

Community Work: Today and Tomorrow

By Sarangadhar Samal, Director, NYSASDRI(www.nysasdri.org)

The voluntary sector has always been the target of the ruling elite whenever any social movement takes place in the country. The first was of the independence struggle in 1857 which resulted in the formation of the Societies Registration Act of 1860 which is still operational in its timeworn form. In this country the more professional and well defined Indian Companies Act has come for private sector with the exclusive Ministry as its sounding board, but nothing of that sort for the development organizations. The clause of "Political Activities" has been incorporated in the Foreign Contribution Act, 2010. This act is the only Act in the country which is regulatory in nature (as compared to FEMA for private sector) and managed by Home Ministry in a more secretive way. Needless to say the original FCRA was the punishment given to India Voluntary Organizations for participating in the Jay Prakash Movement in 1976. The Voluntary Sector was at the forefront in articulating the voice of the people, which included those of uneven economic benefits, widespread corruption in the system, heavy degradation of natural resources and depleting quality of life of urban and rural poor areas. So the history of such social movement gifted the sector with the more restricted Income Tax Act, where in by an amendment in 2008, all those who speak and ask question were debarred from raising funds by redefining section 2(15). The sector 2(15) of the Income tax Act defines the charitable organizations which can get Income Tax relief, and by amending it, the government put all of the development organizations in the category where no business like activity, even if it is in line with charitable purpose, is allowed. Undoubtedly, the new FCRA of 2010 came as the additional gift for speaking for poor in the country. Additionally these Indian voluntary organizations have to take clearance from at least three ministries, namely External Affairs, Home, and undefined nodal ministry if they want to invite any person from foreign country.

Today public bashing of voluntary development organizations has become a fashion as one can go without punishment after making any statement in public domain. The above regulatory changes and practice weaken the voluntary sector, an important pillar of Indian democracy. The implications of the above changes are more disastrous at the grassroots. Whenever there is any Maoist attack, NGOs are blamed without any evidence. This results not only in questioning the credibility of the sector but also stringent implementation of restrictive laws. The VOs in the Northeast are forced to report quarterly about their work to the local police. It is still worse in Chhattisgarh where they are supposed to report daily to local police and they have to give a written undertaking that they will not raise voice against any corruption in implementation of national or state laws. The voluntary development organizations are the only institutions in the country where police come at the door to investigate. **The logic of "Natural Justice is not followed as far as dealing with VOs is concerned. The law of natural justice, on which our system is based, says one is innocent unless proven guilty, whereas for VOs it is the other way where one is guilty unless proven otherwise. There has been the unfortunate tradition of using police and Income Tax to silence the voice of dissent in our country and the latest victim is the voluntary sector. This systematic approach of last few years of creating fear psychosis among VOs has resulted in deafening silence today. There has been recent development which would have otherwise attracted the response from the voluntary sector, but no one has said anything.** There is no significant social movement after 'Anna Movement' which resulted in numerous income tax notices. No talk of dangerous technology after FCRA threats.

True spirit of partnership is critical to a robust democratic framework, not threats and attacks

As citizens of the most respected democracy in the world we expect that protest and the space to raise question is the basic fundamental right given by the Indian Constitution. We do expect that rather than attacking the sector, government must reinforce the relationship of partnership and make an enabling environment wherein genuine organizations can continue to contribute in nation building without any fear. The time has come to demonstrate the maturity of socio-political system whereby political, business and civil society works hand in hand to make India a better place to live.