She doubts its capacity to usher in democracy through making alternative vision of politics possible.

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[21]*Ibid*
[22]*Ibid*
[23]*Ibid*
[24]*Ibid*

Andre Beteille[25] offers another conception of civil society to these above arguments/debates. For him, civil society consists of mediating institutions. No society can function without mediating instructions between the state and the individual. There had been many intermediary instructions between the state and the individual even before the onset of modernity. However, those institutions are not open and free in the sense that their memberships is limited by ascriptive markers, and the entry and exit is not open to all. With the coming of democracy, they become open and secular institutions, they are open in the sense that membership is open to all irrespective of race, caste, creed and gender; and they are secular in the sense that their internal organisation is not guided by religious considerations.[26] Beteille alludes "banks, universities hospitals and professional associations as institutions conducive to the growth of civil society"[27].

Mahajan criticizes Beteille's views significantly on two counts. These arguments consist a merit. He makes a distinction between two kinds of mediating institutions. One is based on ascriptive identities, and the other one includes institutions committed to liberty and formal equality. The latter type constitutes civil society. He associates civil society with the values of liberty and equality.[28] According to Mahajan, Beteille brackets state and religion together as separate from institutions of civil society. It delegitimizes the state and law and lends credibility to the view that the state must not interfere in the functioning of associations and community bodies, a conclusion that is favoured strongly by the communitarian perspectives in India.[29] He views the state as distinct from civil society, which advocates non-interference.

Secondly, Beteille does not take into consideration the necessary conditions for the growth of plurality of organizations in civil society. He advocated sustaining institutions of legal rational character which might help in promoting impersonal behaviour and equal citizenship. Mahajan questions this causal flow. Rational institutions may promote efficiency. But, they cannot automatically bring into

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[25]Beteille Andre, "Citizenship State and Civil Society, *"Economic and Political Weekly*, Vol. 34, No. 36, (Sep. 4-10-1999)

[26] As Discussed in Mahajan, Gurpreet, Civil Society and Its Avatars : What happened to Freedom and Democracy, *Economic and Political Weekly*, Vol 34, No. 30 (May 15-21, 1999), P. 1195

[27]*Ibid*

[28]*Ibid*

[29]*Ibid*

existence conditions of equal citizenship. Equal citizenship can only be secured by abiding institutional norms. Rational efficiency cannot ensure following institutional norms and maintaining secular character of the institutions. Universal law can only do this. Universal law cannot spontaneously emerge from associations and an institution of civil society. It requires active intervention from democratic constitutional state.[30]

Beteille responds to this debate. He doesn't emphasize on the role of any of the three terms state, citizenship and mediating institutions excessively. He views that it is a division of labour between the three. There has to be functional differentiation as well as integration between the three for civil society to exist. It is not acceptable to him to emphasize people at the expense of the state. State performs certain indispensable functions, "If these are subverted civil society will wither in bad." [31]

He laments romantic notions. "The life of segmentary tribe or the wandering band holds no special attraction for me."[32] For him, civil society and state are complementary to one another but not alternatives. Those who see civil society as totally distinct from state, for him, they are projecting a romantic view. It is not right to say that institutions existing in pre-modern India provide blueprint for alternative notions of civil society. For him both the views lack an ideal of citizenship and rights.

Beteille refers to tendencies that are harmful to growth of civil society in India: competitive populism and demagogy. Indian constitution normatively meets claims of equal citizenship in its various provisions. He argues that, the rights of citizenship are pre-eminently are the rights of individuals, "It is uphill task in a country where collective identities predominate over individual ones."[33] He mentions that, the policy of reservations violated in practice what should have been legitimately due to individual form the collective chunk. Reservations keep a portion away from the collective chunk. He thinks that threat to civil society comes not from totalitarianism of the state, but from competitive populism; secondly, there has to be respect for the structures of the state, and the structures of public authority. In India, populist intellectuals from 1970's onwards irresponsibly criticized public institutions.

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[30]*Ibid*
[31]Beteille, Andre, "Citizenship, State and Civil Society", *Economic and Political Weekly*, Vol 34, No. 36, P. 2588
[32]*Ibid*
[33]*Ibid*

He avers that, populist demagogy weakens civil society, as surely as, reasoned criticism strengthens it.

However, there is a strong need to unravel and think through these three of the articulations of idea of civil society. Here we construe a basic question within the concerns of Indian context, interweaving into it. For this effort, one need to further elucidate on certain other aspects of the question in debate for a better perusal. For instance, there are four key aspects like, non-modern/peasant, state, democracy and citizenship. Dipesh Chakraborty[34]uses the term peasant to refer to all that is non-modern. We are adopting it here to refer to local forms of life untouched by the modern, whose democratic potential Kothari highlights. It will be instructive to refer to Dipesh's use of the term peasant "as a short hand for all the seemingly non modern, rural, non secular relationships and life practices that constantly leave their imprint on the lives of even elite. State, citizenship and democracy are the terms used by the authors. In each of their articulation, they laid various emphases on different terms.

Kothari views non-governmental agencies, panchayat bodies and local networks as significant to democratic transformation as formal institutional democracy miserably failed in organically translating the hopes and vision of the masses into institutions and public culture of modern state. Modern state -in frantically pursuing quantitative enhancement of creation of economic values and material comforts- it has ignored the question of livelihoods, and cultural and political expression of vast masses. Political systems steered away from the needs of the masses. Thus, Kothari's account undervalues state and its institutional mechanisms in their ability to encompass the life contexts of masses. Mobilization and expression for cultural contexts of masses certainly yields and contributes in a substantive way to the concept of democracy. These mobilizations should be taken up by non-party formations. The agency of non party formations is significant, because they do not seek political power as their aim. They would aim at articulating and making heard the issue in question. They would aim at transforming current state of opinion of the group they are working with, through a process of innovative methods of participation and collective practice. Their approach to mobilization is markedly different form political parties.

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[34]Chakraborty, Dipesh, *Provincialising Europe: Post-colonial thought and Historical Difference*, New Delhi, OUP, 2000, P. 11

Mahajan's criticism of the views of civil society expressed by other two scholars is not free from problems. First, the problem lies with her understanding of normative concepts. She assumes that normative concepts would realize their potential as and when they are invoked in practice. All the aspects of the normativity of a concept would realize in practice. Her idea of limitations of ideal of participation and associative democracy as envisaged by Kothari can be taken as an instance. She posits conceptual antinomy between the ideal of participatory democracy and empirical context of hierarchical and divisive village system. She argues that participatory ideal would fall flat as the village or the empirical contexts are divisive and hierarchical. Such a conception of relation between ideal and empirical is too schematic. Ideals resonate in empirical contexts in far more complex manner. Ideals are imagined in practical contexts in variety of ways. They are being practiced, depending upon variety of contingent factors. Thus, ideals are being practiced through imaginative contexts in variety of ways and along the way their normative potential is realized. Hence, her conception of relation between ideal and practical contexts is limited and schematic.

Second, it is essential for constitutional democratic state to restructure civil society to meet the requirements of equal citizenship. She articulates the normative relationship between state and civil society via citizenship in Hegelian mould. Hegelian philosophy carries presuppositions of its own rooted in speculative metaphysics of the times. More nuanced views are available on normative relationship between democratic state and civil society. Civil societies must be autonomous from the state, at the same time state ought to intervene in the processes and structure of the civil society to meet the requirements of citizenship claims and the new notions of civility in the wake of movements for racial and gender justice.[35] So state can intervene on the basis of specific nature of the case, which must strike a balance between the autonomy of civil society and justness of the claim. The Hegelian mould of state /civil society interpenetration is archaic one.

Third, there is range of ideas on the state. State in its sociological dimension is different from normative dimension. State, for Weberians, could be viewed as a monopoly of coercion. For Kothari, state is an instrument of domination. It is an

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[35]Khalzer, Michael, "Equality and Civil Society" in Chambers Simone and Kymlicka Will (ed) *Alternative Conceptions of Civil society*, Princeton, Princeton University Press, 2002

organization that causes centralization of social and political power, homogenization of culture, and bureaucratization of development. Modern state, in its present form cannot be an instrument of transformation because it is structured on the lines of Kothari's analysis. Mahajan views it in normative terms, in the sense of an harbinger of change and an instrument for liberal goals of liberty and equality as embodied in the constitution. Constitutional visions ought to be realized as enshrined in its various provisions. Constitutional democratic state can bring about social justice by abolishing inequalities and social prejudices. But these opposite views have not been really examined. Instead, she is invoking an ideal of liberal state.

Fourth, she has been urging for modernist intervention in the life world contexts which are non-modern. She views Beteille's idea of mediating institutions are premised in legal-rational terms which may not automatically yield citizenship rights. Citizenship rights are to be sought for in self-conscious manner, through democratic constitutional state according to Mahajan. On the other hand, institutions and associations in local contexts are not standard liberal type. It consists of associations, local networks and community institutions like caste panchayats, village panchyats etc. They are bound by traditional mores of social life. Kothari argues that these associations constitute a resource for reviving democracy as they constitutively express non-instrumental forms of life. Mahajan thinks that these associations ought to be transformed by liberalizing visions of constitutional state, even if one agrees that the liberal values conceived in the constitution are of undeniable significance. One cannot be oblivious to contexts in which it is invoked. With the wide spread criticism of modernization theories and processes, the route to introduce liberal values in a society cannot be by means of coercion, if liberal values are seen as emerging along with values of possessive bourgeoisie individualism. One needs to be critical of such values, and some theorists of postcolonial theory have articulated a critique of liberal institutions and modern state in post-colonial contexts such as India.[36] They have been critical of capacity of liberal institutions to transform socio cultural institutions of native society. It would lead to alien imposition of values foreign to one's society.

[36]Chatterjee, Partha, *Nationalist Thought and the Colonial World : A Derivative Discourse*, London, Zend Books, 1986, *The Nation and its Fragments : Colonial and Post-Colonial Histories*, Princeton, Princeton University Press, 1993, *Lineages of Political Society*, Delhi, Permanent Black, 2011. Mongia, Padmini, *Contemporary Postcolonial Theory : A Reader*, Delhi, Oxford University Press, 1997

Hence, the process of transformation of socio-cultural institutions by the modern state is a critical question. Here comes the thorny issue of nature of institutions of civil society and their spread.

There are two views on the nature of spread of institutions of civil society. The first kind view civil society as essentially consisting of groups and associations which are voluntary in nature. The membership in such associations is based on free choice made by autonomous individuals who can exit from such associations. Such associations and institutions are very limited in their expanse. The spread of such organizations is limited to small groups of educated elite. A large section of people have been organizing themselves on the lines of caste, language ethnicity. These sorts of organizations do not imply that they are merely perpetually archaic identities. These identities stand for recognizing the traditional caste resources for modern purposes of articulation, mobilization and representation in the public realm. This is a second kind. Modernization theory presumed that articulation of identities based on ascriptive loyalties would be replaced by economic and profession based identities. But they continued to thrive. The question is, while conceptualizing civil society, the use of the term is restricted to the first one; or it can possibly include the second kind as well. If one takes Mahajan's standpoint, civil society has to be considered as consisting of first type of associations. If one takes Kothari's stand point, civil society may have to be considered as consisting of second kind of organizations as well. The transformation of socio-cultural institutions is a problematic that ought to be visited not merely from the stand point of constitutional state, but other possible kinds of non-statist transformations that Kothari visualized on the Gandhian lines so that alternatives to the modern state can be thought of.

Fifth, Mahajan's account of state /civil society relationship is weak with regard to the path that socio-cultural institutions might have to take in the process of transformation led by nationalist movement and postcolonial state. Nationalist leaders thought in terms of transforming obsolete social institutions on modern lines. This has been continued by postcolonial state in terms of obliterating markers of caste, ethnic and gender considerations from the public realm so that a secular culture could be built which would be presided over by the state. However, neither the state nor the modernist elite have succeeded in building such a culture. Political scientists also hoped for a future public realm which is emptied of social and ethnic markers

including modernists of liberal and Marxist persuasion. They thought it would create professional identities. Future would be devoid of social and ethnic markers. This did not happen, social and ethnic identities become permanent stay in public life. This has happened also as a result of democracy. Apart from theoretical literature on the significance of identity, social identities contribute to democratization. A social identity is a way of gaining control over public resources actual and symbolic. In different societies, political modernity takes different paths. Mahajan's articulation of role of state in democratizing the ethic of civil society should be cautious of its homogenizing impulse. She assumes an Archimedean position from which identities in civil life can be reformed there by producing conditions necessary for civil society. She does not pay attention to the fact that the idea of citizenship cannot be extricated from culture. Citizenship is not merely concerning rights. It is about cultural belonging as well. She does not emphasize the cultural specificity of a society that produces identities. Thus, she has totally ignored culture specific path that political modernity takes in postcolonial societies. She advocates restructuring civil society by a universal law to establish equality and justness in its structures. It ignores cultural specificity of institutional development of civil society. She is making a theoretical case for instituting liberal civil society through constitutional norms and laws. She says laws cannot spontaneously spring from civil society, but must be legislated and enforced by state. At the heart of it, there is a problem. This idea of liberal civil society outlaws out of existence vast realm of associations and organizations whose membership is not voluntary but based on ascriptive criteria. It considers them as hierarchical, inegalitarian, and unjust. They must be thoroughly reformed. Hence, they do not come under the scope of civil society. Thus, vast realm of public initiative has to be excluded from the scope of civil society as it does not conform to bourgeoisie norms. This emanates from cultural 'neutrality' that she presupposes. One needs to be sensitive to cultural specificity of how institutions have been imagined and their evolution.

Ideas of civil society in Indian context

Literature on civil society in India covers wide range of themes like social movements, the question of governance etc. It has been written with a view to

articulate specific socio-political phenomenon. This literature covered different themes and conceptions of civil society. It is not directly about civil society. Here, the term civil society is used to articulate specific impulses. Thus, here we attempt a thorough review of literature concerning variety of themes to lay bare the conceptions of civil society imagined as a part of discussion of such themes.

Civil society and social movements

Civil society and social movement are two terms used synonymously. It is truer in case of new social movements (hereafter NSM's). New social movements are distinctly different from old social movements. NSM's began as a criticism of old social movements particularly working class movements. The subject of new social movements is concrete like peasants, women etc. while the subject of old working class movement is abstract. The primary constituencies of NSM's are not economic categories, but cultural categories. The basis of subordination is culturally constituted .X is discriminated against because of historically constructed categories built into social understandings.

NSM's relationship to the state and its institutions are not essentially oppositional in the sense of overthrowing state structures. Their opposition is mainly with one group of society; sometimes they align with the state while they stand in opposition to the state. Their relationship to the state is nuanced.

NSM's are largely critical of state led modernization in economy and polity. In economy, they criticize developmental policies followed by the state for being destructive of ways of life and serving the needs of centralizing elite. In politics they do come into existence due to the failure of modernist agencies like bureaucracy and political parties. Political parties could not organically connect with the agendas of the people. They failed in the function of transforming people's agendas in to the system because the mobilization of people is disconnected with the people's true needs .Political parities resort to short circuiting mediating processes. New social movements articulate issues that could not be expressed by political parties like protection of environment discrimination against women, dalits, or farmers issues etc

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NSM's role in leadership is not similar to the role of vanguardist parties. Vanguardist parties respond to a situation with a prior theoretical knowledge of the issue and that they have a correct way of addressing the issue. NSM's develop knowledge out of working with the people. In Indian context, the self conscious use of the term began with the failure of the left to articulate the issues of NSMs. Civil society is invoked to refer to a space of autonomous articulations of issues in public realm from the organized left. It was posited in opposition to the organized left. One example is how organized left mobilized women as objects for achieving revolutionary process. It did not treat them as agents. In other words, civil society is used to refer to emergence of autonomous categories in the public realm like women dalits, peasants etc. the claim to authentically represent them does not belong to any one of the political parties. A moral space is created for each of these categories in the public realm to represent them without being led by agencies like political parties claiming to represent all. Thus, civil society in the 80's has been used to refer to non left-non-political party space of public life. The nature of agency is also different because it was not led by any political party. What follows is how academic work articulated the term civil society in relation to NSM's.

Neera Chandhoke's analysis of ChattishgarhMuktiMarcha (CMM) as a civil society organization is analysed here closely to see how she uses the term civil society.

CMM had mobilized workers in one of the back ward regions of the country. It is basically a civil society organisation because it had been mobilizing weaker sections of the society, the   Laboring class subjected to exploitation by the local mining industry in league with politicians, police and other state institutions. Laboring class is weak because in the economy they have been deprived of minimum wages, secure working conditions, right to unionize and to mobilize. Their labour and resources of the environment which belongs to them have been exploited by mining industry. Secondly, political parties police, and revenue officials joined hands with the powerful economic interests as against the laboring class in non-implementation of the provisions of the law. One can witness complicity between the structures of governance and other groups that represented powerful interests. In other words, we find a political society that is responsible for governance pitted against civil society."

CMM followed non-violent means and had organized mass protest movements to express the anger of the vulnerable to the powerful sections of society.

Chandhoke points to the function of voluntary community service undertaken by CMM. As the state did not provide basic necessities even after insistent struggles, CMM developed practices of voluntary self-help in terms of setting up schools, small health, centres etc. voluntarily. It represented a tradition of extreme self-sacrifice for the sake of the helpless people.

In Chandhoke's analysis, three points are crucial to her use of the term civil society (a) extreme helplessness of the labouring class (b) non-violent means for mobilization (c) complicity between state institutions and powerful interests (d) voluntary community service.

Sudha pai and Ram Narayan,[37] in their article on, Democratic governance, Civil society and Dalit protest, narrated protest mobilization of Dalits led by Rashtriya Shoshith Morcha (RSM), following an incident of police firing in Shergarhi neighbourhood of Meerut city. The police firing took place due to scuffle between Dalits and police following installation of statue of Ambedkar in disputed place. It discussed the idea of civil society in relation to realization of good governance in the context of a Dalit protest and organization.

After the incident, huge mobilization of Dalit community took place in and around Meerut, civil society is spoken of as a protest mobilization. RSM achieved limited success in its attempt to promote democratic governance. It succeeded in getting the statue reinstalled, a number of police personnel involved in the incident transferred and a judicial enquiry initiated. On the other hand, state failed in its basic task of protecting the lives of Dalits (citizens).

In this context of Dalit mobilizations, state and civil society are viewed differently. From the perspective of Dalit movement, state is not viewed in oppositional terms, i.e. as opposed to the civil society. State is viewed as an agency vested with the task of democratizing hierarchical caste-ridden civil society. "In a

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[37]Pai, Sudha and Narayan Ram, "Democratic Governance, Civil Society and Dalit Protest", In Tandon Rajesh and Mohanty Ranjitha (ed). *Does Civil Society Matter? Governance in Contemporary India,* New Delhi, Sage, 2003,Pp.243-84

post-colonial context, the centrality of state, both in the maintenance of order and development makes it overdeveloped and relatively autonomous of society.....”[38] Because of this centrality of the state in the process of development, it provided education free, out of which emerged educated Dalit leaders. Thus, state is central to emergence of educated leadership among Dalit's significant to the constitution of civil society.

Normatively speaking, civil society should ensure freedom, equality and justice in society. It requires squarely fighting against hierarchical, caste-ridden Hindu society. Practically speaking, society is a dynamic of negotiation between traditional values in segmented, hierarchical society and of values based on equality, rights, and justice that are enshrined in the Constitution. In the process, social groups need to readjust among themselves which results in conflict. Thus civil society is viewed as an arena of contestation among different social groups with the dominant groups defending hierarchical values while subordinate groups struggling for rights and justice. Hence civil society is viewed as an arena of contestation for just claims of individual.

Still, if civil society is viewed as process their analysis depicts mobilization of a specific group with a sense of hurt over an issue of claiming a dignified status for its symbol. The mobilization can be viewed as a process of formation of community against a perceived injustice. The subjective processes lead to enormous sense of self-assertion apart from mobilization. These processes have not been translated into conceptual language by authors. However civil society ought to include these processes.

Thus, civil society constitutes, in their analysis, a decent civil society brimming with values of constitutional morality whose achievement is the task of the modern state. On the other hand, civil society viewed as a process is a dynamic of formation of community in which subjectivity is realized and assertion of personality and opposition to it is also vigorous.

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[38]*Ibid*, P-245-46

Bishnu Mohapatra,[39] in his article, "A view from the subaltern: The pavement Dwellers of Mumbai" 'analysed the role of an NGO, SARC (Society for the promotion of Area Resource Centre) in securing shelter and other decent condition of living in Metropolitan Mumbai for pavement dwellers. He argued that the efficacy of civil society should be judged from the vantage point of poor and marginalized groups. Pavement dwellers are not entitled to claim any legal rights as their claims are nor endorsed by law.

Pavement dwellers are totally helpless as they do not have economic, political or knowledge resources to fight the establishment. SAARC did not play leadership role. It did not lead the initiative. It allowed the agency of the people to be enhanced in public sphere it facilitated the increasing role of women in community affairs by mobilizing them. Secondly it forged linkages with various community based organizations and evolved an alliance with various women organizations in Mumbai. Thirdly, it offered legal resources to fight court cases. Fourthly, it facilitated a process of formation of public knowledge by the people themselves without indoctrination. Mahapatra[40] stressed that experiences of collective actions and the sharing of common problems at an emotional level helped the pavement dwellers to criticize existing knowledge and create a new epistemic orientation towards a larger world in which they lived.

His analysis points to totally different aspects of civil society as NGO mobilization. It is concerning facilitating mobilization, developing linkages with other similar efforts and the process of formation of new epistemes thereby forming new communities without resorting to pedagogy.

The three varieties of analysis presented here refer to three different sorts of mobilizations. However, they exhibit similar features. All three instances refer to mobilizations outside the framework of political party for justice for those who are living in precarious conditions. Secondly, they have faced indifference and opposition from institutionality of democracy. Yet they attempted approaching institutions like courts and political parties. Thirdly, all three instances refer to formation of new

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[39]Mahapatra, Bishnu, "A View from the subaltern: The Pavement dwellers of Mumbai", in Tandon Rajesh and Mohanty Ranjita (ed). *Does Civil Society Matter? Governance in Contemporary India,* New Delhi, Sage, 2003, p.285-313
[40]*Ibid* Pp.304-305

identity in the process of mobilization which also gave a perception of the public world and created knowledge of the public world. This is conception of civil society as spaceof organizational networks outside the institutional frame of democracy. It facilitated the process of formation of public knowledge and public identities.

Crisis of Governance and Alternatives

The idea of crisis of governance has been articulated by many. It is attempted to look at here one version that emphasises on lack of civic virtue offered byJayaprakash Narayan.[41]It offers unique ideas in to crisis of governance and solutions offered to address this crisis. He points to crisis in culture of politics and administration that has been the consequence of extensive functions that the state has assigned to itself. State has taken up extensive development functions instead of confining itself to the function of protection of law and mediation through power brokers' has become all too common. The overdependence of citizen on the state has resulted in an administrative culture of corruption, crime, intrigue and nepotism. The culture of administrative and political institutions has geared towards orientation of manipulations "unbridled and irresponsible populism, knee-jerk opposition to those in power, the unbridgeable chasm between rhetoric and action, endless opportunism and shameless plunder of state resources."[42] The authority of government could not be used for a positive function of promoting good over evil, while it has been abused for pelf, privilege and patrimony. The roles of the public servant and the citizen are reversed. Public servant has become master and citizen become servant, thereby perpetuating corruption. The key role of citizen in a democracy has been totally ignored.

He identifies key systemic feature as responsible for its afflicting the culture of politics. "In a West minster model, there is a schism between power sanctioned by legislative majority and public power or people's mandate. Public power is divorced from actual exercise of governmental power. As a consequence, integrity in public life and survival in politics are no longer compatible." Public power has been divorced from legislative power. That is how, political parties in India does not provide

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[41] Narayan, Japaprakash, "The Crisis of Governance" in Tandon Rajesh and Mohanty Ranjita, Pp77-124
[42]*Ibid*, P.84

avenues for participation and leadership of enlightened and public spirited citizens. Instead, political parties became instruments of self aggrandizement and personal power. It has become a marked feature of public life that honest citizens cannot be elected to public office though fair and legal means. To restore virtue in public life, he suggests Governance reforms: reforming political parties, electoral reforms and citizens' activism.

    (i)   Political parties be reformed to enable best men and women to participate in political processes by holding regular elections within the party, transparent funding etc.

    (ii)   Elections be made free from rigging, booth capturing, using money and muscle power etc.

    (iii)   Citizens be empowered to establish a clear connection between their rights and responsibilities.

"The sense of common fate which is so vital to bind people together in an orderly society is missing in us. A civilized society can be sustained only if citizens recognize that rights and duties coexist and in fact one's rights translate as duties of others and vice versa."[43]

Jayaprakash Narayan brings out certain conceptions of death of public virtue and moral decline engulfing public life in to articulation which of use in analyzing ideas relevant to public life. Making virtuous citizenry is the task of civil society and state and its institutions suitably reformed. Institutional reform to offer a pride of place for virtuous citizenry is the task of politics and public reform. It includes reform of mediating institutions like political parties, electoral reforms. Citizens should be made to realize the common good where rights and duties are intermeshed into ideas of public virtue. Public virtues include honesty, courage and democratic virtues like equality and social justice. Thus, civil society consists of virtuous citizenry committed to public duty and active participation through decentralised mechanisms.

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[43]*Ibid*, P.117

Civil Society as Libertarian Ideal

Idea of civil society is invoked in good governance discourse sponsored by World Bank and international agencies. Its main features are elucidated here to think of critically to be brought in to civil society discourse in post-colonial contexts.

State has withdrawn from the welfare functions it has performed as a part of development agenda ever since independence. It did so with an idea that state should confine itself to providing adequate legal and political framework to the functioning and operation of free market. State should withdraw from redistributive function because it leads to imperfections in the free-market.[44] According to world bank discourse, state is vested with two functions "the creation and enforcement of rules to make markets work efficiently, in the absence of which production and investment would be deterred and development consequently hindered compensating market failures through corrective interventions, which includes, where necessary a key role in providing, education, health and essential infrastructure."[45] However, the functions of the state so defined are not to achieve welfare, but to offer necessary conditions for better economic performance.

Civil society offers scope for the exercise of creativity and self-reliance. It views participants as stake holders rather than mere recipients of benefit. In civil society, individuals get their due place on the basis of their talent and performance than on charity. According to this view civil society includes associations based on modern contractual relations as well as traditional social networks, communities, etc. It is hoped that non-voluntary social bonds could as well be used to the empowerment of individuals to make them self-reliant players in the market.[46]

The major problem with this discourse is that it views governance process as totally bereft of politics. "For this, governance process is not a product that has emerged out of democratic processes. It has been decided by experts, consultancy firms or NGO's. But, the question of necessity of idea of good governance as emanating from the citizens of a polity and exclusively from them is not generally

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[44] Joseph Sarah, "Society vs State: Civil Society, Political Society and Non-Party Political Processes in India, *"Economic and Political Weekly*, Vol.-37, No. 4, Jan. 26 – Feb-1, 2002 (hereafter Joseph Sara, Society vs State)

[45] Jayal, G. Niraja, "The Governance Agenda : Making Democratic Development Dispensable, *"Economic and Political Weekly*, Vol- 32, No.8 (Feb. 22-28, 1997) P. 407-412 ((hereafter Niraja, Jayal, the governance agenda)

[46] Joseph, Sarsah, Society vs State, P. 300

raised. The definition of good governance in a particular society must be the product of consensus or a product of political negotiation.[47] In some places elected politicians are left out of planning process. They had to compete with the consultancy firms and NGO's in acquiring legitimacy.[48] The idea of good governance is viewed as a merely technical task, uncoupled from moral and political aspects of participations. The technically viewed as consulting people to make a better project design.

The idea of civil society as available in good governance discourse is normatively limited and secondly it has been criticized as purely technical which empties its moral content.

Civil Society, Political Society and Democracy

ParthaChatterjee[49] invokes the idea of civil society and political society in relation to post-colonial transformations on the site of democracy. It is different because he analyses culture of politics from a Marxist vantage point which offers a critical view point on post-colonial transformation using tools from Gramcsi and Foucault. He lays bare the power central to modernist transformations. He is not denying modernity *in toto*. He offers a critique of modernity by squarely locating it with in modernity.

He restricts the term civil society for "for those institutions of modern associational life having origin in western societies that are based on equality, autonomy, freedom of entry and exist. Contract, deliberative procedures of decision-making, recognized rights and duties of members etc."[50]

Political society constitutes institutions and practices where several mediations are carried out including diverse phenomenon like parties, movements and non-party movements. Their common feature is that the practices are not

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[47]Niraja, Jayal, the governance agenda, P. 408
[48] Joseph, Sarah, P. 300
[49]Chatterjee, Partha,*Nationalist thought and the colonial world : A Derivative discourse*, London, Zed Books, 1986, *The Nation and Its Fragments : Colonial and Post-Colonial Histories*, Princeton : Princeton University Press, 1993. *The Politics of the Governed : Reflections on Popular Politics in Most of the World*, Permanent Black, New Delhi, 2004, *Lineages of Political Society, Studies in Postcolonial Democracy*, New Delhi, Permanent Black, 2011.
[50]Chatterjee, "Two Poets and Death" in *Lineages of Political Society*, P.83

characterized by the premises of bourgeoisie modernist values as mentioned above in the context of civil society. Institutional forms of political society have not yet clearly emerged, but it is non-bourgeoisie in nature. Chatterjee interpreted several activities like railway squatters strike,[51] the death of Balak Brahmachari etc. to point out fissures with in public consciousness between legal rights vs non legal claims in the former case and between science vs belief in the latter case. Political society makes claims that cannot be exactly justified within the bourgeoisie discursivity of law and science. It represents non-bourgeoisie spaces in the sense of illegal and non-scientific. Chatterjee invokes the term civil society in a restricted sense, because it can act as a ground to launch modernisation drive in ever new forms every time. [52]The discourse of cultural and political modernization still inspires large ground.

In post-colonial period, the state has been able to reach the entire population through its policy while the space of civil social institutions is restricted to small section of citizens. "This hiatus is significant because it is the mark of non-western modernity as an always incomplete project of modernization and the role of enlightened elite engaged in a pedagogical mission in relation to rest of the society."[53] It means rest of the society ought to be educated to be 'full citizens' in the sense of teaching them the ethic of cultural modernity. Rest of the society fall short of ideal of being modern and full citizen as elite go on setting new agendas of being modern. This is the major fault line between elite and subaltern realms within the nationalist public consciousness. In post-colonial India, the split between elite and subalterns is expressed in terms of peasants, tribes and their mobilizations are described with derision as vote-banks in the sense of not-being legitimate; political society roughly corresponds to the latter.

Political society is a domain of institutions and activities where several mediations are carried out. It is a domain situating itself outside the rational-values of the modern west. Civil society covers the associational realm of modernist kind. It is worthwhile to introduce Foucauldian concept of population here.

In the 19th century Western Europe, the ideal unit with which state used to engage was modern contractual family. Later on, society was understood as union of

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[51] See, Chatterjee, *The Politics of the Governed*
[52]Chatterjee, "Two Poets and Death", P.83
[53]*Ibid*, P.83-84

families. But in colonial and post-colonial Indian context, state was not negotiating with citizens as bearer of rights and as full members of political community. It is dealing with population. Population is not a normative category. It is descriptive category, while citizen is a normative category. "The concept of population makes available for governmental functions (economic policy, bureaucratic administrations, law and political mobilization) a set of rationally manipulable instruments for reaching large sections of the inhabitants of the country as the targets of policy."[54]

Chatterjee would like to retain the civil society-political society distinction, because it reflects the conflicting desires of modernity. On the one hand, civil-social institutions set up by elite reflect their desire to replicate in its own society the form and substance of western modernity. One kind of desire is to institute western literary forms like novel, short stories, etc. There is another kind of desire to institute traditional practices at the heart of modern public life. Of course, the meanings associated with the traditional practices take new form in the new context. Reinventing traditional practices has been to invent a new kind of sovereignty for the collective. Thus, civil society, political society distinction corresponds to two distinct, conflicting desires of modernity.[55]

Looking at colonial and post-colonial histories would be useful to amplify the distinction. In the early phase of anti-colonial nationalism, elites were busy setting up institutions of national civil society. They were criticizing colonial state precisely for not living up to the standards of liberal constitutional state. To understand this period, it is not necessary to invoke the idea of political society. With the rise of mass-nationalist awakening something else was happening. Cultural forms of western modernity were put through a nationalist sieve and only selectively adopted and then combined with the reconstituted elements of which was claimed to be indigenous tradition. Nationalism invented an ideology to question the hegemonic framework of colonial state. It invented dichotomies such as spiritual / material; inner / outer; alien / indigenous those were applied to different realms of public consciousness. For instance, nationalism acknowledges the superiority of western rationalist principles in the realm of science and technology and Indians were superior in spirituality. This is

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[54]*Ibid*, P.85
[55]*Ibid*-p.87

to indicate that there already exists a ground to imagine the mobilisational possibilities called political society differently.

During the phase of mass-nationalism of Gandhian era, a new type of politics is invented. If it were not to remain immobilized within the values of civil society constituted by western rationalist values the cultural politics of nationalism offered an answer. The mediation between population and state takes place on the site a new political society. It is organized around modern political association such as political party, Indian National Congress, elite and popular. Colonial nationalisms came together with a formally organized sphere such as INC "but diverged at specific moments and spilled over the limits laid down by organization. This arena of nationalist politics became a site of strategic manoeuvre, resistance and appropriation by various groups and classes." The point is that principles and forms that activate civil-society and political society are not always same.

The institutional forms of political society have not yet been clear. Modern developmental state relates to different sections of society through the policy of welfare. It does not flow from the rights of the citizens, but from the needs of the population which is not normative in nature. "If one has to give a name to the major form of mobilization by which political society tries to channelize and order popular demands on the developmental state one should call it democracy. If one tries to understand the claims of these struggles in political society, there is a stronger tendency to violate the legal norms of liberal society to fight for democratic rights and entitlements.

What follows is a description of community formation among poor migrants in an Indian city to capture the contours of what Chatterjee[56] terms as political society. It is about a group of migrants settled by the side of a railway track. The land on which they have settled belongs to state owned railways. They are illegal squatters on public land. Migrants did not have prior network of attachments given to them as a collective. The reason why they acted as a collective is the very survival of their habitation. Railways tried to evict them. It has been resisted through collective efforts.

[56]Chatterjee, Partha, "Community in the East, *Economic and Political Weekly*, Vol. 33, No.-6 (Feb 7-13, 1998) P-277-282 and "Beyond the nation of within, *Economic and Political Weekly*, Vol 32, No. ½, (Jan. 4-11, 1997), P- 30-84

They do not talk of shared interests of members of association, but of more compelling bonds of shared kinship.

They are several key conceptual issues involved here. It is difficult to think of collective forms evolved by settlers as a civil association because it exists by violation of proper laws and civic regulations. State also can ignore the claims of the collective because of widespread existence of similar groups in other places. State treats squatters not as citizens, but as a convenient instrument for the administration of the marginalized.[57]

Secondly, though squatters accept that their occupation of public land is illegal, still they claim it as a matter of right. State authorities are prepared to concede the claim as having moral force, but refuse to accept it as a legally justifiable right. Thirdly, the site on which squatters are conducting their struggle is not civil society of citizens with claim to equal rights, but of political society 'where claims and benefits can be negotiated between governmental agencies responsible for administering justice'.[58]

Chatterjee's distinction between civil society and political society has been widely debated and criticized. It has been criticized that Chatterjee often compares norms and actualities and reaches a conclusion that two varies. It is quite evident that there would always be gap between norms and actualities. If a violation of the law is the key feature defining political society, it is also true that there are violations of law even in civil society.[59]Instead of having this criterion, it would be better to say that things valued by civil society discourse (participation etc) are embedded in conditions and contexts which are described as deviant or lack. In other words, what is seen as backwardness often embodies values of civil society, though not in its western type. Secondly, Chatterjee puts up everything that deviates from bourgeoisie associationality together and calls it political society. It includes parties, movements and non-party formations together. Their diversity is not given attention to and combined as one on the basis of illegality. But illegality itself is of many kinds. A ticketless travel is not same as disobeying unjust law. Chatterjee seems to have interest in a specific kind of illegality "because it makes the squatters easy targets of

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[57]Chatterjee, Community in the East, P.281
[58]*Ibid*, P-281
[59]Palshikar Sanjay, "Civil Society : Alternatives and Differences", *The Indian Journal of Political Science*, Vol- 63, No. 2/3, (June-Sept. 2002), P-155-156

technologies of power deployed by developmental agencies, governmental or non-governmental."[60] In other words, this is a case of direct illegality; there are cases of other hidden illegalities. With in social movements, they violate law to point out systemic bias implied in the law, which may enable amending law in course of time. These social movements are training grounds in rigors of citizenship through which the population became part of the people.

Thirdly, Sanjay Palshikar argues that Chatterjee points to political society as the only site of democratization while civil society is posited as placing itself against democratization. This misses a significant point about civil society.

"The intellectual and organizational elements of the bourgeoisie society, as members of civil society, i.e. as activists, associations, groups and bodies of various sorts take up the issues of marginal groups and using, instruments available to them in the system, or devising new ones, like public interest litigations win recognition of their rights."[61]

That is how, parts of political society gets integrated in to bourgeoisie society. At the same time civil society attempts to deal with elements outside bourgeoisie sphere – 'antagonistic other marked by destitution, ascriptive attachments, and illegality – it results in complex processes "producing transitory solidarities, stretch the bourgeoisie ideological order to its very limits and, wittingly or otherwise, challenge and strengthen its legitimacy". This is referring to variety of trajectories of democratization.

Rajeev Bhargava[62] questions the very conceptual distinction between civil-society- political society and its connection to the idea of rights and democracy. It may not be useful to see civil-society as a domain of legality and rights while political society is everything that lies outside the bounds of law. To conceive political society as non-liberal and non-bourgeoisie is conceptually unproductive because it prevents us from understanding how it operates in other countries and normatively speaking, it cannot be imagined to take paths other than it has already taken. Secondly, he sees no reason to take specific features of Indian political society as general features in all the

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[60]*Ibid*, P.162-63
[61]*Ibid*, P.163
[62]Bhargava Rajeev, "Introduction" in Bhargava Rajeev &Reifeld Helmut (Ed), *Civil Society, Public Sphere and Citizenship : Dialogues and Perceptions*, New Delhi, Sage Publications, 2005, P.13-55, 162, *Ibid*-p.42

countries and it cannot be seen as merely applicable to developing countries or India alone.[63]

He also objects to categories of civil society as a domain of rights and political society as entirely outside the discourse and practice of rights. Some rights are exclusively civil society rights while other rights are political society rights. For instance, right to vote is a political society right while right to religion is a civil society right exclusively. Some rights can be exercised in both the spheres. Right to free expression is one such right.

A rule of law covers[64] both the spheres. It is possible that many areas of political society may be outside the proper domain of rule of law. It can be made its constitutive feature. Thus, it is possible to have non-bourgeoisie civil society and bourgeoisie political society.

Sanjeeb Mukherjee offers a critique of Chatterjee's civil society-political society distinction. He wouldn't want to restrict the term civil society to bourgeoisie sphere. He would want to redefine the term civil society to include much that is happening outside the bourgeoisie enclaves "what is emerging in India is a civil society within our castes and communities, particularly among oppressed communities and castes. And the most vigorous of these subaltern civil societies have emerged among dalits. Hence, they are demanding rights equality, justice and dignity, all properly liberal values" to achieve this, he suggests, we need to make two conceptual moves. That is, one needs to define society (Samaj) as radically autonomous of the political regimes of the day. It is neither anarchic nor regimented it functions according to Dharma, Indian variant of Natural law or reason. Secondly, one has to look for civil society in castes and communities in their altered avatar that grew out of functioning within the framework of constitution and democracy.

He argues that bourgeoisie ideas of justice be contrasted with liberal notions of justice. Liberal notions of justice be expanded to repackage welfare in the language of rights. People should be empowered to fight for such rights which may lead to expansion of democracy. Castes and community organizations at the local level shouldn't be treated as vestiges of the past, but as they would have legitimate role in mobilizing people at grass-root level.

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[63]*Ibid*, P.42
[64]*Ibid*, P.43

Ideas of civil society should constitute at its core normative visions of political transformation. Partha Chatterjee describes modernization as the desire of the elite which is the proper domain of civil society. The idea of political society restricts itself to anti-legal local resistances without being informed by any narratives of transition liberal, or socialist. He suggests that civil society not be merely treated as a bourgeoisie enclave operative within the legal framework of bourgeoisie justice, but it ought to be redefined; extending its scope to include struggles of castes and communities. It is informed by notions of ethical ideas of civil society informed by visions of Tagore and Gandhi.

Chatterjee would want to restrict the term civil society to bourgeoisie sphere of properly rights and concomitant freedoms while reserving political society to institutional forms of local resistance that do not fall under the legal framework. In post-colonial democracy, the political society is the agent of democratization. Palshikar argues that popular struggles that constitute civil society are struggles for bourgeoisie equality which restructure and makes inclusive the very structure of bourgeoisie existence, but conducted within the non-bourgeoisie horizons. Sanjeeb brings in a rather vaguely formulated notion of post-individualist and post-nationalist conception civil-society. It defines civil society as constituting struggles of castes and communities as offering a locus of transformation. He urges redefinitions and expansion of ideas of rights and justice to include the claims of the marginalized. He refers to new rights of education, right to food etc.

After the review of the term civil society in the context of western political thought and its Indian debates, there seem to be a problem with the weaving of the conceptual fabric civil society. There broadly seem to be to ideals of civil society, participatory ideal and liberal constitutional ideal. Both the conceptions express themselves in exclusivist terms as the one is alternative to the other and cannot be viewed as having the possibility of modifying each other. Participatory ideal (Kothari) is posited as exclusively focusing on people's participation and struggles. Liberal constitutional ideal has conceptualised itself in such a way that it constitutes a disdain for the popular, because popular is constitutive of backwardness, inequality and superstition. It projects participatory ideal as devoid of right claims and justice. This division reflects itself in a more conceptually nuanced debate which views civil society as processes. The centre of the debate is to view civil society as a category of

bourgeoisie society while others would want to expand the notion of civil society which would include popular struggles. For this idea, one needs to redefine the idea of rights and justice.

Present study push the argument beyond the two conceptions and attempts a bridge between the two through thinking from the visions of decolonization articulated by Tagore and Gandhi. It argues that the liberal model is socially empty while participatory ideal is not sufficiently elaborated in thinking about liberal values. The study aims to strengthen participatory ideal by learning from the others via the visions of Tagore and Gandhi.

Thus the debate over the idea of civil society in Indian context revolves around the idea of political modernity like nation rights etc on the one hand and the availability of civilizational resources for making and sustaining civic community on the other. Different thinkers lay different emphasis on the two issues. Even among those who agree, specific articulation of the issues is different, the evaluation of nation as a social and political form is important to imagine the idea and practice of civil society. The normative uses of nation are contested during early phase of nationalism. The idea of alternatives to the nation takes us to the sources basis and ethics of civic community.   Thus, it is proposed to arrive at notions of civic community that has been rooted in tradition, as having critical potential that give rise to a different conception of civil society.

Thus, the present study, in keeping in view the above discussion poses a critical intervention with the following questions, and articulates it through independent chapters focusing on selected aspects of the idea of civil society and its practices,

(1) To enquire into possible relationship between civil society and nationalism.

(2) To investigate possibilities and limits of relationship between community and civil society.

(3) To bring out cultural blindness of Indian state and make the field of cultural safe for the state.

(4) To provide an Indian account of civil society this is culturally informed and simultaneously, committed to freedom and autonomy.

These questions are pertinent because the way the idea of civil society conceived, elaborated have divergent meanings and purposes, being deployed in altogether distinct contexts. Thus, the study aims to develop a normative vision of civil society, firmly rooted in Indian experience and simultaneously acknowledging necessary presence of state and other ideals like freedom and democracy. It attempts to steer clear of both essentialist reading of tradition and the modernist-liberalist account of civil society in necessary relationship with state as the regime of power subversive of the possibility of a decolonised mode of understanding the equation between libertarian view of human and the civil society in its Indian sense. The study attempts to take an alternative path sensitive to cultural understandings of the actors.

Before entering into the debate on the ideas of civil society in India and its process, it is important to deliberate on the ideas on civil society in the western tradition. It is essential to understand scholarship on the subject as it constitutes the founding tradition of civil society. Hence, the next chapter deals with the contours of western tradition about idea of civil society.