

**Structure and Space of Civil Society in South Africa,
Brazil and India in the Post Cold War Era: A
Comparative Analysis**

Dissertation submitted to Jawaharlal Nehru University in partial fulfillment
of the requirements for the award of the degree of

MASTER OF PHILOSOPHY

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DECLARATION

I declare that the dissertation entitled "**Structure and Space of Civil Society in South Africa, Brazil and India in the Post Cold War Era: A Comparative Analysis**" submitted by me in partial fulfillment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY** has not been previously submitted for any other degree of this University or any other university and is my original work.


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(Santosh Kumar Singh)

List of Abbreviations

| | |
|--------|---|
| AAG | AIDS Awareness Group |
| AEC | Anti—Eviction Campaign |
| AFSA | AIDS Foundation in South Africa |
| AIDS | Acquired Immune Deficiency Syndrome |
| ALCA | Area of Free Commerce of Americas |
| AMOGAS | Association of People Affected by Dam Projects in Gatos and Sucos |
| ANC | African National Congress |
| APF | Anti-Privatisation Movement |
| AZAFO | Azanian People's Organization |
| BBS | Save Bhagirathi Movement |
| BEMFAM | Bem-Estar Familiar no Brasil |
| BFRA | Bayview Flat Residents Association |
| CASG | Center for Advanced Studies in Gynecology |
| CASG | Center for Advanced Studies in Gynecology |
| CBA | Save the Chilika Movement |
| CBO | Community Based Organizations |
| CCF | Concerned Citizen's Forum |
| CCS | Centre for Civil Society |
| CEMINA | Communication, Education and Information on Gender |
| CGT | General Confederation of Workers |
| CIMI | Indigenous Missionary Council |
| CONTAG | National Confederation of Agricultural Workers |

| | |
|--------|--|
| COSATU | Congress of South Africa Trade Union |
| CPT | Pastoral Commission of the Earth |
| CPT | Pastoral Land Commission |
| CSO | Civil Society Organization |
| CSP | Chilika Suraksha Parishad |
| CSW | Commercial Sex Workers |
| DSACS | Delhi State AIDS Control Society |
| GASS | Ganatantrik Adhikar Suraksha Sangathan |
| GEAR | Growth, Employment and Redistribution |
| HIV | Human Immunodeficiency Virus |
| HPF | Homeless People's Federation |
| IA | Insolvency Act |
| ICTC | Integrated Counseling and Treatment Centre |
| IDU | Intravenous Drug Users |
| IHWC | International Health Women Coalition |
| IMF | International Monetary Fund |
| IRN | International Rivers Network |
| ISER | Institute of Religious Studies |
| ISFP | Integrated Shrimp Farm Project |
| JOHAP | Joint Oxfam HIV/AIDS Program |
| KYS | Krantadarshi Yuva Sangha |
| LPM | Landless People Movement |
| LRA | Labour Relations Act |

| | |
|-------|---|
| MAB | Anti-Dam Movement |
| MDTX | Movement for Development of the TransAmazon and Xingu River |
| MMC | Peasant Women's Movement |
| MNC | Multi-National Companies |
| MPNF | Multi-Party Negotiating Forum |
| MSM | Men Sex with Men |
| MST | Landless Labour Movement |
| MTS | Meet the Students |
| NACTU | National Congress of Trade Unions |
| NBA | Save the Narmada Movement |
| NGO | Non-Governmental Organisation |
| NLC | National Land Committees |
| NSP | Narmada Sagar Project |
| OKM | Orissa Krushak Mahasanga |
| PAGAD | People against Gangsterism & Drugs |
| PLWHA | People Living with HIV/AIDS |
| PSP | Panchayat Sensitization Programmes |
| RDP | Reconstruction and Development Programme |
| RRTC | Regional Resource & Training Centres |
| SANCO | South African National Civics Organisation |
| SECC | Soweto Electricity Crisis Committee |
| SEWA | Self Employed Women's Association |
| SEWU | Self-Employed Women's Union |

| | |
|---------|--|
| SHARAN | Sanctuary for Health and Reconnection to Animals and Nature |
| SODS | School of Development Studies |
| SPYM | Society for the Promotion of Youth & Masses |
| SSP | Sardar Sarovar Project |
| STI | Sexually Transmitted Infections |
| THBC | Thembalethu Home Based Care |
| TISCO | Tata Iron and Steel Company |
| TLA | Textile Labour Association |
| TNWF | Tamil Nadu Women's Forum |
| UN CERD | United Nations Committee on Elimination of Racial Discrimination |
| WNC | Women National Coalition |
| WSSD | World Summit on Sustainable Development |
| WTO | World Trade Organisation |

PREFACE

By the beginning of 1980's civil society has gained worldwide prominence due to geo-political and economic change, such as the end of Soviet Union, communism and authoritarian state regimes. It has made a wave of democracy all over the world what Samuel Huntington has called the 'Third Wave of Democracy'. By the end of post cold war liberal political leaders, scholars and activists were celebrating the triumph of democracy, free market capitalism and human rights through out the world. Subsequently, the concept of civil society has traveled to all corners of the world, through intellectual exchange, activist discourse, and official policies of development donors and politicians.

Civil society is a space where people pursue self defined ends in an area of common concern. It is a voluntary civic and social organization which has institutional form on the basis of society. Civil society has been for long been a part of the western intellectual tradition, from Socrates, Locke, Hegel and Gramsci, to till Habermas.

South Africa, Brazil, and India represent three continents of the world. All of them have been colonial experiences of long period by the Portuguese (Brazil) and British people (South Africa and India). These three countries also predominantly represent cosmopolitan society. They have relied on an economically based model of the state intervention in the economy and they are also representing the three major democracies in three different corners of the globe. These countries have political and social system based on the sovereign constitution. Constitution represents a body of fundamental rules and principles, which determine the structure of the state.

The study evolves around the structure of civil society is in the South Africa, Brazil and India. The space is available to the civil society in these three countries. Liberalisation, Privatisation and Globalisation has strengthened the civil society in South Africa, Brazil and India, especially after the end of cold war.

This dissertation has divided into 5 chapters, this aim to provide a holistic view of civil society in the South Africa, Brazil and India. It examines the structure and space of civil society in South Africa, Brazil and India, the space provided by these three countries to the civil society. To understand the structure of civil society in these countries I have done case studies of the social movements, NGOs (especially related to the HIV/AIDS, because it is a biggest and threat in front of the world especially in these three countries). To understand the space for civil society in these three countries, I have examined the constitutional structure and the political system in these three countries.

First chapter is '**Introduction**' which has discussed the theoretical and conceptual framework of civil society with the historical background of civil society in South Africa, Brazil and India.

Second chapter is '**Structure and Space for Civil Society in South Africa**'. This chapter has discussed the structure of the civil society, thus to understand the structure of civil society it has studied the different social movement, women's movement and the NGOs in the South Africa. And to understand for the space for civil society it has analysed the constitution of South Africa and the political system of South Africa.

Third chapter is '**Structure and Space for Civil Society in Brazil**'. This chapter has discussed the structure of the civil society, thus to understand the structure of civil society it has studied the different social movement, women's movement and the NGOs. And to understand for the space for civil society it has analysed the constitution of Brazil and the political system of Brazil.

Fourth chapter is '**Structure and Space for Civil Society in India**'. This chapter has discussed the structure of the civil society, thus to understand the structure of civil society it has studied the different social movement, women's movement and the NGOs. And to understand for the space for civil society it has analysed the constitution of India and the political system of India.

Fifth chapter is '**Comparative Analysis of Structure and Space for Civil Society in South Africa and Brazil and India**'. This chapter has comparatively analysed the structure of the civil society, thus to understand the structure of civil society it has studied the different social movement, women's movement and the NGOs in the South Africa, Brazil and India. And to understand the space for civil society in South Africa, Brazil and India, it has analysed the constitution of South Africa, Brazil and India and the political system of South Africa, Brazil and India.

Finally '**Conclusion**' an analysis of the study sums up the main points of the entire dissertation based on the findings of the first five chapters. On the basis of it has made the final findings of the structure of the civil society and space available to it, and what are the differences of the structure and the space in these three countries.

The research methods employed in the study are analytical and descriptive. This dissertation is based on variety of primary sources from the United Nations and the secondary sources such as different books, articles and internet.

Chapter: 1

Introduction

Civil society is a space where people pursue their self defined ends in an area of common concern. It is an area of uncoerced collective action around shared interests such as the rights of citizens, freedom and equality. Civil society is identified with voluntary associations and community bodies through which individuals govern themselves.¹ As David Held has said, 'civil society is made up of areas of social life...the domestic world, the economic sphere, cultural activities and political interaction..... which are organized by private or voluntary arrangements between individuals and groups out side the direct control of the state'.² Civil society includes civic engagements that promote an associational life, a good society, and a public sphere.

Today, there are two dominant conceptions of civil society. Firstly, civil society is viewed in opposition to the state apparatus where the state is perceived to be negative institution, which does not allow the individual ideas to flourish. Civil society is identified with voluntary organizations and community bodies with which individuals themselves associate. The non-governmental, non- party associations of civil society are seen as forums of direct participation which can check the totalitarian tendency of the state. civil society is viewed as a community body which always tries to ensure the continuation of democratic reforms. It also mobilise people so that latter can demand their rights from the state in a continuous and sustained manner. It believes in the consolidation of ideas of pluralism and tolerance within society and emphasizes the role these ideas play in sustaining democratic interaction. Civil society refers to a society within which the non-political institutions are not dominated by the political ones, which does not restrain individual activity either.

¹ Gurpreet, Mahajan (1999), "Civil Society, State and Democracy", *Economic and Political Weekly*, P 3471-3472

² David Held (1987), "*Models of Democracy*" Stanford: Stanford University Press, p 281

Secondly, civil society is associated with a set of institutions that mediate between the individuals and the state. Some of them even criticise the civil society organisation of conniving with the state apparatus for the benefit its own members. It is perceived as a modern phenomenon which becomes operative only when formal equality is the guiding principle of the society. Civil society has been associated with varied and diverse changes in society such as the emergence of secular authority, the development of the institution of private property, the appearance of an urban culture, the demise of absolutist states, the rise of democratic movement of the 19th century , modern constitutionalism and the rule of law.

Civil society as analytically and structurally stresses the importance of its forms such as: social organizations and networks, the third sector, or more broadly, the arena in which citizens come together to advance the interest they hold in common, containing all organisations and associations between and family and the state except firms. Cognitive definition stresses the importance of norms: social values and attributes such as trust, tolerance and co-operation that are assumed to bring about a society defined as 'civil', a way of being and living in the world that is different from the rationality of either state or market.³ Finally, we can say that civil society can be seen as any sort of directly linked community of shared values. It is coming together of individuals seeking political stability in their search for good life.

After the collapse of Soviet Union civil society has brought unexpected and distinctive trends in political and social discourse: At the end of 20th century, the idea of civil society became popular for more than one reason than the decline of communism, Authoritarian regimes and the rise of capitalism. It can be observed that civil society, through the development of NGOs, people's movement and social movements has gathered more momentum. NGOs act as an institutional alternative that can monitor the transparency and efficacy of legislation and can expose to the public the intensity or forms of client patron relations, in governance at the local or national levels. Associational NGOs also have mechanisms that can promote social tolerance which can minimize political

³ Michel, Edward (2004), "*Civil Society*", Cambridge: Polity press, P 58.

violence and defuse ethnic rivalries⁴. Membership in voluntary organizations, such as labour unions, guilds, professional organizations, clubs, bowling leagues, bird watching clubs, and other organized groups promote a sense of community are also part of civil society. As such, a state with high levels of civil society promotes a democratic political culture, which is a pattern of widely shared attitudes and values supportive of democratic institutions and procedures.

1. Conceptual Framework of Civil Society

Civil society can be discussed in historical and societal context; it lays at the intersection of economic, political and social relations that human beings enter into in their collective existence social, political and cultural linkages with the history. It varies at the conceptual level: because it is historically bounded, with different societies who had different concepts. It has been a part of the western intellectual tradition, from Socrates, Locke, and Hegel to Antonio Gramsci. So we can understand the conceptual frame of civil society on the basis of different themes such as:-

1.1 Civil Society from Historical Perspective

1.2 Civil Society and Concept of Space and Structure

1.3 Civil Society in Third World Countries

1.1 Civil Society from Historical Perspective

The term civil society can be traced through the works of Cicero and other Romans and ancient Greek philosophers⁵, although they equated civil society with the state. The modern idea of civil society emerged in Scottish and continental enlightenment of the late 18th century. Cicero equated it with the conditions of living in a civilized political community sufficiently advanced to include cities, having their own legal code, civility

⁴ Ashutosh, Varshney (2001), "Ethnic Conflict and Civic Civil Society: India and Beyond," *World Politics* 53: 362-98.

⁵ B.K.Mahakul (2006), "Civil society and Development in India: Role of the NGOs", *South Asian Journal of Socio-Political Studies*, p 45

and urbanity, civil partnership, living being ruled by civil laws, and the refinement of civil life and commercial arts. It was defined as opposed to the conditions of barbarism and despotism, a society based upon rights, constitution, mixed government, rule of law, and market division of labour. In the contemporary discussions, there is no agreement about the proper source of civil society. A host of political theorists, from Thomas Paine to George Hegel, developed the notion of civil society as a domain parallel to but separate from the state- a realm where citizens associate according to their own interest and wishes.⁶ Thus to understand all thoughts in proper way we can see it on the basis of political and social conditions. So we can divide it into the different parts such as:

1.1.1 Evolution of the Concept

1.1.2 Contemporary Thoughts

1.1.1 Evolution of the Concept

The idea of civil society obscures its historical depth. We can see that it has linkages since the Socratic period. So we can divide it into different themes such as-:

1.1.1.1 Socratic's Period

1.1.1.2 Aristotle's Period

1.1.1.3 Hobbes's Period

1.1.1.4 Locke's Period

1.1.1.1 Socratic's Period

Socrates was grappled with the surrounding communal life in the Greek city state. On the basis this, he has given the concept of 'good life' where the conflict between the needs as individuals and the needs of society will resolve through public argument. Socrates himself never wrote any of his ideas down, but rather engaged his students (wealthy young men of Athens) in endless conversations. He suggests that what is to be considered

⁶ Carother Thomas (2000), "*civil society*", *Foreign Policy*, NO 117, pp 18-29.

a good act is not good because gods say it is, but is good because it is useful to us in our efforts to be better and happier people. This means that ethics is no longer a matter of surveying the gods or scripture for what is good or bad, but rather thinking about life. He even placed individual conscience above the law -- quite a dangerous position to take.⁷

Socrates also talked about how could people obtain the 'good life' given the inherent conflicts between their needs as individuals and the needs of their society? Socrates, according to Plato, advocated that issues can be resolved via public argument using the dialectic, a form of rational dialogue in which the arguers test propositions against other propositions in order to uncover the truth, that is, until they achieve a reasoning that cannot be refuted.

1.1.1.2 Aristotle's Period

For Aristotle, the best state is a polity which is ruled by the middle class, who are more likely to be moderate in their individual aspirations, and more likely to strive for equality, than either the rich or the poor. Aristotle did not find any kind of distinction between 'state' and 'society' or between politics and civil society: it simply meant a community a collection of human beings united with in a legitimate political order and was variously rendered as 'society' or 'community'.⁸ But since a small middle class can rarely stand up to the passions of the rich or poor it tends to become either an oligopoly (rule by the rich minority) or a democracy (rule by the poor majority).

Aristotle highlights two aspects of liberty the first is that individuals should have the opportunity to participate in ruling through taking part in public office. Laws should be the result of public deliberation among average citizens rather than experts, since people through discourse enhance their collective practical intelligence and ensure optimal

⁷ C. George. Boeree, "*The Ancient Greeks Part Two: Socrates, Plato and Aristotle*", It accessed from <http://webpace.ship.edu/cgboer/athenians.html>, accessed on 04/11/07.

⁸ Sudipta Kaviraj and Sunil Khilani (2002), "*Civil Society: History and Possibilities*", Cambridge: Cambridge University Press, p 17

satisfaction of all parties in the society.⁹ The second is that, subject to obeying rightly constituted laws, people should be able to live as they like, free from interference from the state. In this, people are to be treated as equals.

1.1.1.3 Hobbes's Period

The age of reasoning counts from the Thomas Hobbes to the John Locke. They are first thinkers who started thinking of civil society not as a natural community. Hobbes saw the natural condition of mankind outside civil society as one of the misery. According to him in the state of nature every one has 'right of nature' which is 'the liberty.....to use own powers, as his will himself, for the preservation of his own nature.....and consequently, of doing anything, which is his own judgment and reasons, he shall aptest means thereunto.¹⁰ In Hobbes account, fear is a major motive impelling people state of nature to make the covenant by which a sovereign is set up. He says, civil society may flourish only when the state is strong. According to him people enter in civil society through fear of their lives. According to him all moral principal derives ultimately from individual self- preservation.

1.1.1.4 Locke's Period

In the mid seventeen century attempted to persuade people that Locke has placed too much importance on the rights of individuals, the expense of the pursuit of civic virtues associated with the common good. Locke's view individual creates society and political organisation because they had to find a source of power for the regulation of property political originates in consent because all men are free and equal in the state of nature. The consent is the sole origin of the members of society as a means to secure our preservation.

⁹ Rory, O. Brien (1999), "*Philosophical history of the Ideas of Civil Society*", It accessed from <http://www.web.net/~robrien/papers/civhist.html> accessed on 15/12/07

¹⁰ Thomas Hobbes (1996), "*Leviathan*", in Richard Truck (eds.), Cambridge: Cambridge University Press P 14 & 64.

Locke says that whenever, any number of men is so united into one society as to quit every-one his executive power of law of nature and to resign it to the public, there and there only is a political or civil society.¹¹ However the existence of civil society requires more than rule of law. Civil society emerges only when the citizen's right to life, liberty and property is guaranteed by law.¹²

On Locke's view, social organization is the development of the family, a voluntary association designed to secure the propagation of the human species through successive generations. Although each individual in the state of nature has the right to enforce the natural law in defence of property interests, the formation of a civil society requires that all individuals voluntarily surrender this right to the community at large. By declaring and enforcing fixed rules for conduct human laws the commonwealth thus serves as "umpire" in the adjudication of property disputes among those who choose to be governed in this way.

Securing social order through the formation of any government invariably requires the direct consent of those who are to be governed. Each and every individual must concur in the original agreement to form such a government, but it would be enormously difficult to achieve unanimous consent with respect to the particular laws it promulgates. So, in practice, Locke supposed that the will expressed by the majority must be accepted as determinative over the conduct of each individual citizen who consents to be governed at all. Although he offered several historical examples of just such initial agreements to form a society, Locke reasonably maintained that this is beside the point. All people who voluntarily choose to live within a society have implicitly or tacitly entered into its formative agreement, and thereby consented to submit themselves and their property to its governance.

¹¹John Locke (1988), "Second Treatise of Government", in P.Laslett (eds.) *Locke: two treatise of government*, Cambridge: Cambridge University Press, p 325

¹²John Locke (1924), *Two Treaties of Civil Government*, Loudon: J M Dent , p 44

1.1.2. Contemporary Thoughts

In the beginning of nineteenth century the evolution of civil society can be seen from the work of Ferguson, G. W. F. Hegel, Marx, Gramsci etc. Hegel disagreed with Locke's negative conception of law and freedom. According to him, Locke's counterpoises individual subjective will to universal law. Hegel defines 'civil society as a forum of ethical life in which the subjective and the objective co-exist in harmony. This harmony because civil society embodies a system of relations built upon the mutual recognition of the rights of the self and the others'.¹³

It was Hume's insight that property must be founded on justice for the relation between man and his property is not natural but moral the distinction of property and stability of possession are the most necessary to the establishment of human society as well as to perfect harmony and concord within a nation.¹⁴ Thus there are different contemporary thinkers has given theoretical aspects of civil society these are:-

1.1.2.1 Ferguson's Concept

1.1.2.2 Hegel's Concept

1.1.2.3 Marx's Concept

1.1.2.4 Gramsci Concept

1.1.2.1 Ferguson's Concept

Ferguson's theory, civil society is understood first and foremost as the locus of material civilization and social, and intellectual progress. He contrasted 'civil' not with 'natural' but with 'rude'. According to him civil society developed as a result of a slow process of refinement and improvement of arts, trade, and military culture. Rude nations were shaped into civil society through, the policy of government of their country, their education, knowledge, and habits and these factors had great influence in forming their characters.¹⁵

¹³ Mahajan Gurpreet (1999), "Civil Society and Its Avatars : What Happened to Freedom and Democracy?", *Economic Political Weekly*, p 1189.

¹⁴ Adam. Ferguson (1996), "*An Essay on the History of Civil Society*", Edinburgh: Edinburgh university Press, p 12.

¹⁵ Manfred Riedel (1975) "Gesellschaft Bürgerliche", in O. Bruner, et al (eds.), *Geschichtliche Grundbegriffe*, vol. 2, Stuttgart: Klett Publication, p 721

Adam Ferguson considered civil society as a society polished and refined and is characterized as a certain stage of social, Political and economic advancement. According to him, progress is a measure of civilization; mankind aiming to remove inconveniences and to gain advances which could improve its present stage arrives at ends that cannot be perceived such as civil laws and political establishments.

For him civil society has a broader connotation including citizens as well as institutions and laws. In his view, civil society cannot be grasped as a sphere outside political establishments; it is understood as the polity itself and is conceived, above all, in civic and political terms, as a locus of the exercise of political virtue; in conducting the affairs of civil society mankind can pursue their best talents and find objects of their best affection.¹⁶ Civil society is formulated in his theory as a positive concept, as a moral category, a measure of a good government or society.

Virtue and cultivation of moral sentiments plays the key role in Ferguson's concept of civil society. He traces the progress of man through various stages of society from primitive age to advanced civilization. According to him not every society can be 'civil' but only those in which individuals might enjoy civil liberty under government protecting their rights and interests. According to him civil society can be understood as a political community (union) of free citizens in a city state or a modern state and civil society as a sphere of free, self-interested individuals. Ferguson's civil society meant a realm of solidarity based on moral sentiments natural propensity to active citizenship and concern about public good.

1.1.2.2 Hegel's Concept

Hegel's philosophy is not based on some universal characteristics or human nature or in the ideals of natural rights (as for instance in Locke) but in ethical life, in the philosophy of spirit. In this view civil society is a part of ethical life. He presented an innovative and state centered concept of civil society. His central theme was to understand the

¹⁶ Adam. Ferguson(1966), "*An Essay on the History of civil society*", Edinburgh, 1966, p 155

contemporary understanding of civil society. He considered civil society as the embodiment of universal egoism-treating every body as a means to mean his own ends is a typical expression in economic life where it can use as to needs of others to satisfy our own ends. While the state is characterised in terms of the readiness to put up with sacrifice on behalf of others, the consciousness of solidarity and community

Hegel had introduced triplicate division – the family, the civil society and the state. He distinguishes them as firstly the family, the natural sphere of the ethical world; secondly, civil society, the achievement of the modern world and ethical life; and finally, the state, an objective guarantor of universal freedom. Therefore, Hegel put civil society somewhere between family and state.¹⁷ According to him family was termed as a private domain but civil society and the state were public domain. He termed family as a thesis, civil society anti-thesis and state as the synthesis. He takes ‘the creation of civil society is the achievement of the modern world which has for the first time given all determinations of the Idea their due.’¹⁸

According to him civil society is an attainment of modern society within which individual self interest receives legitimization and is emancipated from the religious and ethnic-political consideration. In his view civil society is an association of members as self-subsistent individual in universality which, because of their self- subsistence is only abstract. Their association is brought about by their needs, by the legal system- the means to security of person and property and by an external organization for attaining their particular and common interest.¹⁹ He calls civil society as the many organizations to which men belong, and which in the aggregate manage the common interests of society. The individual break out of the narrow circle of family and is introduced to a wider range of interest public in their nature and broadening in their influence.

¹⁷ Mclean, G. F. (1997), “Philosophy and Civil Society: Its Nature, Its Past and Its Future”, In G. F. McLean (eds.), *Civil Society and Social Reconstruction*, Washington DC: The Council for Research in Values and Philosophy, p 134

¹⁸ F.W. G. Hegel(1967), “*Philosophy of Right*”, (Trans) T.M. Knox, London: Oxford University Press, p 182

¹⁹ Lancaster L W (1941), “*Master of Political Thought (Vol-3)*”, London: Houghton Mifflin publication, p-21.

Hegel considered civil society “the embodiment of universal egoism,” in that, as in economic life, individuals use the needs of others to satisfy their own needs. Civil society was seen simply as society minus the State, which meant the so-called economy was part of civil society. Primarily in the economic sphere of private affairs, individuals would seek to satisfy their needs. He considered corporations, outgrowths of the freedom to associate, essential to the structure of modern freedom. Furthermore, for Hegel, civil society cannot be separated from economic society. Social conflicts over rights and needs have to be solved; this is a job for the State. According to him society is supreme entity. The State is an end in itself, as the highest morality, whereas civil society’s ultimate end is to protect its members. Later, this idea was used by Hefner, who included business associations as part of civil society, entitled to protection of their rights and interests.²⁰ Further, Hegel included public authorities in civil society, because they ensure the safety of persons and property.

Hegel considered civil society as the embodiment of universal egoism or treating everybody as a means to my own ends is a typical expression in economic life where we use the needs of others to satisfy our own ends. Hegel’s definition of civil society follows the classical economist’s view of the free market: ‘an association of members as self-subsistent individuals in a universality, which, because of their self-subsistence, is only abstract. Their association is brought about by their needs, by the legal system or the means to security of person and property or and by an external organization for attaining their particular and common interests’.²¹ Free individuals are so intent on satisfying their own private ends that they have lost respect for the common good.

The fundamental characteristic of civil society in Hegel is that describing it as the battlefield where each self-seeking individual is totally absorbed in pursuing his own selfish ends. At the same time it also is a process of mediation and particularity. In civil

²⁰ Robert, W. Hefner (1998), “On the History and Cross-Cultural Possibility of a Democratic Ideal”, In Robert, W. Hefner (eds.), *Democratic Civility: The History and Cross-Cultural Possibility of a Modern Political Idea*, London: Transaction Press, p 3-50

²¹ F.W. G. Hegel (1967), “*Philosophy of Right*”, (trans.) by T.M. Knox, London: Oxford University Press, 42, p 157

society particularity and universality have fallen apart.²² Hegel's view civil society contains three stages: (a) a system of needs (b) the administration of justice (c) the public authority and competition. According to him civil society is sphere where individual seek to satisfy each others needs through work, production and exchange.

1.1.2.3 Marx's Concept

Using Hegel's description of civil society, especially of the first part of the system of needs, Marx prefigured his analysis and critique of the capitalist State. He asserted, that 'Civil Society embraces all the material relations of individuals within a definite stage of development of productive forces'²³ Marx asserted that civil society is bourgeois society, in which people treat one another as means to their own ends. Furthermore, he saw civil society as a means to weaken the feudal order and concentrate power in the hands of the new class, the bourgeois.

Marx saw civil society as the arena of class conflict between the bourgeoisie and the proletariat. In this way he tried to highlight how socio-economic distinctions constituted "the *differentia specifica* of stratification of modern civil society"²⁴ This *differentia specifica* provided a crucial precondition for the emergence of civil society, the separation of the private sphere of production and exchange from the public arena of the State. In this way, civil society is associated with the private realm, the relations among individuals that developed in the bourgeoisie only. For Marx, too, this also resulted in the evolution of the State as an institution separate from economic society.

Marx embraces the whole material intercourse of individuals within a definite stage of the development of productive forces. In his general, analytical sense, civil society as the social organisation evolving directly out of production and commerce is always and everywhere, the true source and theatre of all history, its forms the basis of the state and of the rest of the idealistic superstructure. Marx felt that the private dimension of civil

²² Ibid, p 184

²³ N, Bobbio (1987), "Which Socialism?", Minneapolis: University of Minnesota Press, p 22-46

²⁴ A, Colas (2002), "International Civil Society", Cambridge: Polity Press, p 48.

society overpowered the public aspect, which, in a market –oriented society, resulted in an overemphasis on rights of individual to pursue self-interest and a corresponding emphasis on the right of the citizens to pursue communal interests.

Marx says civil society was the creation of the communal movement of the burghers of the late Middle Ages. The stuff of civil society was the urban corporations and communes. These cleared the space for the accumulation of capital and the rise of the bourgeois class. As Alvin Gouldner says, Marx normally emphasised that the social structures of civil society were not independent entities generating bourgeois society but were, rather, forms in which bourgeois society had emerged; that is, they were the products rather than the producers of the bourgeois class.²⁵

If it can be specifically abstract from the Marxist, this suggests one common understanding of the concept. Civil society is the arena of non-state institutions and practices which enjoy a high degree of autonomy. Classic Marxism would make economic institutions the heart of this region of society. But latterly, especially under the influence of Gramsci and to some extent Althusser, the tendency has been for Marxists and non-Marxists alike to stress the specifically non-economic dimension of civil society, and to concentrate instead on civic, cultural, educational, religious and other organizations not directly related to the system of production. Trade unions and professional associations are included in so far as their influence goes beyond the immediate sphere of work and links their members to wider social and political purpose.

1.1.2.4 Gramsci's Concept

Antonio Gramsci defines civil society as the arena between the economy, the state and the market in recognition of the political role played by worker's movements. He portrays civil society as the arena, separate from state and market, in which ideological hegemony

²⁵Alvin, Gouldner (1980), *Civil Society in Capitalism and Socialism in the Two Marxism*, London: Macmillan Publication, p 356

is contested. This implies a spectrum of social organizations as well as community organizations, which both challenge and uphold the existing order.²⁶

According to him civil society viewed as a protector of the individual from the tyrannical state and as a protector of the state, and the states without civil societies are tremendously fragile compared to states that possess civil societies.²⁷ Gramsci has discussed about superstructure in which he divides into two 'political society' and 'civil society'. According to him political society is the arena of political institutions and legal constitutional control, and civil society which is commonly seen as the 'private' or 'non-state' sphere, including the economy. The political society is the realm of force and the civil society of consent. According to him civil society comprises relationships as well as ideological and cultural relations. It includes institutions such as church, political parties, trade union, universities, the press, the publishing house, voluntary association of all kind. He talks about civil society two kinds of role such as civil society as a weapon of capitalist class. On the other hand civil society offers the industrial workers to gain 'hegemony' and prepare the way of revolution as what has happened in country like Russian revolution (1917).

Gramsci regarded civil society as an integral part of the state; in his view, civil society, far from being inimical to the state, is, in fact, it's most resilient constitutive element. He was also convinced that the intricate, organic relationships between civil society and political society enable certain strata of society not only to gain dominance within the state but also and more importantly, to maintain it, perpetuating the subalternity of other strata. To ignore or to set aside these crucial aspects of Gramsci's concept of civil society is tantamount to erasing the crucial differences that set his theory of the state apart from the classic liberal version.²⁸ Finally, it can be said that, Gramsci civil society does not belong to the structural sphere, but to the super structural sphere. Gramsci mean by civil society, the political and cultural hegemony which a social group exercise over the whole

²⁶ D. Lewis (2001), "*Civil Society in Non-Western Context: Reflections on the 'usefulness' of a concept*", London: Unpublished manuscript

²⁷ Antonio Gramsci, (1971) selections from the prison notebooks of Antonio Gramsci. Edited and Translated by Quintin Hoare and G.N Simth. Lawrence and Wishart, London : International Publication

²⁸ Joseph A. Buttigieg (1995), "Gramsci on Civil Society", *boundary 2*, 22(3), p 4

of society, as the ethical content of the state. This brings two very important points, firstly Gramsci claims that his concept of civil society derives from Hegel's. Secondly, Hegel concept of civil society, as understood by Gramsci is upper structural (Hegel identifies civil society with all economic relation, that with the structural sphere)

Immanuel Kant's main principle on civil society was that people should treat other people as ends in themselves rather than means to the ends of others. He advocated a public arena of rational, critical discourse concerning the 'ends' posed by the state. Hume use civil society in context of economic progress, as for enjoyments are given us from the open and liberal hand of nature, but by an art, labour and industry, we can extract them in great abundance. Hence the ideas of property become necessary in all civil society.²⁹

Finally, it can be that civil society in addition to a principle of equal liberty, which includes the right of all people to vote and hold public office, freedom of speech, conscience, thought, association, the right to private property, and due process of law, he adds a second principle of equal opportunity to compete for any position in society. Francis Fukuyama, a contemporary social scientist who shares the non-statist view, sees civil society broadly as

.... a complex welter of intermediate institutions, including businesses, voluntary associations, educational institutions, clubs, unions, media, charities, and churches.... Thriving civil society depends upon a people's habits, customs, and ethics- attributes that can be shaped only indirectly through conscious political action and must otherwise be nourished through an increased awareness and respect for culture.³⁰

For Fukuyama, civil society is the whole private sector (including business) outside government. Some scholars also favour this view as 'private sector' sociologist Edward Shils says that civil society 'lies beyond the boundaries of the families than

²⁹ Hume David (1975), "*An Enquiry Concerning Human Understanding*", L.A. Selby-Bigge (eds.), Oxford: Oxford Publication, p 205

³⁰ Francis, Fukuyama (1995), "*Trust*", New York: The Free Press, p 360

the clan and beyond the locality; it lies short of state. For skills, the space of civil society is the private sector of market relations and public form an autonomous realm of private individuals 'engaged in acts of self-determination'. They are safeguarded against the arbitrary and oppressive pressures of both the state and 'organic primordial community'.³¹

Some philosophers oppose the public vs. private sphere. As Hannah Arendt, Describes these spheres as constantly flowing into each other. This view of civil society imagines the development of new hybrid structure: the private/public composite, which becomes the centre of meaning and change in the development of civil society.³² Jurgen Habermas has correlated public sphere and civil society, according to him a 'public' constitutes an organ for self – articulation of civil society an arena which private individuals assembles in an effort to reach common judgment and exert their influences on the state.³³

1.2 Civil Society and Concept of Space and Structure

Civil society in the modern world eludes any blanket definitions because of their structural and functional diversities. Due to the space provided by civil society, the individual no more acts in an atomised and self centered way, rather it works in a collective manner for bringing about benefits for the entire society rather than for its own. Civil society is an arena where the individuals recognize themselves as social beings. Their life is not described as a poor, solitary, nasty, brutish and sort as defined by Hobbes in state of nature. This is due to the reason that the members act in a cohesive and coordinated way which would enhance the feeling of solitary, peace and tranquility amongst the members of civilized society. It also confine by a plethora of conflicting ideologies of all sorts. So it can be understood civil society correlating with the different ideologies. Such as state, democracy, religion, social movements and economy etc

³¹ Edwards, Shils (1991), "The Virtue of Civil Society", *Government and Opposition*, 26(1):3

³² Hnnah, Arendt (1958), "*The Human Condition*" Chicago: University of Chicago Press, p 36.

³³ Jurgen Habermas (1989), "*The Structural Transfomation of the Public Sphere*", Cambridge:MIT Press, p 74

1.2.1 Civil Society and State

Civil society usually refers to the public sphere, set apart from the state and the market; however, it was not always so. The relationship between state and civil society has always been a subject of insightful discussion. As Hobbes and John Locke considered the state is a creation of civil society for protecting life and property of citizens. John Locke considered civil society as having inalienable rights over the state. From the time of Hegel thought that the superiority of the state will eventually reduce civil society to the level of state power. Gramsci disagreed with this point and said that both state and civil society were created around reciprocal rights and obligations and that one cannot exist without each other Gramsci portrays civil society as the arena, separate from state and market, in which ideological hegemony is contested. This implies a spectrum of social organizations as well as community organizations, which both challenge and uphold the existing order.³⁴

Sociologists no more use state as an embodiment of coercive power and sovereignty but it operates various elements such as –executive, legislature judiciary, bureaucracy, the army and in a democracy political parties, pressure groups etc. As Pelczynski said, Civil society in this sense is an arena in which modern man legitimately gratifies his self-interest and develops his individuality, but also learns the value of group action, social solidarity and the dependence of his welfare on others, which educate him for citizenship and prepare him for participation in the political arena of the state.³⁵

1.2.2. Civil Society and Democracy

Democracy is government by consent. But consent can be obtained in various ways. One can get the consent of people for something by drugging, deceiving, hypnotizing, bribing, brainwashing, or persuading them. The modern procedures of general elections in the

³⁴ D.Lewis (2001), “*Civil Society in Non-western context: Reflection on the usefulness of a concept*”, London: Cambridge University Press, p 56.

³⁵ Pelczynski A (1984), ‘Solidarity and The rebirth of Civil Society in Poland’, in John Keane (eds.), *The State and Civil Society: Study 7 in Hegel Political Philosophy*, Cambridge: Cambridge university press, p 364

multiparty forms associated with existing democracies are widely regarded not only as legitimate ways of seeking the consent of the governed but also as the only legitimate ones. The conceptualization of civil society that vest it with the task of democratization are rooted in two traditions such as the revolutionary imaginary of civil society makes it a site for contestation, where people counterpose themselves against the state power and in the process either replace or reform it.³⁶ A second stream of conceptualization, which link civil society to the state, is the Tocqueville's interpretation of civic associations performing the role of watch dogs in a democracy.³⁷ This linkage of civic association with democracy is further supported by Putman who, draws on his experience in north Italy, advocates strong civic associations for establishing a strong democratic tradition.³⁸

Countries are promoting civil society to internalize democracy along with checking the untrammelled power of the state, which is over reaching as well as filling the vacuum of deficient state. In a minimal sense, civil society exists where there are free associations that are not under the tutelage of state power. In a much stronger sense, civil society exists where society is a whole can structure itself and coordinate its action though such free associations.³⁹

An active, diverse civil society often does play a valuable role in helping advance democracy. It can discipline the state, ensure that citizen's interests are taken seriously, and foster greater civic and political participation. Civil society not only play a significant role in the deepening the democracy but also political freedoms and civil liberties among transitional citizens, but also lead to better institutional performance. Thus societies that have a strong civil society may have a tendency to experience higher levels of political representation, enabling collective groups to resist unpopular state policies and apply pressure on state institutions when they find they have erred. Civil society groups can provide better social services than the state is capable of, and sometimes can even have a

³⁶ J.Keane (1998), "*civil society: old images, new visions*", Cambridge: polity press, p 124

³⁷ Tocqueville (1990), "Democracy in America", The Colonial Press, New York,

³⁸ Rajesh Tondon and Ranjita Mohanty (2003), "Civil Society and Governance: Issues and Problematics", in Rajesh Tondon and Ranjita Mohanty (eds.), *Does Civil society matters: Governance in Contemporary India*, Sage publication, p 11

³⁹ See fir details, *Philosophical Arguments* by Charles Taylor, Harvard University Press, 1995, p 68.

more efficient way of mitigating social exigencies. Sydney Tarrow also puts forward the argument that civil society does not promote better governance. Rather, states that have a high level of organizational capacity (those that have institutionalized the rule of law and achieved high levels of legitimacy) are more likely to foster polities that can have strong civil societies⁴⁰. The effectiveness of civil society here is to be judged by the degree to which the wishes concerned are taken account of in decisions.

1.2.3. Civil Society and Economy

Civil society has been closely connected with economic sphere. The expansion of trade and commerce brought people into closer contact. The rise of manufacturing, producing and establishment of industries spreaded wealth and well-being over a broader social and economic sphere. Thus, it makes people to start taking part in social life and free of independent citizens. For political philosophers who envisaged the future of mankind as progressive and liberating, personal freedom and independence were at the core of civil society. Economic achievement laid the foundation for the life of one's own economic interests. Economic interest's bounds people together and allowed them to cooperate for each other's benefit. Civil society was built on the top of a free market economy in which its members were supposed to participate as producers and consumers.⁴¹ An active and strong civil society, gives useful input on economic policy issues, facilitate the growth of private enterprise, and help ensure that the state does not suffocate the economy.

In practice, however, the connection between economic growth and civil society is not so straightforward. Compare two cases. South Korea's economic miracle was built on the back of a repressed civil society, especially a besieged labor sector. Only in the 1980s, when the military regime felt it could afford to loosen up, was civil Society given space to flourish. Unions, student groups, and religious organizations took full advantage of the

⁴⁰ Tarrow, Sydney (1996). "Making Social Science Work Across Space and Time: A Critical Reflection on Robert Putnam's *Making Democracy Work*," *American Political Science Review* 90: 389-97

⁴¹. Frevert Ute (2001), 'Civil Society and Citizenship in Western Democracies: Historical Developments and Recent Challenges'. *Civil Society, Public Sphere and Citizenship: Dialogue and Perceptions*, (eds.) by Rajeev Bhargava, Sage publication, pp-63.

opportunity and pressed bravely and effectively for democratization. Heroic as they were, these groups cannot be given credit for one of the fastest growing economies to emerge in the last 50 years. By contrast, South Africa is rich in civil society, with thousands of NGOS, advocacy groups, and social service organizations operating at the national and local levels.

A well-developed civil society can be a natural partner to a successful market economy. When citizens reach a comfortable standard of living, they have more time, education, and resources to support and take part in associational life. And many sectors of civil society can reinforce economic development by encouraging sound governmental policies and by increasing the flow of knowledge and information within a society. As with the relationship between civil society and democracy, however, it is important not to assume any iron laws of causality. The path to economic success is not necessarily paved with civil society, and a strong civil society can co-exist with a relatively weak economy (and vice versa). What's more, too much or the wrong type of civil society can be economically harmful. Some economists believe, for example, that Latin American labor unions, a mainstay of the region's civil society, have been one of the largest obstacles to Latin America's economic growth and stability.

1.2.4. Civil Society and Globalisation

Globalisation is gradually eroding the boundaries of the sovereign states, which traditionally have exercised control over actions, events, and persons within their borders and, in the case of powerful states, touching their vital interests abroad. The processes of economic globalisation are instead transferring unprecedented power to a variety of transnational actors, including transnational business and financial interests. Many of these transnational business actors are familiar Western transnational corporations, such as Shell Oil or Proctor & Gamble; others, however, are much less 'brand-visible' to Western consumers and include the movement of ethnically based diaspora capital across borders. The falling cost of worldwide communications, however, has especially favoured the development of transnational events. These include not just international

NGOs but transnational social movements at a mass and not simply an organisational or institutional level, including the growth of transnational religious movements such as Islam, new social movements such as Falun Gong, has been globalised .These actors are able to take advantage of the increasingly global nature of economic and many other activities, whereas economic regulation remains fundamentally national because the principle of national sovereignty remains well sovereign.

Civil society always changes its some role according to time frame. Now in the era of globalisation it can be seen, civil society as sphere of ideas, values, institutions, organisations, networks, and individuals located between the family, the state, and the market, and operating beyond the confines of national societies, polities, and economies. Civil society is also managing difference and accommodating diversity and conflict through public debate, non-violent struggle, and advocacy. Historically, civil society was bounded by the state; it was about managing difference within a bounded community and about influencing the state. What we mean by the global civil society is not just civil society that spills over borders and that offers a transnational forum for debate and even confrontation; rather, we are concerned about the ways in which civil society influences the framework of global governance – overlapping global, national and local institutions. Some theorists prefer the term ‘transnational’ to ‘global’. But by ‘global’ we mean more than just ‘beyond borders’: we refer to the ways in which globalisation has transformed the issues and problems that we face and the role of civil society in confronting them.

1.3 Civil Society in Third World Countries

Third world countries have faced large historical problems which have been much more similar to what western societies faced in the 19th century. Such as the reorganization of social life around modern sovereign states, conflicts generated by early industrialization, contradictions arising out of secularization of state against resistance from universalistic claims of traditional religion to control all aspects of social life.

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The Third-Wave of democracies primarily in Latin America, Asia and Africa that have witnessed people-power uprisings triggered by an unrestrained civil society, that toppled constitutionally elected or appointed presidents since the late 1990s. In Brazil from the 1970s onwards, the concept of civil society was embraced by activists fighting against the authoritarian military regimes the political developments of the late 1980s and early 1990s in most of Sub-Saharan Africa have tended to give the impression that civil society in South Africa is synonymous with anti-statism, the truth is that the African experience of civil society is largely focused on the people's struggle against despotic rulers, repressive regimes and governments that violated both their individual and their collective rights. The pinnacle of a trend of increased political liberty in which African governments gradually introduced reforms to guarantee previously denied civil rights. There was also a marked upswing in the number of competitive national elections, from no more than two annually in the 1980s to a record 14 in 1993. For example the national 'strike' by Swaziland's workers, operating hand in hand with other civic groups to demand that the political system in that country is democratized in 1997.

According to Arturo Valenzuela the 'Latin American region is prone to having interrupted presidencies whereby chief executives were unable to fulfill their constitutional duties of governing because of civil society's political activism'⁴². Such interruptions are critical because they abrogate the institutionalization of the rule of law and the primacy of constitutional governance. Brysk has also pointed out that civil society groups in Latin America have returned authoritarian leaders in Guatemala and Bolivia, and destroyed democratic gains in Venezuela and Ecuador.⁴³

2. Historical Background of Civil Society in South Africa, Brazil and India

Civil society functioned as political rationale in ways very similar to White's account of an idealised counter-image, an embodiment of social virtue confronting political vice: the

⁴² Rollin F. Tusaleem(2007), "A Boon or a Bone? The Role of Civil Society in Third- and Fourth – Wave Democracies", *International Political Science Review*, 28(3): 361-386

⁴³ Ibid, p 365

realm of freedom versus the realm of coercion, of participation versus hierarchy, pluralism versus conformity, spontaneity versus manipulation, purity versus corruption. Civil society plays dynamic role in the democracy, especially to strengthen the democratic system and values. Civil society has played a very significant role in the developing countries and especially those countries who has adopted democratic system such as South Africa, India and Brazil. For the better understanding the role of civil society in South Africa, India and Brazil we can divide it into the different parts such as:-

2.1 Historical Background of Civil Society in South Africa

Civil society has played significant role during the period of independence and for establishing democratic system. The civil society has developed in South Africa as a protest movement, like trade unions, student movements and religious groups, as well as alternative structures of local governance which had mushroomed as a result of the apartheid government's unwillingness to provide proper services in black areas.

South Africa had experienced racist past which can be traced back to well before 1948 when the National Party came into power and officially introduced the policy of apartheid. This was also the time of the birth of the civil society such as women's movement, anti-apartheid movement and the formation of African National Congress (ANC) which provided the largest mass-based forum for the civil society in South Africa. The struggle for freedom reached its height in the 1970s and 1980s, when State repression and internal opposition intensified and international attention was focused on the plight of South Africans.

Since, 1993 South Africa has experienced the social movement as well as rightful place as the chief negotiator on behalf of the liberation movement. The Colonial Government and 24 other political parties came together to negotiate South Africa's transition to democracy first in the form of the Convention for a Democratic Society (CODESA) and then the unnamed Multi-Party Negotiating Forum (MPNF). A number of organizations and structures of civil society particularly those which formed part of the broad liberation

movement worked together with the ANC to assist with developing policy positions and determining priorities for the new South Africa.

In South Africa women movement had also played a distinctive role for the anti-apartheid movement and for the liberation movement such as Federation of South African women (FASW). The FSAW organized branches all over the country and linked the anti-pass movement to other campaigns and issues such as rent increases, forced removals, and inadequate education. The Federation argued that the protests should continue and that the jails should be filled to capitalize on their momentum and pressure the government toward change.

South Africa has liberated from apartheid fourteen years ago (1994). As is well known, the resurgence of anti-apartheid struggle after the dark years of the 1960s began here in Durban with the trade union upsurge of 1973, and simultaneously moved through black consciousness student/community organising and the Soweto youth revolt in 1976. The protest movement took an explicitly urban form through the example of civic associations in Port Elizabeth townships during the late 1970s, 'people's power' model of ghetto organising, translated by Manila-based organic intellectuals and Jesuits. South Africa's primary containing large cities (megalopolis), in the spirit of commemorating the 1984 Vaal civic battles that catalysed the formation of hundreds of similar social movements in Gauteng and across the country. Finally it can be said that South Africa have experienced different social movements and NGOs has also played role in the different sectors.⁴⁴

2.2 Historical Background of Civil Society in Brazil

Brazil has also experienced the different social and protest movements. The first period of mass-based politics in Latin America was that of the populist regimes of the 1930s to the 1960s that sought national industrialisation through import-substitution and pursued corporatist policies of labour control. Over the years the range of social movements was

⁴⁴ Patrick Bond (2004), "South Africa's Resurgent Urban Social Movements The Case of Johannesburg, 1984, 1994, 2004", *Centre for Civil Society Research Report No. 22* URL <http://www.ukzn.ac.za/CCS/files/Bond-sm.pdf> access on 05/06/2008

relatively limited, and confined to the grand class-based actors like the labour and agrarian movements, with more occasional mobilisation by students and teachers.

But by the two major developments, which happened to coincide historically, were to transform this scenario. First, there was the major shift from rural to urban and industrial society that placed the majority of Latin Americans in a completely different social and political environment. Clearly, this shift had been prepared by the industrialization projects, and prompted by the increasing capital intensity of agriculture, but its full demographic and social impact was not felt until the 1970s when the great majority of Latin Americans were living in cities of more than 100,000 inhabitants. Second came the crisis of the populist state (and of the oligarchic state in Central America), and the advent of the repressive military and authoritarian regimes of the 1970s and 1980s. Linking the two developments was the huge growth of the state apparatus and the massive increase in forms of state intervention in countries as different as Brazil and Chile.

Before 1985 Brazil has experienced military regime. By the late 1970s and 1980s distinguished activists and organization sought to deepen and extended democracy by acquiring citizenship rights. New political actors, demanded deepening of democracy as well as solution to social, economic and political problems such as unionization of workers, social movement, Christian based communities and reformist political parties. The intermitting of the democratic and social demand in turn a fertile ground of strategies that confronted the social and political exclusions of the majority of Brazilians.

In Brazil between 1978 and 1985, as the military government slowly withdrew from power, the number of voluntary associations surged. The number of neighbouring organizations increased from seventy-one to 534 in Belo Horizonte. The increase in the number of association was accompanied by important changes in their strategic behaviour. These new patterns included greater citizen's participation, demands by new associations for material benefit such as neighborhood improvement, and association dealing with post material demand such as environmental protection and human rights. Urban center through out the Brazil has experienced this explosion of participation,

although different civil society organization placed varying on deliberation, public decision-making process and rights.

2.3 Historical Background of Civil Society in India

India has experienced different movements also before the independence and after the independence. Until the early 1950s, the Indian labour movement was heralded for its contribution to India's fight for independence.⁴⁵ Sixty years ago when India became independent, it was widely acknowledged that the battle for freedom had been fought as much by women as by men. One of the methods M K Gandhi chose to undermine the authority of the British was for Indians to defy the law which made it illegal for them to make salt. At the time, salt-making was a monopoly and earned considerable revenues for the British. Gandhi began his campaign by going on a march – the salt march – through many villages, leading finally to the sea, where he and others broke the law by making salt. No woman had been included by Gandhi in his chosen number of marchers. But nationalist women protested, and they forced him to allow them to participate.

By the 1960s it was clear that many of the promises of Independence were still unfulfilled. It was thus that the 1960s and 1970s saw a spate of movements in which women took part: campaigns against rising prices, movements for land rights, peasant movements. Women's from different parts of the country came together to form groups against the different issues. Everywhere, in the different movements that were sweeping the country, women participated in large numbers. Everywhere, their participation resulted in transforming the movements from within.

Indira Gandhi's government declared a State of Emergency in 1975, putting a stop to all democratic political activity. Activists, both young and old, women and men, were forced to go underground or to stop all political work. It was only when the Emergency was lifted, some 18 months later, which over ground political activity resumed. It was around this time that many of the contemporary women's groups began to get formed, with their

⁴⁵ Punekar, S.D (1948), "*Trade Unionism in India*", Bombay: New Book Company, p 85

members often being women with a history of involvement in other political movements. In the early campaigns, groups learnt from day to day that targeting the State was not enough and that victims also needed support.

As in a further level Legal aid and counselling centres were set up, and attempts were made to establish women's shelters. It was only when groups began to feel sucked into the overwhelming volume of the day-to-day work of such centres that they began to feel that it was not enough to do what they now saw as 'reformist' and 'non-campaign' work. Knowledge was recognised as an important need. India is such a vast country; what did activists in Karnataka, a state in southern India, know of what was going on in Garhwal in north India? And yet, everywhere you looked, there was women's activity, activity that could not necessarily be defined as 'feminist', but that was, nonetheless, geared towards improving the conditions of women's lives.⁴⁶

In recent years, the euphoria of the 1980s and early 1990s, symbolised by street-level protests, campaigns in which groups mobilised at a national level, the sense of a commonality of experience cutting across class, caste, region and religion all this seems to have gone, replaced by a more considered and complex response to issues. In many parts of India, women are no longer to be seen out on the streets protesting about this or that form of injustice. This apparent lack of a visible movement has led to the accusation that the women's movement is dead or dying.

Finally, it can be said that the South Africa, Brazil and India has experienced the role of civil society before the 1990s.

⁴⁶ accessed from URL:<http://www.twinside.org.sg/title/indial-cn.html>, accessed on 12/06/2008

Chapter: 2

Structure and Space for Civil Society in South Africa

South Africa is ethnically diverse, with the largest Caucasian, Indian, and racially mixed communities in Africa. Black South Africans, who speak nine officially recognised languages, and many more dialects, account for nearly 80% of the population. South Africa's past was succinctly characterized by strife, conflict, untold suffering and injustice which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge. Like many other countries which saw the transition from authoritarian rule to democracy in the 1980s and early 1990s, South Africa's Constitution reflects this past. After the first democratic elections in 1994, millions of South Africans turned to the first democratic government to fulfill their promises of a better life for all.

Civil society plays a very significant role for the democracy. Democracy is a system in which groups can compete for scarce resources, and tolerance allows them the opportunity to compete. Tolerance therefore is a pre-condition for anything it can be call as a free society.¹ Different component plays important role for the establishing and providing space to civil society the component such as Edward shills has discussed the first is a part of society comprising a complex of autonomous institutions - economic, religious, intellectual and political - distinguishable from the family, the clan, the locality and the state. The second is a part of society possessing a particular complex of relationships between itself and the state and distinctive set of institutions which safeguard the separation of state and civil society and maintain effective ties between them. The third is a widespread pattern of refined or civil manners. A dominant global development discourse has emerged in which the connection between democratization

¹ Crick (1971), "*In Defence of Politics*", London: Penguin publication, p 26.

and development is linked to the crucial role of civil society in achieving sustainable human development².

With the demise of apartheid in South Africa a debate has ensued in South African social science literature about the reconstruction of civil society. Yet very little attention for creating a space for civil society not dominated by the state. According to Daryl Glaser the first stage often witnesses national elites who are reluctant to grant their subjects even the most basic rights such as freedom of expression or association, while the second stage becomes an excuse to abandon elementary forms of pluralism and basic human rights, as the focus shifts to building socialism. He argues that only through the acceptance of individual rights of different groups can an assertive and diverse civil society in South Africa be created. Mark Swilling perceives civil society as comprising voluntary associations which are not dependent on the state for their survival. To strengthen voluntary associations they must be horizontally linked through coalitions, federations and fronts. In essence these should capture civil society because it is not a realm of unfettered freedom but is also constituted by interests, struggle and domination.³ For Swilling civil society guarantees civil liberties and rights.

The socio-economic consequences of apartheid for the living conditions and the quality of life for most South Africans urged the new government in 1994 towards a reorientation of all major national policies in order to include formerly excluded parts of the population. Expectations of especially the black population were high due to the promises of the new African National Congress-led government to provide the basic needs they were deprived of for so long, such as access to proper housing, water, health and education. Since 1994 South Africa has received an unprecedented amount of international political aid aimed at consolidating its liberal democracy.

² Gouwans, A (1993), "Political Tolerance and Civil Society: The Case of South Africa", *Politikon South Africa Journal of Political Studies*, 20(1): 15

³ *Ibid* : 16.

2.1 Structure of the Civil Society in South Africa

Civil society plays significant role for the development of democratic system but it depends on the structure of the civil society. Here the structure of civil society can be known by the objectives, role and the functions it has done and doing. Thus, in South Africa democracy it can be seen under different social movements, role of NGOs and women's movement these are:-

2.1.1 Women's Movement in South Africa

Civil society offered as an intermediate associational realm between state and family populated by organisations which are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of society to protect or extend their interests or values. Feminists have critiqued the conception of civil society because it is predicated on the conceptual distinction between the public and the private spheres. This distinction is seen as having an exclusionary impact for women, both in terms of the ways in which the political and civil communities are defined as well as in the practical effects it has for the participation of women in the public sphere.⁴

South Africa had history of women movement weather it is for the liberation or anti-apartheid. During the period 1991-94, women's organisations in South Africa achieved an unprecedented level of organisational strength in the formation of a coalition (the Women's National Coalition) which drafted a set of formal demands The (Women's Charter), presented these to the multiparty negotiations, and won agreement on a package of institutions and mechanisms to advance gender equality. Since the beginning of 2005, poor communities in urban townships all across South Africa have risen in protests. Most of the protestors have been women and youth.

⁴ Hirschmann (1998), "Civil Society in South Africa: Learning from Gender Themes", *World Development*, 26(2):65

2.1.1.1 Bayview Flat Residents Association (BFRA)

Bayview Flat Residents Association (BFRA) is a community movement that emerged in 1999 which is located in council flats of Bayview, Chatsworth. This organization has been chosen because, in contrast with all other community movements that make up the social movements nationally. This sparked off sites of resistance all over the country giving rise to social movements in three different provinces as people organized themselves into the Concerned Citizen's Forum (Kwazulu-Natal), Anti-Eviction Campaign (Western Cape) and the Anti-Privatisation Forum (Gauteng). The protests were an angry, desperate articulation of their frustration of living in worsening poverty: their pleas were for proper housing, for water, for electricity. In spite of the fact is that the burden of day-to-day survival falls on the shoulders of the women in the household, these women have dedicated about their struggle to survive.⁵ They have talked about the poverty they are caught in and how things spiralled out of control after 1996 when the democratic government introduced its neo-liberal macro-economic policy.

BFRA is also stands for amidst their poverty struggles they have fought off and continue to fight off a strongly patriarchal structure of the family with abusive and oppressive husbands and partners. They fight daily the struggles against a patriarchal state that has increasingly, through its austere neo-liberal economic policies, feminized poverty in post-apartheid South Africa.

It has started in Chatsworth IS 40 KM out side the district of Durban. It was setup in the 1950s as a township within the apartheid framework of the Group Areas Act. This Act '...thousands of Indians from all over Durban were corralled into [this] ten square kilometer precincts south of Durban'.⁶ The residents of Chatsworth were working-class people, who struggled to cope with the payment of rent, electricity, water and providing food for their families. Of the 32,000 people living in Bayview, 40 percent have no

⁵ Benjamin S (2007), "The feminization of Poverty in Post Apartheid South Africa: A Story Told by Women of Bayview, Chatsworth", *Journal of Developing Societies*, Sage Publication, 23(1), p 177.

⁶ Desai A (2000), "*The Pools of Chatsworth :Race, Class and Social Movements in Post Apartheid South Africa*" Durban : Durban Institute of Black Research, p 13.

employment. The statistics also show that in 2001, there were still over 2,000 households in the area that did not have direct access to water in their homes but were accessing water from a tap in the yard, from a community stand, spring, rain tank, river or from a water vendor. Since 1996, there has been a 63 percent increase in the number of households using candles.⁷

BFRA has an executive committee of 12 people elected by the community, and 11 of them are women. It has launched a series of challenges against the local municipality. The struggles in Bayview against evictions, relocations, water and electricity disconnections reached a high point in 2000 when a violent clash erupted between the state machinery and a community protesting the evictions. The BFRA committee she has been exposed to many training workshops such as HIV workshops, a research training programme. It has made different objectives of the movement such as :-

- (i) Fight against the unemployment such as the decimation of industries took place through the reduction of trade tariffs in industries that employed large numbers of poor semiskilled and unskilled black women workers. For example, the clothing, textile and leather industries in which women workers are the majority, has shed 17,000 jobs in 2004 with 3,100 being lost since the beginning of 2005.
- (ii) Provide basic services such as water, electricity, housing, education and health care. The adoption of neo-liberal policies has meant the privatization of basic services such as water, electricity, housing, education, health care, transport (formerly public transport).
- (iii) Social grants disability grants to child support grants, these safety nets helped to pay for rent, water and electricity and put food on the table.
- (iv) Patriarchal power obtains in both the public and private domains. Her biggest struggle is putting food on the table and keeping her children in school.⁸

⁷ Accessed from, [www. Statssa.gov.za/census2001/atlas_ward2/stats/stats_59200069.html](http://www.Statssa.gov.za/census2001/atlas_ward2/stats/stats_59200069.html). accessed on 02/03/2008

⁸ Mail and Guardian, 22–28 April 2005, p. 5.

Racial segregation and economic deprivation combined with patriarchy has had a staggering impact on the lives of millions of black women. For many poor black women it meant living on the periphery economically, politically and also in the labour market. Through the new social movements and their collective participation in the wars against the poor, women are occupying new historical spaces. This struggle was not just for political freedom and the chance to vote. It was also a struggle to right the wrongs of the past, to give to all the black people the spoils of the land so that there would not be poverty, that everyone would have a job, a roof over their heads and food on the table.

2.1.1.2 Anti—Eviction Campaign (AEC)

Anti-Eviction Campaign (AEC) is a popular movement made up of poor and oppressed communities in Cape Town, South Africa. It was formed in November 2000 with the aim of fighting evictions, water cut-offs and poor health services, obtaining free electricity, securing decent housing, and opposing police brutality. It has been able to successfully mobilise against the recent xenophobic attacks in the areas where it is strong. In 2001 Anti-Eviction Campaign (AEC) emerged as a grassroots agglomeration of groups whose members have suffered or faced the threat of evictions or service cuts in Cape Town's poor townships. It was a movement by the poor to protect their shelter against eviction orders by the city council and the private banks.⁹

AEC has been fighting for evictions and water and electricity cut-offs on many different levels. Its current activities range from direct action demonstrations against evictions and cut-offs, to legal actions that challenge the constitutionality of evictions, to mass mobilisation and popular education initiatives, to creative organisation and capacity building programs. AEC works currently as an umbrella body for over 15 community organizations, crisis committees, and concerned residents movements who have come together to organise and demand their rights to basic services. The organisations that make up the AEC, includes:-

⁹ Accessed from <http://www.ukzn.ac.za/ccs/default.asp?6,20,.14,7>, Accessed on 06/06/2008

- (i) Athlone Concerned Civic Residents Association.
- (ii) Youth for Work.
- (iii) Waterless Community of Fisantekraal.
- (iv) Mandela Park Action Youth Housing Committee.
- (v) Squatter Families of Faure Road.
- (vi) Valhalla Park United Civic Front.
- (vii) Tafelsig Anti-Eviction Campaign.
- (viii) KTC Concerned Residents Movement.
- (ix) Guguletu Anti-Privatisation Forum.
- (x) Strand Concerned Group.
- (xi) Delft Concerned Residents Movement.
- (xii) Mothers for Services.
- (xiii) Tafelsig Concerned Parents.
- (xiv) Tambo Square Concerned Residents Movement.
- (xv) Lavender Hill Anti-Eviction Campaign.
- (xvi) Mfuleni Anti-Eviction Campaign.¹⁰

In Cape Town, the poor face eviction threats both by the city council and by the private banks. The bank has started the eviction order to residents who has fallen behind the payment of housing and services. A family who has fallen eviction due to defaulting on housing payment lives in state-built rental houses, called council houses. The members of the AEC represent themselves as defending basic elements of their life spaces. As one of the Campaign activists put it, they try to defend their right to water and roofs above their heads – necessities, not privileges.

AEC activists use both the invited and the invented spaces of citizenship – e.g. those created from above by local and international donors and governmental interventions, and others carved out from below, demanded and seized through collective action. The AEC protects families from being evicted primarily by staging sit-ins and demonstrations

¹⁰ Faranak, Miraftab , "Feminist Praxis, Citizenship and Informal Politics: Reflections On South Africa's Anti-Eviction Campaign", *International Feminist Journal of Politics*, 8(2): 194-218

aimed at turning away those forces that come to evict families. For those families who have already been evicted, the AEC often responds by moving them and their belongings back into their homes. Should these tactics prove unsuccessful in waving off evictions, and in those instances where the government is determined to move forward with evictions, the AEC has at times responded by rendering the contested property unlivable, saying if the people cannot have the land, then no one will.

Three areas exemplify Campaign activities beyond immediate resistance. One area is building capacity in media and the use of video cameras for social documentation; although not actively pursued. Since 2004, the idea was to equip some activists with media training to counter the criminalized image of the Campaign presented by the official media. Another area is community-based research. The Campaign's Community Research Group has several goals: challenging policy, building organization, affirming their identities and experiences, substantiating their claims and facilitating learning and sharing. The third area of Campaign activities is legal training. The Legal Coordinating Committee consists of community members who have gone through five weeks of legal training to represent in the magistrate's court the families facing eviction or service disconnection.

It is always women that have to put food on the table, the children don't ask daddy give me a piece of bread, it is always the mommy that must put a piece of bread . . . the children come and ask mommy my teacher said I must have school fee, mommy this and mommy that . . . We made the mistake to give the men the opportunities always because they haven't got the responsibilities [at home] . . . [but] we are busy working on this thing now . . . We are ready now to do the flying, and do the talking, and also do the work . . . because times are long gone that the women must just sit at home and keep quiet while men is doing all the talking and walking . . . because we are speaking now . . . I am talking about the Campaign, the change is happening now! (Gretrude Square, interview 2004).¹¹

¹¹ Ibid, p 198

AEC is currently involved in a wide spread mobilisation campaign to get communities from all around the Western Cape involved with the AEC. Via mass public meetings and more targeted activists workshops, the AEC has engaged in popular education initiatives around the issues of evictions, and water and electricity cut-offs. By mobilising the communities around these issues, the AEC hopes to build a mass political base from which to challenge evictions, one that the government will be forced to listen to and think about before continuing with its eviction policies.

It has made certain achievements such as placing the indigents' policy back on the agenda of the city government; achieving municipal rate exemption for houses worth less than 50,000 Rand getting moratoriums on evictions and service cutoffs in many poor townships and even stopping those aggressions all together in some areas such as Valahala Park. Not only this in Mandela Park, the AEC has had a partial victory in banning banks' eviction of the elderly or disabled. In a landmark victory, the AEC won a court case for about ninety families that had squatted in an empty lot in Valahala Park and rejected the council's eviction order.

2.1.1.3 Women National Coalition (WNC)

Women's National Coalition (WNC) was formed in April 1991, when women met in Johannesburg to form a coalition of organisations to work towards a women's charter which would guarantee effective equality. It (WNC) was launched in 1992, the National Coalition brings together women across the full political, economic, social, religious, and cultural spectrum. At the founding meeting, 70 national organisations joined the coalition and a Steering Committee was elected with Dr. Frene Ginwala and Ms. Anne Letsepe as convenors.¹² The tasks were to lead a scientific research group and to mobilise women to participate in the process.

WNC has undertaken an extensive research program with women around the country in order to identify the changes necessary for their emancipation. By combining scientific,

¹² Accessed from <http://www.iisd.org/50comm/commdb/desc/d18.html>. accessed on 08/06/2008

academic research with participatory methods, hundreds of thousands of women were reached for their specific inputs. Their report details the lives of South African women and their self-defined agenda of the changes necessary for a non-sexist as well as a non-racist, democratic South Africa.

WNC has mobilised to participate in regional and national conferences and encouraged to develop leadership abilities to prepare themselves for South Africa's first democratic elections on April 27, 1993. The Women's National Coalition was an organic women's organisation which brought together different constituencies from political parties to occupational and religious groups, service and special interest groups and community organisations, as well as the women's sections of the different political parties. The women's movement which enabled with the Women's National Coalition to achieve a significant presence in national politics during the 1990s.

During the period 1991-94, women's organisations in South Africa achieved an unprecedented level of organisational strength in the formation of a coalition the Women's National Coalition. Since 1994, however, the Coalition has ceased to be the public centre of gender politics, to be replaced by actors within and around the state. WNC works for major societal changes necessary to eliminate both personal and societal violence against all women and children by:

- (i) Forming coalitions at the local, state, regional and national levels;
- (ii) Supporting and providing community-based, non-violent alternatives (safe home and shelter programs) for battered women and their children;
- (iii) Public education and technical assistance;
- (iv) Policy development and innovative legislation;
- (v) Focusing on its leaders and task forces that specifically represent the concerns of lesser-represented groups.

- (vi) Attempting to eradicate social conditions that contribute to violence against women and children.¹³

The formation of the WNC was the exclusion of women from the initial team of nineteen delegates to the Conference for a Democratic South Africa (CODESA), the multiparty negotiating forum. As Jackie Cock argues, the driving force behind the Coalition was the 'shared sense of exclusion from the negotiation process' rather than a 'recognition of common interests or a shared experience that transcended the divisions of race, ideology, ethnicity and class'.¹⁴

The Women's National Coalition Communications with UWO, UWCO, FSAW and the Women's Alliance included the request to mobilize unorganised women through appealing, to motherhood. The politics of feminism started to challenge the boundaries of the private sphere, resistance emerges even among women against issues of autonomy, bodily integrity and self-determination. The Objectives of the Women's National Coalition are:-

- (i) The central aim of the Coalition was to draft a comprehensive 'Women's Charter for Effective Equality', to be presented to negotiators for inclusion in the Bill of Rights.
- (ii) The development of the Charter was a mechanism for resolving a range of competing concerns among women, but ultimately the document itself represented a collection of disparate demands rather than a prioritisation of particular women's needs and interests.
- (iii) The terms of the democratic society, the nature of new institutions, the values which would underpin the Constitution - were discourses in which the broader notions of social justice demanded by women.

¹³ Shireen Hassim & Amanda Gouws (), "Redefining the Public Space: Women's Organisations, Gender Consciousness and Civil Society in South Africa", *Politikon: South African Journal of Political Studies*, 25(2): 53 -76

¹⁴ Cock J (1997), "Women in South Africa's Transition to Democracy" J Scott, C Kaplan & D Keates (eds.), *Transitions, Environment , Transitions : Feminism in International Politics*, New York: Routledge publication , p 310.

- (iv) Freedom of choice, demand for control over one's body and autonomy are more than a quest for equal rights

WNC represents an extremely wide cross-section of South Africa's women, it does not have the common purpose that enables it to campaign effectively. On the other hand, the individual organisations that are able to mount campaigns tend to represent narrow groupings among women. It has made demands at both the institutional design of the new democracy as well as at the outcomes of democratic processes. The demands of women's organisations have deepened notions of democracy in the constitution as well as extended the scope of institutions in South Africa.

2.2.1 NGOs in South Africa

Southern Africa region of Africa continent is the worst-affected by the HIV/AIDS epidemic. A combination of factors seem to be responsible for this including: poverty and social instability, high levels of sexually transmitted infections, the low status of women, sexual violence, high mobility (particularly migrant labour), and lack of good governance. Civil society plays an important role for stopping the disease like AIDS. South Africa has the sixth highest prevalence of HIV in the world, with 18.8% of the population estimated to be infected. The UNAIDS 2006 Global Report, estimated that 320 000 people died of AIDS related deaths in South Africa during 2005. The South African Government's response to the epidemic is grounded in the HIV/AIDS and STD Strategic Plan for the period 2000 – 2005. The purpose of the plan is to provide a broad national framework around four priority areas prevention; treatment, care and support, research, monitoring and evaluation; human and legal rights.

The high prevalence of HIV/AIDS in South Africa poses major challenges for both government and civil society groups, who are doing their utmost to curb the spread of the disease and help those affected by it. A wide range of NGOs have responded to the HIV/AIDS crisis. They engage in awareness raising, research, training, advocacy, education, welfare and health service provision, materials production, orphan care,

counselling and other activities. It is NGOs who have driven the campaign for access to treatment, lower drug prices, improved care and more effective policy on HIV/AIDS.

2.2.1.1 Thembalethu Home Based Care (THBC)

Thembalethu is a home based care (THBC) was set up in 1999 in response to the AIDS epidemic in the Nkomazi Region, Mpumalanga. It is registered as a Section 21, non-profit organization, under the Companies Act, Republic of South Africa. It operates directly in 22 villages through 300 field workers with an approximate outreach of 250,000. offers home based care, orphan care, spiritual counseling, social welfare, garden projects, burials, health services and food parcel distribution.¹⁵

The impact of HIV is starting to be felt among the youth as more and more of them are dying. THBC has launched 'Youth in Action' program as the HIV prevention program which is based on the "Abstinence & Be faithful" platform. Youth in action programs offer a positive and proactive alternative to the typical rural lifestyle which offers little in the way of leisure activities or sports. Since 2000, over 200 volunteers have offered a variety of skills and spiritual and material support. It also offer further training in all aspects of HIV and emphasize the 'A&B' program (Abstinence and Be Faithful).

The objectives of the Thembalethu are to serve are free of new HIV infections and those impacted by AIDS and poverty are provided with support services that ensure dignity and promote self-reliance. In the region of Nkomazi, in the Mpumalanga province of South Africa, the HIV/AIDS situation is bleak. Medical practitioners report that the incidence of HIV infection is as high as 50% placing Nkomazi among the highest infected communities in South Africa.¹⁶

- (i) To teach and equip people to care for dying AIDS patients
- (ii) To counsel traumatized families with AIDS

¹⁵ All the data has been accessed from <http://www.thembalethu.org/hbcprogram.html> accessed on 02/02/08

¹⁶ Ibid.

- (iii) To take care of orphans
- (iv) To engage youth in life changing programs to combat HIV infection
- (v) To empower the local community to become self-sufficient.

As a home based care :- Thembaletu as a NGO which walk from home to home to care people who are in need of physical and emotional support during their illnesses due AIDS. The most significant their service is palliative care which means staying with the patient during their final hours. Palliative care that is both sympathetic and dignified for all patients who are unable to access alternate medical care in the local community in South Africa. They also do essential tasks such as washing and feeding the patient, moving the patient to help prevent bed sores and ensuring that the patient takes their medication treatment which is prescribed. They also do emotional and spiritual counseling the children who are suffering from trauma.

In the health services: - The Thembaletu serves an average number of 20 community members per day, mostly female patients between the ages of 21-49 years. They takes common complaints include chronic problems such as cough, generalized pain, skin rashes, and abscesses secondary to HIV/AIDS. Its health services distributes over-the-counter medication to over 300 trained care workers in the Nkomazi District, Swaziland, and Mozambique who care for over 2,000 acute and chronically ill patients, orphans and vulnerable children. Counseling sessions are provided as well as health education on diet, sanitation, and disease prevention.¹⁷ Its referral system includes local rural clinics and Shongwe Hospital, under the operation of the Department of Health. It also takes critical problems which require further assessment such as high blood pressure, pneumonia, tuberculosis, diabetic complications, fractures, pediatric cases, and any problems requiring prescription medications.

Food and clothing distribution :- There are a lot of factors which contribute to a high level of poverty in the community. The AIDS epidemic directly results in poverty and orphaned children who have no access to food. Additionally, the erratic climate creates an uneven harvest and unreliable income for farmers. Most of the teachers confirm that many children arrive at school hungry and many go to bed without supper. Thembaletu

¹⁷ <http://www.thembaletu.org/index.htm>

Care workers and neighbors assist struggling families. They assisted the families are encouraged to participate in the garden program. They provide food through parcels to the destitute families and orphans. The parcels include maize-based porridge, soup, sugar, salt, oil, beans, peanuts, matches and washing powder. Fortified nutritional meals are provided free of charge for individuals infected with HIV and those with otherwise compromised immune systems.

Thembaletu feeds over 600 people monthly, and never allows anyone who enters the center to leave hungry whether they are officially part of the organization or not. This open armed catering program would not be possible without the hard work and dedication of the kitchen staff. Donations of second-hand clothing are greatly appreciated and are distributed throughout all the villages in Nkomazi.

Youth in Action (YiA):- It is an HIV/AIDS prevention and support program which offer youth of Nkomazi tangible support programs that enable them to form a foundation for life long positive contributions to building a better society. YiA involved in Ntunda annual sports festival in September 2006 which involved over 900 competitors in 6 sporting codes and over 3,000 spectators. Through this programme it has trained 400 peer educators/youth from 21 villages in HIV counseling. These youth are now setting up support circles to assist those affected by HIV. YiA has started and sponsors a basketball league which involves 17 teams and has trained 20 coaches/referees. Not only had this it also organised debating workshops and competitions between 10 schools. 65 youth trained in arts and crafts went on to gain employment at the Wildly African, and arts and craft center.¹⁸

2.2.1.2 AIDS Foundation in South Africa (AFSA)

AIDS Foundation of South Africa (AFSA) was established in 1988, was the first registered AIDS Non-Government Organisation (NGO) in South Africa. It work as a link between donors and Community Based Organizations (CBOs) working in the HIV/AIDS. AFSA believes that the best way to implement such programmes is by working through

¹⁸ All the date and programs launched has been taken from accessed from <http://www.Thembaletu.org/hpcprograms.html>, accessed on 08/02/08

CBOs, because these are made up of people from the target communities who understand and experience the needs and challenges. The main objectives of AFSA are:-

- (i) To equip Community Based Organisations (CBOs) with the necessary resources and support to implement programmes for the effective prevention of HIV/AIDS and the mitigation of its impact.
- (ii) To develop the skills base within target CBOs to enable them to plan, implement, monitor and evaluate their work effectively;
- (iii) To build the organisational capacity of CBO partners for good governance and long-term sustainability.

In 1995 AFSA developed a traditional healer HIV/AIDS education and training programme in partnership with the National Traditional Healers Association of South Africa and a number of other local traditional healer associations. This programme ran for a period of 6 years and trained in excess of 6000 traditional medical practitioners in KwaZulu Natal. This programme was the most extensive programme of its kind and has served as the benchmark for subsequent Traditional healer training programmes implemented by the Department of Health. It has also launched distinguished programmes such as:-

- (i) *Home and community-based care interventions:* e.g. HBC training, palliative care, DOTS, treatment literacy & ARV compliance education, and counselling.
- (ii) *Care of orphans and vulnerable children interventions:* e.g. early identification of vulnerable children and succession planning, facilitating kinship and community foster care, assistance with social grant applications, psychosocial support (bereavement counselling and play therapy) and monitoring the well-being of children.
- (iii) *Poverty alleviation interventions:* e.g. promoting and providing training in respect of food security, assisting families to access social grants, and income generating activities. CBOs entering their second or third year of support are required to submit their new work plans and budgets to the Foundation two months before the commencement of the new grant cycle.

- (iv) AIDS awareness projects
- (v) Promotion of safer sex
- (vi) The training of traditional Doctors
- (vii) Programmes targeting school-age children
- (viii) Programmes targeting high risk groups e.g. disempowered women, marginalised youth, street children, sex workers etc.
- (ix) AIDS training in the work place.¹⁹

2.2.1.3 OXFAM

OXFAM agencies have been working in South Africa for many years, focusing on a broad range of community-based efforts, relating to issues such as gender and rural development. During the late 1990s as the HIV/AIDS epidemic increased dramatically, both as humanitarian and human rights issues of itself, and as a threat to the feasibility of their development work. As a result Oxfam Community Aid Abroad(Oxfam Australia), Novib (Oxfam Netherlands) and Oxfam Canada all started to explore ways of supporting responses.²⁰ It is a group of independent non-governmental organisations. Their aim is to work together for greater impact on the international stage to reduce poverty and injustice. They work in the different parts of the world. In South Africa, Oxfam Australia has working for the devastating impact of HIV and AIDS, ensuring people have enough food for an active and healthy life and promoting gender equality. This work is done in collaboration with around 40 partner organisations in Limpopo, KwaZulu-Natal and Eastern Cape provinces to support some of the country's most vulnerable people.

HIV and AIDS are one of the biggest challenges facing South Africa. According to the latest government survey, more than 5.6 million people are infected with the virus – most are aged between 20-45 years. This has grave consequences for the country. In South Africa, gender inequality makes women less able to have a say in sexual relations and more vulnerable to HIV infection. Women are also the main care givers for people with AIDS-related illnesses.

¹⁹ Accessed from <http://www.aids.org.za/about.html> accessed on 12/02/08

²⁰ Accessed from, [http:// www.oxfamaustralia/Africa/south_africa/html](http://www.oxfamaustralia/Africa/south_africa/html), accessed on 12/06/08

OXFAM works aims to lessen the impacts of the disease by strengthening civil society's response to HIV and AIDS. It does this by supporting integrated community-based services for HIV prevention and care, focusing on gender and sexuality, and the rights of people living with HIV and AIDS. Through its HIV and AIDS program we are working with adults and children of both sexes to address gender inequality. For example, it is educating young boys before they become sexually active so that they can demonstrate responsible behaviour in the future.

Joint Oxfam HIV/AIDS Program (JOHAP) in South Africa, Oxfam affiliate seeks to strengthen civil society's response to HIV and AIDS by supporting integrated community-based services for HIV prevention and care. Gender and sexuality, and the rights of people living with and affected by HIV/AIDS, are a program focus.²¹

JOHAP is a large program that involves 28 local program partner organisations that deliver projects in the provinces of Limpopo, KwaZulu-Natal and Eastern Cape. Our partners work under three program objectives such as :-

- (i) To strengthen approaches to HIV and STI prevention work that effectively address gender and sexuality issues, with a particular focus on young people.
- (ii) To strengthen HIV and AIDS care, support and treatment services.
- (iii) To create an enabling environment with a particular focus on the rights of people living with and affected by HIV and AIDS

2.1.2 Social Movements in South Africa

South Africa has along history of social movement's. Social movement represents the most formidable force within civil society in contemporary politics and the global political economy. Trade unions are a countervailing force against the powerful bloc of

²¹Data has been taken, Accessed from www.oxfam.org/en/news/2008/pr080202_kristin_davis_visits_south_africa_to_highlight_AIDS_crisis

multinational companies, international financial institutions and industrialised countries that seek to consolidate their hegemony over the world political and economic system at the expense of the weak. Because of this potential, unions always attract attacks and labels from those who fear their power.

1980s was the decade of 'civil society' in South Africa in every corner of social and political life popular organisation evolved not just Labour & Trade unions but all manner of youth, student, women's, community, cultural and ethnic association. There is no doubt that the state has shaken by the uprisings of the international sanction in 1980's which accompanied the change of political and social climate change in most of the African countries. So it has also made effect in the South Africa. There was a veritable feast of civic activity, a political renaissance which heralded the death of apartheid. The unity of this multifarious movement was for the most part expressed in the form of ANC leadership whose goal was to unify the disparate elements of civil society through mediating institutions (like the United Democratic Front and the Mass Democratic Movement) as well as through symbols of unity like the Freedom Charter and release of Nelson Mandela.²²

South African political life, there has been a long history of criticism of statist politics in both its neo-classical and neo-Marxist forms, but such criticism was weakened by the defeat of the labour movement in the course of the Second World War and the subsequent marginalisation of socialist ideas. In the 1970s, however, it began at last to acquire centrality with the emergence of the new unions. The new unions initiated a process of 'proletarian reformation' in South Africa. There were three main elements: the ionisation of labour in industrial unions, the struggle for partial reforms in the workplace, and the demand for legal space in which to organize.²³

It is significant that certain black political organizations such as the Azanian People's Organization (AZAFO) which adheres to the ideology of black consciousness, and the

²² Fine R, "Civil Society and the Politics of Transition in South Africa", *Review of African Political Economy*, No-55, p 78

²³ Ibid. pp-75

National Congress of Trade Unions (NACTU), a black consciousness trade union organization, were unknown by many whites - AZAPO was unknown to 46,7 % and NACTU was unknown to 53,7 %. This finding attests to the invisibility of black politics to whites in general. One of the most striking features of social movement in post-apartheid South Africa is that many of them are new and number of them emerged after the collapse of Soviet Union and during the period of independence struggle.

2.1.2.1 Landless People Movement (LPM)

On 24 July, 2001 representatives of landless formations from around South Africa came together to form a national umbrella to take their struggles forward in a united way. It has arisen in a context of the negative effects of years of belt-tightening fiscal policies on the poor and marginalised majority of the country, following the adoption of the neo-liberal Growth, Employment and Redistribution (GEAR) macroeconomic strategy in 1996. In rural and urban areas alike, the most marginalised under apartheid bear a heavy burden in post-apartheid economic restructuring. The landless movement and these other formations in their common antagonism to evictions and forced removals, water and electricity cut-offs and failure to deliver on promises made in the ANC's 1994 manifesto for transformation, the Reconstruction and Development Programme (RDP).

Landless People's Movement (L.P.M) - an independent national movement of poor and landless people struggling for land reform across South Africa - rejects and condemns the decision of the National Land Committees (NLC) Board. The rural poor have pushed for their problems to be addressed, but there is a lack of political will on the part of government to challenge the powerful white agricultural lobby and others with property interests in South Africa. The majority of black South Africans still live without land. The policies of international financial institutions have meant that the racially-skewed distribution of land has barely been altered in the 12 years following the birth of the 'new' South Africa. Under apartheid, the black majority were confined to 13% of the

land, whilst the white minority controlled the remaining 87%. Despite years of 'land reform', 85% of the country remains under white ownership.²⁴ Its Objectives are:-

- (i) To strengthen the capacity of the rural landless to organise effectively and advocate for themselves.
- (ii) To speed up land reform and hold the government to account on their promises
- (iii) To draw on a wider South/South network to support initiatives of landless people in South Africa
- (iv) To develop public awareness nationally and internationally about the needs of rural landless communities in South Africa.
- (v) The movement also calls for an end to evictions, whether on farms or in informal and other settlements, and a process of transferring land to those residing and working on it.²⁵

During the post-apartheid period, material improvements are politically necessary, since these were at the core of demands in the struggle against apartheid. However, these material improvements are provided in such a way that they support the modernisation and reorganisation of the national capitalist economy in its intersection with the global economy. In the rural areas, the impacts of the processes of liberalisation and deregulation in commercial agriculture have been experienced unevenly in the sector. Export-oriented agri-businesses, especially in the Western Cape and KwaZulu-Natal, have seen global opportunities flourish. The volatility of world markets in agricultural commodities and market distortions caused by huge subsidies to agri-businesses and barriers to access to markets in the core capitalist economies. Thousands of farmers who relied on apartheid subsidies to farm marginal land have been forced out of business or to restructure their businesses and workforces to survive. Farm workers have borne the major brunt of agricultural restructuring.

²⁴ Ensor (2003), "Land group in protest at communal land bill", *Business Day*, 11 Nov 2003, p.3

²⁵ S. Hargreaves & S. Meer(2000), "Out of the Margins and Into the Centre: Gender and Institutional Change", in B. Cousins (eds.) *At the Crossroads: Land and Agrarian Reform in South Africa into the 21st Century*. Cape Town: PLAAS/NLC

In Wakkerstroom the southeast Mpumalanga, labour tenants are feeling the brunt of this change in a reduction of access to productive land and in outright evictions. Minimum wage legislation passed in 2002 has had little effect on the actual conditions of workers. Not only did farm workers on farms around Wakkerstroom say that the minimum wages were not paid in practice, but also that the wages of R650 a month are too low. The landless movement is grappling with one dimension of the failure of the political class in the post-apartheid era to address ongoing poverty and inequality.²⁶ NGOs also helped LPM the NGOs in forming the landless movement is highlighted by the significance of two United Nations events that took place in South Africa

LPM has adopted a number of controversial tactics and campaigns to highlight its demands for a radical redistribution of land and secure tenure. Most notable of these is the movement's support for Zimbabwean president Robert Mugabe's land expropriation programme and its own land occupations campaign. Prior to the World Summit on Sustainable Development (WSSD) in 2002.

2.1.2.2 Congress of South Africa Trade Union (COSATU)

COSATU was launched in December 1985. During the time of launching it was representative of half million workers organised in 33 unions. It believes in a democratic society free of racism, sexism and the exploitation of the working class, and a society where workers have full control over their lives. It has played a major role in South Africa's transition to democracy. It has also played role for the formation to the adoption of new constitution of South Africa. It has also ensured that the interests of the working class are central to the broader development strategy. it has also played dynamic role numerous areas where the lives of workers will fundamentally improve, including working hours, maternity leave, child labour etc. Its main broad strategic objectives have always been:

- (i) To improve material conditions of our members and of the working people as a whole.

²⁶ Hart G (2002), "Linking Land labour and Livinghood Strategies", *South Africa Labour Bulletin*, 26(6)

- (ii) To organise the unorganised
 - (iii) To ensure worker participation in the struggle for peace and democracy
- Principles
- (iv) From its inception, the federation is based on the following core principles
 - (v) To eliminate economic inequities and poverty in society and in the workplace.

Non-racialism :- COSATU rejects apartheid and racism in all its forms. We believe that all workers, regardless of race, should organise and unite. Now more than ever before we need to bury the apartheid legacy.

Worker control :- COSATU believes that workers must control the structures and committees of the federation. This approach aims to keep the organisation vibrant and dynamic, and to maintain close links with the shop floor. We have programmes to develop worker leadership, especially women, within the trade unions and the country as a whole. Through training we have been able to build and empower ordinary workers. We try to develop the skills and abilities of those most disadvantaged by apartheid. We want workers to be equipped to determine their own future in the country and in the economy. In a country where women have been highly oppressed, we are determined to strive for gender equality and women leadership.

Paid-up membership :- COSATU and its affiliated unions strive for self sufficiency. This means that while we receive money for specific projects from other trade unions, we remain able to take our decisions without interference from funders. While it has not been easy, we remain committed to its full realisation.

One industry, one union - one country, one federation :- In order to unite workers across sectors, we have grouped our unions into industries. Our 6th National Congress resolved to merge unions into cartels or broad sectors such as public sector and manufacturing (see list of unions). We also remain committed to unity with all unions and federations that are committed to, among others, these principles. At the same time, for as long as there is no single federation, we have no choice but to recruit even those workers who belong to other unions and federations.

International worker solidarity: - International solidarity is the lifeblood of trade unionism - particularly in the era of multinational companies. COSATU maintains links with a range of national and international centres. We are committed to building links with unions in the newly industrialised countries. New international conditions open possibilities for a unified union movement.²⁷

COSATU has played significant role on 20 February 2000 it has issued a final notice to government and business of its intention to embark on countrywide strikes from next month in support of its campaign to halt job losses. The notice was served ahead of the start of the strike by thousands of truck drivers yesterday who were demanding that employers pay overtime in accordance with the Basic Conditions of Employment Act.

COSATU demands went beyond labour-related issues and challenged government's monetary and industrial policies which they claimed contributed to job losses. It demanded a reduction in interest rates, a halt to government's plan to speed up tariff reductions, amendments to the Labour Relations Act (LRA) and Insolvency Act (IA) and the status of the national framework agreement on state asset restructuring. Cosatu's mass action campaign against job losses started on Monday Jan 31 2000 with various unions affiliated to the federation organising workplace protests and demonstrations.

COSATU has criticized the ANC's neo-liberal economic policy, the Growth, Employment and Redistribution program (GEAR). Despite all its criticisms of GEAR, COSATU's opposition has been fragmented and selective. On 27th July the Congress of South African Trade Unions on Thursday warned the government "there would be blood in the streets" if the proposed amendments to the Labour Relation Act (LRA), the Basic Conditions of Employment Act (BCEA) and the Insolvency Act, were passed into law. COSATU opposed to nearly all the proposed amendments because they eroded workers' rights. The union said it would do everything possible to reject the proposed amendments from being passed into law. The federation also lashed out at the proposal to remove the premium for Sunday work. The Department of Labour has proposed to remove the statute requiring employers to pay workers double or any amount greater than the normal rate for

²⁷ Accessed from, <http://www.cosatu.org.za/news/weekly/20051104.html>, accessed on 18/03/08

work on Sunday. The department said the proposal was as an attempt to help and encourage small enterprises.

2.1.2.3 Concerned Citizen's Forum (CCF)

Concerned Citizen's Forum (CCF), was formed in 1997. It is one of the most effective and innovative of the social movements that have sprung up in post-apartheid South Africa. It was evolved, by a high profile activist-intellectual who works closely with citizens for their rights. It was established by the, with Professor Fatima Meer and charismatic activist, writer and former University of Durban-Westville academic Ashwin Desai among its founders.²⁸ It comprises a number of community movements such as in the Greater Durban area organising against electricity and water cut-offs, evictions and, more recently, racism. The roots of the CCF lay the experiences of tens of thousands of working class people and their exposure to the concrete manifestations and impacts of the government's GEAR policy,²⁹ It has made like "Smash GEAR — Celebrate Life".

CCF has no formal structure, preferring a loose association with leaders rooted in communities. CCF events predominantly attract what can be conceptualised as working class people (largely unemployed, but not all).³⁰ It has adopted the way of protest through meetings, interviews, rallies and informal discussions, participants commonly referred to themselves and others like them in Durban and across the country as 'the oppressed, 'the deserving', 'the poor' and 'the poorest of the poor'.

Concerned Citizen's Forum was in many ways a precursor to the SMI, and the CCF was a founding affiliate and has organised solidarity marches, rallies and memorandums with

²⁸ Drew Forrest, "Social Movements: 'Ultra-Left' or 'Global Citizens'?" http://www.queensu.ca/msp/pages/In_the_news/2003/feb/3.html, accessed on 08/06/08

²⁹ Peter Dwyer, "The Contentious Politics of the Concerned Citizens Forum (CCF)" <http://www.nu.ac.za/ccs/files/dwyer%20CCF%research%20report.pdf>, accessed on 11/06/08

³⁰ Understood here as those people who, because they have no meaningful access to the means of production, have to sell their labour to those that do (see Miliband 1979). Whether people are unemployed or not, in either the formal or informal, sector does not detract from them being part of this social group. This way class is understood as a social relationship and part of a broader attempt to understand the processes through which people transform the societies in which they live.

and in support of groups elsewhere in the country, such as the Landless people Movement (LPM) and Anti-Privatisation Movement (APF). The CCF has spread into a number of Durban townships and has taken to sponsoring independent unions organising sweatshop workers. It has close links with the Landless Peoples Movement and the Anti-Eviction Campaign in the Western Cape

CCF has largely orientated around the working class urban areas that make up the Thekwini Metropolitan municipality, with a particular focus on two poor areas, Bayview and Westcliff. It has used the courts to halt evictions, has won cases where its members have occupied empty houses, and recently won a significant victory on council rentals and levies at the Housing Tribunal. It has sponsored a march of about 5 000 people last year to support the payment of a basic monthly service fee of R10.

As South Africa have been experienced that the most of the social movement has successfully raised their voices and issues were solved. Most of the social movement such as LPM, APF, and AEF has successfully raised their voices against the government policies and the programmes such as GEER. It reflects that the South Africa has provided enough space to the civil society. Thus, South Africa has experienced most of the social movements which were related to the issues of poor, labour and low income group peoples.

2.2 Space for Civil Society in South Africa

It is very much accepts the idea that democracy requires continuous active participatory in public affairs by citizens organized in a great variety of interests groups. writers such as Alexis de Tocqueville, Samuel Huntington, Robert Putnam and others from the modernization and political development schools of thought on democracy, the NGO literature reproduces the liberal maxim that democracy within capitalist society requires a vibrant and autonomous civil society and an effective state capable of balancing the demands of different interest groups. Civil society underpins an effective and streamlined state, ensuring legitimacy, accountability and transparency.

In South Africa the first democratic election held in 1994, which has made impact on social as well a political structure. Not only this in 1995-96 local election provided for poor people in south Africa cities with their first opportunity to have a say in political decision- making and resources allocation for the city as whole. There are different things through which can identify the space for civil society in the South Africa such as:-

2.2.1 Constitution of South Africa

South African constitution is to be one of the best constitution in the world the constitution of South Africa was adopted in 1996 and implemented officially on 4 February, 1997. South African constitution entrenched the right to freedom from violence and inequality. The constitution of South Africa consists of a preamble, fourteen chapters followed by seven schedules. Each chapter and schedule focuses on a specific topic. Under its constitution South Africa is as being a democratic, independent republic based upon the principles of protecting dignity, human rights and the rule of law.

South Africa constitution Section 7 defines the jurisdiction of the Bill, South Africa, stipulates that the rights are applicable to all humans in that South Africa, not just citizens, and reiterates the responsibility of the State to respect and protect, but also promote and fulfill these rights. This section also reads 'This Bill of Rights which enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom'. Section 8 further defines the jurisdiction, stating "The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state".³¹

Its Section 9 starts with "Everyone is equal before the law and has the right to equal protection and benefit of the law. Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken. The Section specifically lists the following

³¹ Accessed from <http://www.info.gov.za/documents/constitution/1996/index.html> accessed on 22/03/08

grounds "race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

South Africa constitution Section 12 protects "Freedom and Security of the Person" this rights contained under this provision, which include standard due process provisions, freedom from arbitrary arrest, freedom from torture, and freedom from cruel, inhuman or degrading punishment. The Section also stipulates the freedom from all forms of violence, regardless of whether a public or private source. Section 16 contains freedom of expression. Section 27 sets out a number of rights with regards to health, including right to access to health care, including reproductive. Section 27 also enshrines the right to social security, the right to food and the right to water.³²

The current South Africa constitution recognized the right of all South Africans to adequate housing and basic services (articles 26 and 27). These constitutional and formal rights are receive with as much joy and hope, in the belief that the gross inequalities and brutalities of the past had been replaced by substantive citizenship for all. The neo-liberal policies were adopted for the development for the civil society in South Africa. Such as the redistributive agenda of the reconstruction and development (RDP) to a market driven growth agenda known as Growth, and Employment and Redistribution (GEAR). So, we can see that constitutionally South Africa has tagged well to provide space for civil society and to protect the citizens. Thus, on the basis of current constitution of Republic of South Africa it can be said that, it has provided enough protection for the people and has provided enough space for the civil society to play their role, as right to strike, right of freedom of expression and the right to freedom of association etc

2.2.2 Political Structure of South Africa

South Africa political system has been included from where the black people waged a long struggle to displace the rule of the white people and ultimately became successful in terminating the inhuman system of racial segregation (apartheid) and taking power in

³² Accessed from http://www.servant.unibe.ch/icl/sf00000_html accessed on 12/06/08

their hands by peaceful and democratic means. South Africa has a representative democracy which is a representative of South Africa citizens. South African scores are very high on the standard democracy indicators. Its first constitution was enacted in December 1993 after a four year process of negotiation. In 1993, an interim constitution was passed, which dismantled apartheid and provided for a multiracial democracy with majority rule. The current constitution of South Africa has talked about for the spaces of its citizens and it has provided liberty and equality among all the citizens, it also talk about the sovereignty resides in citizen. The Republic of South Africa is the only country in the world with three capital cities Cape Town, is the legislative capital; Pretoria is the administrative capital; and Bloemfontein is the judicial capital. South Africa has a bicameral parliament: the ninety members of the National Council of Provinces(the upper house) and the four hundred members of the National Assembly(the lower house).

The Republic of South Africa has a federal system. South Africa has divided powers between the centre and states (provinces) such as it has a national government and nine provincial governments. The powers of both governments are distinctively earmarked and a supreme court is also established to interpret the provisions of the constitution time to time and to settle the disputes between the national and provincial governments. Chapter 3 of the constitution contains unique feature the principle of co-operative government and inter-governmental relations. All the three levels of South Africa a government such as central, provincial and local-are distinctive, inter-dependent and inter-related. This Localization and decentralization are proves to be an ambiguous arena for civil society.

Under the political system of South Africa, the President is the executive head of the state elected by the parliament for two five year terms. President is both the executive Head of State and also leads the Cabinet. He is elected by the National Assembly for two five year terms. The President as the Head of Cabinet appoints the Deputy President from amongst the National Assembly members. He is also responsible for assigning powers and functions to the Deputy. The members of the Cabinet are accountable to the parliament, both individually and collectively.

The bi-cameral Parliament of South Africa consists of the National Assembly and the National Council of Provinces. The National Assembly is presided over by a Speaker with the assistance of a Deputy Speaker and the members are elected by the system of proportional representation. The constitution of South Africa provides for an independent judiciary and the Constitutional Court is the country's highest court of appeal. Alongside the Constitutional Court, the Supreme Court also shares the position of the highest court in the country. While the Constitutional Court only decides on constitutional matters, the Supreme Court of Appeal deals with final appeals on all other matters.

South Africa also falls into a category of one-party regimes where there is no legal restriction upon entry or competition but the elections return one party to political power on a consistent basis. The ANC from a long time be able to draw upon the inherited racial cleavages in the country, dividing the Black vote between itself and the Inkatha Freedom Party (IFP), which does not monopolise the vote of the Zulus. Thus, the ANC stands strong with voters from among all the Black tribes as well as with the Indian and Coloured electors, additionally receiving some support from English speakers. Except only in two regions is there balanced competition since the ANC has no majority in Kwazulu-Natal and the Western Cape. The leading political parties of South Africa are African National Congress (ANC) Inkatha Freedom Party (IFP), Democratic Alliance (DA) and the South African Communist Party (SACP) it is other fact that since independence South Africa has seen three elections in all elections Africa National Congress (ANC) has won around 70% of votes. Other parties may be allowed to operate, but they are accorded the status of supporting parties to the hegemonic one. The one-party legal status is characteristically used for the total penetration of state and society, meaning that the party fills all key positions in the bureaucracy and in the key associations of society.

Finally, it has been observed that since the end of the racist apartheid regime in south Africa in 1994, south Africa has confronted limits in both autonomy and capacity, as a newly mobilized and active public has sought to expand its politics its political demands on the state with limited resources that were once largely preserved for a small white

elite.³³ But on the other hand South Africa has one of the highest numbers of women in parliament globally. After the 2004 election there was a critical mass of 32.8 per cent women in parliament (11th position globally) and 43 per cent women in cabinet positions. Finally, it can be say that South Africa has a developing democracy it has provided ample opportunity to the civil society to play their whether it is through the constitution or political structure. As South Africa have experienced some most crucial elements of civil society such as social movements, women's movement and the role of NGOs playing. Civil society has not just played the role simply but it has played it successfully, it has made government to rethink about the decisions and laws for example anti-Eviction Campaign.

33 Parick O, Neil (2004), "*Essentials of Comparative politics*", New York: W.W.Norton & Company, p 42-43

Chapter-3

Structure and Space for Civil Society in Brazil

Civil society organization has promoted institutional redesigns to address the legacies of hierarchical social relations, a confined area, and patrimonial control of the state formed by the parameter of nation building and modernization. Brazil's current constitution defines Brazil as a 'Federal Republic'. The federation is formed by the union of federal districts, 26 states and municipalities. Brazil is called as a home of some most successful experiences in participatory local government.

Brazil is one of the biggest democracies in the world. Its 1988 constitution decentralized the political authority, thereby granting municipal administration sufficient resources and political independence to restructure policy making process. These important characteristic of the new institutions was increased and sustained distribution public distribution and negotiation and the distribution of resources to the poor neighborhoods. The coalition of civil society organisation and political reform has taken advantage to this flexibility to experiments with new institutions. The strategy of political reforms was often led by workers based on transforming how and to whom public goods are distributed.

During Brazil's transformation into democratic rules in 1980s citizen worked with in voluntary association and movements to develop innovative strategies to confront local politicians to surmount the legacies of clientism, patronage and corruption.¹ The political parties in Brazil have historically been inclined in the direction of the State. Political parties in Brazil have limited their search for effective links with civil society to electoral periods and to the mechanisms seen as most effective at these moments: patronage, exchange of favors and personalise etc.

¹ Wampler B, Avritzer L (2004), "Participatory publics: Civil Society and New Institutional in Democratic Brazil", *Comparative Politics*, Vol. 36(3), P- 292.

Civil society has increased greatly of late, in line with the growing tendency towards democratisation in many parts of the world – such as in Latin America, Asia, and Africa, with the collapse of the Communist regimes in Eastern Europe. It has been widely assumed that the successful institutionalisation of a constitutional democratic regime is dependent on the existence and development of civil society, or that the existence of certain such nuclei is a prerequisite for the democratisation of authoritarian and totalitarian regimes. A closer examination of the "original" civil society associated with the development of constitutional regimes - namely the Western, which particularly reveals some additional dimensions, beyond autonomy from the state.

New popular organizations may reflect a greater commitment to ideals associated with participatory democracy and greater distance from political parties.² Brazilians come from the ethnic and cultural integration of native inhabitants (mainly Guarani), African slaves and European (mostly Portuguese) immigrants. Arab and Japanese minorities have also settled in the Rio-Sao Paulo area. Contrary to what is commonly admitted, racial discrimination does exist and the groups fighting's rapidly gaining strength.

2.1 Structure of the Civil Society

Civil society plays dynamic role for a vibrant democracy. But it is depends on the structure and space available to the civil society. Structure represents through objectives and role played by the civil society organizations (CSOs). It can be seen as in social movements and NGOs. Accordingly, social strata have tended to segregate from similar occupational and social groups, either from other regions or from one another in the same region. Hence, a tendency has emerged whereby the boundaries of significant social groups tended to be defined in the relatively narrow terms of their own symbols of prestige and claims to social precedence.

² Oxborn P (1995), "*Organizing Civil Society: The Popular Sectors and Struggle for Democracy in Chile*", Pennsylvania state University Press, Pennsylvania, P-35.

2.1.1 Women movement in Brazil

Women's has played very significant role in Brazil for the independence and for the women's rights. A key victory came in 1988; through direct action aimed at parliamentarians (dubbed the "lipstick lobby" by the Brazilian press), feminists succeeded in securing most of their demands during drafting of the new constitution, gaining a reputation as the most organised sector of civil society "Since the seventies there has been a remarkable growth of women's presence in the labour market of Brazil. In 1970 women were 18.5% of the economically active population, in 1989 they were 35.5%. Of a total of 62.5 million workers, approximately 22 million were women workers. In the eighties there was an increase of more than 48% , twice the relative male increase".³

Poverty in Brazil is in form of feminine, landless population, and growing in equality. Brazilian women make up 52 percent of the population; they also lack access to land and are abundant in the lower classes. Additionally, they are subject to engrained, societal norms, which restrict them in different ways than Brazilian males. Consequently, although many argue that the inequities apparent in Brazil's societal structure and land-ownership trends are slowly changing, presently their existence continues to ensure that Brazil's discriminatory social stratification remains largely stagnant. In Brazil, women's were visible through multiple organisations of expressions and forms of struggle.

2.1.1.1 International Health Women Coalition (IHWC)

International health women Coalition (IHWC) began partnering with Brazilian feminist organizations in 1986. Investing in a number of young, innovative groups located in Brazil's major cities, it aimed to help the feminist movement grow in size and influence. IHWC provided technical and financial support to these organizations so that they could expand and develop as institutions, and encouraged them to forge national and regional alliances around key issues in women's health and rights.

³ Brakwazs (1995), "Brazil: The changing status of women", *Women's International Network News*, 21(1)

In 1991, many of these organizations came together to form a national network, known as Rede Nacional Feminista de Saúde e Direitos Reprodutivos (National Feminist Network for Reproductive Health and Rights). IWHC has supported Rede Feminista de Saúde from its inception, providing financial and technical support in 1991. In the past fifteen years, Rede Feminista de Saúde has grown into a strong, policy-oriented network of over a hundred member organizations, with representation in 24 Brazilian states. The basic working areas of the IWHC are:-

- (i) To check the public health crisis especially to women's.
- (ii) To control the unsafe abortion.
- (iii) To check sexual violence on women and children.
- (iv) To check violence against women
- (v) To check the safe working conditions for women's in factories.

Abortion in Brazil is legal only for narrowly defined causes: rape, incest, and to save the life of the woman. Despite these legal restrictions, however, an estimated one million illegal abortions occur in Brazil each year, and one in four pregnancy-related deaths are due to complications from unsafe abortion. Feminist and women's movement leaders from across Brazil are mobilizing to address this crisis. In February 2004, a group of feminist organizations and networks formed the Jornadas Brasileiras pelo Direito ao Aborto Legal e Seguro (Brazilian Initiative for the Right to Legal and Safe Abortion – BIRSLA) to advocate for the reform of Brazil's restrictive abortion laws as a matter of public health, social justice, democracy, and human rights.⁴ From the beginning, BIRSLA worked through its coordinating organizations to ensure that the initiative's demands responded to the diversity of Brazilian women's needs, integrating the concerns and perspectives of young women, women living in rural areas, women living in situations of poverty, and Afro-Brazilian and indigenous women.

In recent years, we have also supported our partners' efforts to increase generational diversity in their advocacy and programs, encouraging them to build alliances with the

⁴ Accessed from, http://www.iwhc.org/latin_america/brazil/index.cfm, accessed on 12/06/08

growing youth movement for sexual and reproductive rights, and fostering intergenerational dialogues on leadership, advocacy, sexuality, reproductive health, gender equality, and human rights.

2.1.1.2 Peasant Women's Movement (MMC)

Peasant women's movement (Movimento de Mulheres Camponesas, MMC) is the result of the fight for the liberation of women which has its roots in a national movement. The symbolic message of the MMC finds its right to exist in the desire of justice and happiness that encourages women's for the fight for the basic needs. Such as land, water, fire and air are elements that give meanings to our common message of life. MMC was represented by small peasants, leaseholders, sharecroppers, women who hold legal titles to property, day-workers, partners, women who crack coconuts, rural workers who extract products from the trees, artisanal fisherwomen, landless women, settled and camped women, salaried rural workers Natives, black women, descendants of Europeans, representatives of all the states of our country. MMC has fight against the neo-liberal and chauvinist male model, building a socialist model. Their demands are:-

(i) Popular Project of Agriculture

- A special credit for women
- Protection and conservation of the biodiversity (water, Creole seeds, medicinal plants)
- Land reform in order to end the possessions of large estates

(ii) Extension of the social rights

- The right of health, education, public and universal welfare
- Access to personal and professional documentation
- Political participation of women in the society
- Valorisation of women in every part of the society.

(iii) Popular Project for Brazil:

The MMC has as a central objective the fight for national sovereignty, protection, conservation and preservation of biodiversity (not to sell land and water), appreciate the Brazilian culture, fortifying the popular initiatives that reaffirm the search of the dignity and autonomy of women and the Brazilian people. Therefore it fight for:-

- Against the politics imposed by the IMF – International Monetary Fund and WTO World Trade Organization;
- against the ALCA - Area of Free Commerce of Americas;
- for the elimination of the external debt;
- Against the transgenic organisms;
- Against all the type of discrimination and racism.

(iv) Political participation of the woman in the society

- The MMC wants to realize the guarantee the value of women at all levels of the society and stimulate the political participation of women.⁵

MMC has organization of the working women has developed together with the history of humanity. It suffices to look at the wars, the constitution of nations, the participation of workers in society, and the conquest of basic rights of people. It has taken many initiatives involving women have broken up with preconceptions and violence in private surroundings and in the public social fights, among others. Some of these fights have given origin to the feminist movements and organizations, which have contributed to the advance of emancipation of women. The MMC was marked by:

- (i) Mobilizations: camps in the different states and national camps.
- (ii) Celebration of historical and significant dates like March 8, International Day of the Woman; May 28, International Day of fight for the health of women; August 12, national day of fight of the agricultural female workers against the

⁵ Accessed from, <http://www.mmcbrazil.com.br> accessed on 14/06/2008

violence in the field and for the Agrarian Reform; September 7, Day of the Excluded ones.

- (iii) Fights: warranty and enlargement of the right to retirement salary, public health, new popular project of agriculture, agrarian reform, campaign of documentation.
- (iv) Formation: political - ideological, directed to the different levels of militancy and the base.
- (v) Materials: elaboration and production of folders, booklets, videos, pamphlets, brochures and posters as instruments of base work and fights.

In 1995, it has created the National Articulation of Female Agricultural Workers, congregating the women of the following movements: independent movements, Pastoral Commission of the Land - CPT, Movement of the Landless Workers - MST, Pastoral of Agricultural Youth - PJR, Movement of the People concerned by the Dams - MAB, some agricultural labour unions and, lately, the Movement of Small Agricultural Workers - MPA. On women's day 8th march 2008 MMC campesinas (women peasant farmers) occupied a eucalyptus plantation belonging to the Aracruz Celulosa plant, a large Brazilian paper and pulp mill in Barra do Ribeiro, 56 km from Porto Alegre in southern Brazil. They protesting in order to guarantee women peasant farmers their right to retirement pensions, a national campaign has been launched to provide women with documents ranging from birth certificates to identification documents to land deeds explained the MST coordinator.

2.1.1.3 Black Women's Movement

Brazil contains the second largest black population in the world outside of Africa. Brazilian social structure allows white women to enjoy higher social race status than darker-skinned women. This is because the powerful in Brazilian society have historically been patriarchal, racist, and favoured towards those with money. Recently, it has contributed to fight against poverty, denounced violence against women, and addressed violence caused by land conflict.

In Brazil, the hierarchy of social race is created due to many factors; education, occupation, family connections, and manners, along with a number of other factors, are necessary gauges for one's placement on the social pyramid based solely on the standard idea of a *boa aparência* (a good appearance). Black Women's mobilized them self and integrated with unions, black movements and state entities. They have also managed to put for other legal reforms, created affirmative action programs, and campaigned to ensure women's rights to shelter, health, and education.

Black Women's Movement began to campaign for their rights and for changes in legislation and government action. Organizations such as *Rede Mulher* (the Women's Network) mobilized the Brazilian populace around the popular amendments being proposed for 1988 promulgation of the constitution. The National Counsel for the Rights of Women (CNDM) (created in 1985 as a state apparatus for promoting women's policies) also played a significant role. The amendments specifically about women included: Rights of Women, Health of Women, and "the Lipstick Lobby." All were included in the new constitution; however, the Health of Women's proposition to legalize abortion was not incorporated into the final legislation⁶.

The increased participation in NGOs of Brazilian women's' movements has meant that they have been extremely involved in international conferences and forums concerning women's issues. Specifically, the 1992 World Conference on Environment and Development in Rio de Janeiro, the 1993 World Conference on Human Rights in Vienna, the 1994 International Conference on Population and Development in Cairo, the 1995 World Summit for Social Development in Copenhagen, and the 1995 Fourth World conference on Women in Beijing. Before the 1995 conference, the *Articulação de Mulheres Brasileiras* (Articulation of Brazilian Women) helped to analyse the situation of Brazil's women through numerous meetings.⁷

⁶ Caldeira, T. P.(1998), "Justice and Individual Rights in Brazil", in *Women and Democracy* (eds.) by J. S. Jaquette and S.L. Wolchik, John Hopkins, University Press Baltimore, P- 78.

⁷ Ibid p-99.

The black women of Gamboa de Baixo actively speak out against 'slum clearance' programmes targeting black communities. In 1998 and 1999, the Gamboa de Baixo's grassroots struggle for permanence, land rights, and social and economic change in the area. Black women activists marched alongside these black women of Gamboa de Baixo in the celebration of the Dia Nacional da Conciência Negra on 20 November in the centre of Salvador. Several neighbourhood groups throughout the city participated in the rally promoted by black organisations such as the United Black Movement and the Black Union for Equality [União de Negros pela Igualdade, UNegro]. This protest was also a black people to claim power and space during times when urban renewal projects were forcibly removing them from these central areas of the city Salvador.

On January 2003 of the Luiz Inacio "Lula" Da Silva administration, the fight for racial and gender equality that took to the streets and intervened in the national policy agenda beginning in the 1980s now faces limits imposed, in part, by institutionalized racism. In the 21st century, the development planned for Brazil—a country with 187 million inhabitants, an estimated 46% of them black, of whom 52% are women.⁸ Because of women's lack of external societal roles, they still lack representation in formal politics; however, as mothers, women have increasingly participated in informal political movements.

Black Women's Movement has also had linkages with race-based organisations such as United Black Movement and the Black Union for Racial Equality. They are also working around similar issues of social and economic rights, women acquire a broader consciousness of shared experiences with racial injustice as black and poor people. So, it reflects that the Brazil women have organized different social movement successfully.

⁸ Perry Y. Keisha-Khan (2004), "The roots of black resistance: race, gender and the struggle for urban land rights in Salvador, Bahia, Brazil", *Social Identities Journal for the Study of Race, Nation and Culture*, 10:6: 811- 831

2.1.2 NGOs in Brazil

In Brazil, the rapid growth of NGOs coincided with the beginning of the transition in 1985 with a plethora of programmes for developing local-level leadership in neighbourhood groups and community organizations. Most of the NGOs and seventy per cent of all new NGOs were funded by religious bodies or church-related charities abroad.⁹ To achieve a sustainable level of economic and social progress, developing countries must first be able to ensure access to basic health care for their people. Perhaps more than anything else, three diseases stand as barriers to reaching basic health levels and an acceptable quality of life for the world's most disadvantaged. As problems with no respect for borders, AIDS, tuberculosis (TB) and malaria continue to spread despite efforts to scale up the fight against these diseases over the past few years,

Brazil is home to the largest number of infected people in the region, with 57% of all AIDS cases in Latin America. Brazil is a regional and global leader in the fight against HIV/AIDS and the civil society such as NGOs has generously allocated resources to the cause, at the state, and local levels. Local NGOs have played an important role in stabilizing Brazil's epidemic. Civil society has responded to the epidemic wholeheartedly as well. For example, in 1992 there were only 12 NGOs working to address HIV/AIDS issues, and just six years later there were more than 500. One of the largest of these organizations, is the Grupo Pela Vidda. Founded in 1989, the organization is made up of people living with HIV/AIDS and their friends and family. The group works to "promote the empowerment of people living HIV/AIDS." They do so by offering weekly meetings, free legal advice, and creating educational materials about issues of HIV/AIDS in Brazil.

2.1.2.1 Institute of Religious Studies (ISER)

For thirty-five years, ISER (the Institute of Religious Studies) has been an active player in the field of Brazilian NGOs and civil society organizations. It is an internationally-

⁹ Fernandes R, Carneiro L (1991), "As ONGs Anos 90: A Opinião Dos Dirigentes Brasileiros", Rio de Janeiro.

known NGO which has been working with community-based AIDS prevention projects for commercial sex workers and transvestites since 1988. ISER received funds through the small grants program to conduct HIV/AIDS/STI prevention activities among sex workers and their clients for a one-week period as part of the AIDS World Day activities.¹⁰ During the campaign ISER showed videos, promoted and distributed condoms and materials. It has settled different objectives such as:-

- (i) To develop a one-week HIV/AIDS awareness campaign in Rio de Janeiro.
- (ii) To promote safer sex behaviors and distribute condoms.
- (iii) To disseminate information on HIV/AIDS through pamphlets, brochures, video presentations and group discussion

ISER has conducted 3-day Symposium on the psychosocial repercussions of AIDS. The main topics discussed were Guilt and Responsibility, AIDS, Sexuality and the Body, Behavioral Interventions, Evaluation and Methodologies, Epidemiology, Assistencial Interventions, Rethinking Safer Sex, the experiences with preparatory studies for HIV vaccines in Brazil, and AIDS and Human Rights. Analyzed evaluation questionnaires which showed that 78 percent of participants considered the opportunity to discuss in small groups relevant themes related to HIV/AIDS as positive. Furthermore the meeting brought together people very committed to HIV/AIDS prevention.

It has made different Accomplishments

- (i) Conducted 6 days of activities for 5,000 people. During activities the video *Venus of Fire* was shown to CSWs and clients. Video presentation was followed by discussions.
- (ii) Performed workshops to demonstrate how to use a condom using cucumbers, bananas and vibrators.
- (iii) Distributed 18,000 free condoms, 2,000 leaflets and 250 posters.

¹⁰ Accessed from http://www.iser.org_aids_index accessed on 12/05/2008

- (iv) The project team evaluated the street activities as positive based on the response from the audience. This was measured by applause, effective participation and attention/silence during presentations.
- (v) Increased the demand for information and condoms from the target population.
- (vi) The coverage of the activities by local and national newspaper and TV networks reached also the general public.¹¹

2.1.2.2 Bem-Estar Familiar no Brasil (BEMFAM)

BEMFAM is a non-profit organization founded in 1965. It is major non-profit family planning and reproductive health provider in Brazil, with the mission to implement reproductive health and family planning services in collaboration with the public sector, states and municipal governments. In 1993, BEMFAM was able to reach more than 670,000 new clients. Since 1985, BEMFAM has been engaged in AIDS prevention activities. In response to the need to improve evaluation methodologies BEMFAM, in collaboration with AIDSCAP/Brazil, conducted a two-day seminar in Rio de Janeiro to discuss evaluation methodologies in the area of HIV/AIDS prevention.¹² BEMFAM offers these group sessions as part of a larger project that includes integration of HIV/STD prevention with clinical services, school-based and community-based prevention projects, and STD diagnosis and treatment. It has targeted different objectives such as :-

- (i) To raise awareness among HCPs about pediatric AIDS management and prevention in Brazil.
- (ii) To improve the capacity of HCPs and local institutions to manage properly pediatric AIDS.
- (iii) To share experiences and provide technical
- (iv) Guidelines for the proper management and prevention of vertical transmission of HIV.
- (v) To train ten BEMFAM staff on HIV/AIDS prevention evaluation methodologies.¹³

¹¹ Ibid.

¹² Accessed on http://www.betfam.org.br_obj_report accessed on 12/07/2008

¹³ Ibid. p 6

BEMFAM developed its integrated project in response to the rapid expansion of the AIDS epidemic among Brazilian women during the early 1990s. The male-to-female ratio of reported AIDS cases in Brazil was 9 to 1 in 1987, but by 1994 it was 4 to 1. The project began in 1991 with formative research and a pilot intervention.¹⁴ Funded by the U.S. Agency for International Development's AIDSTECH and AIDSCOM projects, this research and pilot phase included interviews with BEMFAM clients and tests of a group intervention approach with women attending a BEMFAM clinic and a community health post in Rio de Janeiro.

It has made different accomplishments

- (i) Conducted a two-day workshop with 18 participants, including staff from BEMFAM projects, selected NGOs, universities, IPPF and AIDSCAP/Brazil.
- (ii) Participating organizations shared experiences and lessons learned in program design, implementation and project evaluation.
- (iii) Held lectures and discussions on quantitative evaluation, the implications of gender and sexuality on evaluation of programs, analysis of the evaluation models used on HIV/AIDS prevention, use of indicators and process data.
- (iv) Conducted a five-day national meeting with the participation of 60 CSWs representing 14 Brazilian states. An additional 26 professionals representing 18 NGO and four Brazilian public programs also attended.
- (v) In addition the meeting conducted safer sex workshops, cervical cancer control and showed a series of videos on HIV/AIDS prevention and prostitution¹⁵

2.1.2.3 Center for Advanced Studies in Gynecology (CASG)

The Center for Advanced Studies in Gynecology (CASG) is a non-profit organization responsible for research and courses in gynecology at the Medical School of the University of São Paulo, Brazil. Since 1992, AIDS is the main cause of death among women of reproductive age in the city of São Paulo. In response to this situation CASG planned, organized and conducted an International Symposium on STI/AIDS with an objective to address specific issues regarding the interaction of HIV/STI among women

¹⁴ Accessed from http://www.betfam.br/aids_55000 accessed on 22/05/2008

¹⁵ Accessed from http://www.betfam.org_index_prog accessed on 24/05/2008

for gynecologists and other HCPs working in the area of women's health care. The CASG recognized a relevant gap in gynecological care for STIs in women's comprehensive health care. It has targeted different objectives such as :-

- (i) To increase awareness among HCPs regarding HIV/AIDS interaction with STIs.
- (ii) To support the participation of 35 HCPs from São Paulo working in USAID/AIDSCAP STI-related projects.
- (iii) To promote the Syndromic Management of STIs.¹⁶

It has made different accomplishments

- (i) Conducted a two-day International Seminar on STIs in São Paulo, Brazil.
- (ii) Out of 175 participants, AIDSCAP supported the participation of 35 HCPs related to the implementation of STI projects in São Paulo.
- (iii) Distributed 200 copies of syndromic management brochures and other IEC materials.
- (iv) The event was disseminated at "*Folha de São Paulo*" newspaper (sells more than one-half million daily) through 3 articles and at "*O Estado de São Paulo*" (sells on average 400,000 copies per day). In addition, the seminar was disseminated on TV (four interviews) and one video was produced.
- (v) The national meeting discussed several issues related to prostitution such as the history of prostitution; civil, legal and human rights, child and adolescent prostitution; alternatives for income-generation for older CSWs; sexual fantasies and STI; prostitution and health; and condom social marketing.¹⁷

2.1.3.4 Communication, Education and Information on Gender (CEMINA)

CEMINA is a NGO specialized in communication for social purposes. CEMINA produces a one-hour daily radio program in Rio de Janeiro and also special programs and campaigns that are distributed to a network of more than 77 radio stations throughout the country. CEMINA has built a good reputation in the development of radio campaigns to promote social issues, thus with the increase of HIV/AIDS cases among adolescents,

¹⁶ Accessed from http://www.casg.org_prog_050004.pdf accessed on 26/05/2008

¹⁷ Ibid_accomplishments 2008

CEMINA implemented an HIV/AIDS Prevention Campaign through the NGO Rapid Response Fund to adolescents emphasizing the use of condoms. It has targeted different objectives such as:-

- (i) To create a series of HIV/AIDS radio spots for adolescents using rap and other popular music.
- (ii) To raise awareness of HIV/AIDS prevention of the public, especially adolescents.
- (iii) To promote condom use through rap and popular music.
- (iv) To provide radio HIV/AIDS prevention spots of good quality to the CEMINA radio network.
- (v) To develop a radio HIV/AIDS prevention campaign throughout Brazil.¹⁸

It has made different accomplishments such as:-

- (i) Visited and interviewed several projects in Rio de Janeiro working with adolescents, sexuality and HIV/AIDS prevention.
- (ii) Developed scripts for the campaign and discussed with target population for feedback.
- (iii) Developed 4 different HIV/AIDS prevention campaigns for radio.
- (iv) Sent 70 different radio stations from the CEMINA network a copy of the HIV/AIDS Prevention Campaigns (since 1993 CEMINA has trained journalists from radios with the objective to motivate them to air campaigns on social issues).
- (v) Conducted a press conference with extensive media coverage.¹⁹

2.1.3.5 GELEDES

Geledes is an NGO funded by black women activists in 1988 to assist low-income black women and youth. The NGO conducts a regular series of reproductive health and rights workshops. In 1994, AIDSCAP/USAID cosponsored Geledes in the design, production

¹⁸ Accessed from http://www.geledes.in_prog_reps.pdf accessed on 03/06/2008

¹⁹ Ibid_ accomplishments

and publication of a comprehensive 63-page magazine called *Fala Preta* to educate low-income black adolescents on the prevention of HIV/AIDS and STI. *Fala Preta* was distributed as part of a larger intervention project funded by MOH/NACP called "Save Lives". It has targeted different objectives such as :-

- (i) To design, produce and publish a HIV/AIDS/STI prevention magazine to educate low-income black students.
- (ii) To produce educational material that takes into consideration other reproductive health issues such as sexuality, contraception, and the male and the female body.
- (iii) To design educational material that raises the self-determination of black youth.

It has made different accomplishments

- (i) Designed, produced and published a 63-page magazine that talks about sex, the human body, contraception, drugs, STI and AIDS using simple and concise language.
- (ii) The magazine uses beautiful pictures of young black youth exercising self-confidence and fighting prejudice with the messages "how to deal with prejudice," "use your head," and "black is beautiful."
- (iii) Distributed 3,500 IEC materials of which 1,000 were magazines, 1,000 posters, 1,000 buttons, 250 caps and 250 condom pocket purses.
- (iv) The magazine *Fala Preta* was used in a larger intervention project called *Salva Vidas* (Save Lives) funded by the MOH/NACP under the World Bank loan.²⁰

On the basis of the role and different programs launched by the NGOs in Brazil has made successfully restriction on the spreading of AIDS. The most significant thing is they have launched and finished every programme very carefully.

²⁰ Accessed from http://geledes.org_aids_prog_0010.pdf accessed on 04/06/2008

2.1.3 Social Movements in Brazil

Social movements have developed in continual and intimate interaction with the state. Since the state is the main source of scarce resources, social movements have had to approach the state in order to secure some of these resources. Since the state tends to monopolise power and decision-making, it becomes a prime focus of protest and demand-making. The growth and the multiplication of productive and regulatory agencies that have expanded state involvement in economic and social life, mean that class struggles typically pit the poor against the state. Social movement as a aspect of civil society and social policy, and as an instrument of the state.

The growth of Brazilian cities and previous predominance of class-based movements were complicated by the rise of urban social movements, a catch-all category that included a wide range of popular political initiatives, usually inspired by demands for public utilities, social services, or access to land and water. Its military and authoritarian phase, acted to suppress such struggles and demands. Particular controlling the urban poor and in exploiting them through the pricing of housing, utilities and services has given the birth of social movement in Brazil.

2.1.3.1 Landless Labour Movement (MST)

Landless Workers' Movement (MST) that is probably the largest grassroots movement in Latin America. Like most social movements, the MST has changed, now emphasising production and marketing, as well as taking its campaign 'the land to those who work it' to the cities. It was officially founded in 1984. The MST originated in Brazil's three southern-most states, Rio Grande do Sul, Santa Catarina, and Paraná, growing out of a network of progressive members of the Catholic Church who practiced liberation theology, and Marxist activists concerned with rural violence and the highly skewed distribution of land in the countryside. On April 17, 1997 more than 50,000 people marched through the streets of Brasília in a historic demonstration of support for what had become the largest grassroots social movement in Brazilian history—O Movimento

Dos Trabalhadores Rurais Sem Terra (the Movement of Rural Landless Workers). MST members aggressively occupied “unproductive” land as a way of pressuring the newly elected government for rights to the property.²¹

The movement’s origins, academics and movement leaders have consistently stressed the importance of agricultural restructuring, political opportunity, and religious mobilization. Because of the enormous inequalities in access to land, the agrarian elite was able to manipulate the allocation of labor in such a way as to maintain both status and production created high levels of poverty and uneven access to social infrastructure. MST activists worked in poor rural and urban communities, spreading news of the movement and informing people of their right to land.²² Church leaders and union workers often helped the activists by using their connections within local communities to spread word of the movement.

After the adoption of democratic system and the political liberalization that characterized the final years of the dictatorship and the gradual development of the conditions leading to the Brazilian political transition opened space for active social protest. Second, progressive sectors of the Catholic Church not only lent an ethical religious endorsement to the mobilization of rural workers under the canons of Liberation Theology, but also offered broad operational and logistical support to the incipient social movements. And third, the intense capitalist modernization of the rural areas of central and southern Brazil wrought profound social and economic changes that fueled rising social protest.

Joaõ Pedro Stedile, one of the MST’s founding members and arguably the movement’s intellectual spokesperson, and Bernardo Mancano Fernandes, a Brazilian geographer who has done some of the most thorough and intensive work on the MST to date, also write about the modernization of agriculture and the progressive actions of the church.²³ middle farmers joined the movement because they had the social, cultural, and material

²¹ Accessed from, [http://www.thirdworldtraveler.com/south America/handless_workers_brazil.html](http://www.thirdworldtraveler.com/south%20America/handless_workers_brazil.html), accessed on 21/06/2008

²² Accessed from , <http://www.mstbrazil.org/?q=crossroads> accessed on 21/06/2008

²³ Ibid.

resources to fund their struggle, and they believed that doing so was worthwhile. They argue that these two factors came together to generate high levels of participation in the movement. The main objectives behind the movement were:-

- (i) The local sugarcane economy had collapsed, and they felt the movement was their best alternative.
- (ii) Implement land reform.

Over the past twenty years, the MST has carried out over 230 000 land occupations. Through this method, it has succeeded in putting the issue of agrarian reform on the national agenda, and it has resulted in the redistribution of 20 million acres of agricultural land to over 350 000 families. The MST is significant because it has forged a strategy of land redistribution and agrarian reform that does not depend on violence. Moreover it has been able to successfully challenge the entrenched power of the landowning elite in Brazil and has promoted the rights and citizenship of landless people who have historically been marginalized in Brazilian society

In addition to land occupations, the movement attempts to generate pressure against the government through other methods as well, such as the occupation of government offices, and long marches which generate media coverage. For example, in May 2005, approximately 12,000 people marched for seventeen days from Goiânia to Brasília to raise awareness about the plight of the landless and to keep pressure on the government to proceed with land reform. Nevertheless, the land occupation is the MST's signature method and the one that has proved most powerful in promoting land reform.

2.1.3.2 National Confederation of Agricultural Workers (CONTAG)

The National Confederation of Agricultural Workers (CONTAG) came into being on December 22, 1963, in Rio de Janeiro. Since then the National Confederation of Agriculture Workers (CONTAG) has active regarding the issues related male and female rural agriculture workers. Each year the CONTAG sponsors the "Cry of the Brazilian

Land," where rural leaders gather in Brasília to discuss their problems and call on the government to meet their demands.

The period of democratic transition, the battle for a root-and-branch agrarian reform was lost during the drafting of the 1988 Constitution. Subsequently, its grand plans for reform were diminished and domesticated until there was little left but piecemeal attempts to assuage the most violent conflicts by ceding title to occupied lands. The CONTAG is the biggest peasant organization presently in existence in Brazil. It represents the interests of 15 million rural workers, organized in 25 state federations and 3,630 unions. It has different objectives such as :-

- (i) An ongoing, bottom-up, process not a periodic event spanning CONTAG supported operations on the ground and policy dialogue.
- (ii) A space for consultation and dialogue focused on rural poverty reduction.
- (iii) An instrument for accountability of development effectiveness, in particular in the area of empowerment of rural poor people and their organizations.
- (iv) An interface between pro-poor rural development interventions and the process of enhancing the capacity of farmers' and rural producers' organizations (including organizations of artisanal fishers, pastoralists, landless workers and indigenous peoples).²⁴

The members of the CONTAG (Confederação Nacional dos Trabalhadores na Agricultura - National Confederation of Agricultural Workers) are full-time and seasonal male and female rural workers, family farmers, whether owners of their lands or not, landless workers, and workers in extractive activities. It is a federation of associations of rural labourers and small farmers, presented a document to the Foreign Ministry urging that access by exporters to rich markets not be obtained by sacrificing 'the protection needed by family farms'.

²⁴ Accessed from <http://www.contag.org/objectives> accessed on 01/07/2008

2.1.3.3 Anti-Dam Movement (MAB)

From the 1970s onward, the number of landless and unemployed rural workers began to increase due to the building of several giant hydroelectric dams, the expulsion of people from land to make way for large industrial farms, and the indebtedness of small farmers. Initially the organization has largely evolved into what is now called the Movimento de Atingidos por Barragens, or the Movement of Dam-Affected People (MAB). MAB's mission is to fight the construction of large hydroelectric dams, protect the rights and ways of river-dwellers including indigenous people and quilombos, raise consciousness about social and environmental impacts of large dams, and propound the construction of alternative forms of energy generation. The anti-dam movement in Brazil, including its initiation, growth and current form. It argues that the anti-dam movement has constructed a new arena of communicative action²⁵ to contest the construction of hydroelectric dams.

The movement of dam-affected people is largely grassroots in nature, but also encompasses several national or international NGOs, most important of which is the International Rivers Network (IRN). IRN has provided a great deal of financial and technical support to the movement. The anti-dam movement is hybridized with other popular movements in Brazil. It has shared membership with the Movement of Landless People (MST), the Pastoral Land Commission (CPT), the Catholic Church, the Rural Workers Union (Sindicatos), and the Rural Women Workers. The main objectives of the movement are:-

- (i) To increase democratic participation in energy policy
- (ii) To change policy of government regarding building dam
- (iii) To alter public understanding of dams and their alternatives

One of the first leaders of the movement was a part time professor of the University of Passo Fundo Erechin (FAPES). To fulfill their demands MAB has organizing local

²⁵ B, Braga et al (1998). "Dams and the environment: the Brazilian experience", *International Journal of Water Resources Development*, 14(2) 25-34

populations, exchanging experience between dam-affected people across the country, protesting and non-violent occupation, and increasing awareness of local participation in public environmental hearings. Some other grassroots organizations include the Movement for Development of the TransAmazon and Xingu River (Movimento Pelo Desenvolvimento da Transamazonica e Xingu or MDTX) based on the northern region, and Forum Carajas in the northeast. These grassroots organizations are supported by less formalized local community-based groups like the Association of People Affected by Dam Projects in Gatos and Sucos (AMOGAS) in the interior of the northeast, and groups of fishermen, indigenous people and quilomboes (descendants of escaped slaves who formed isolated and protected communities).

The movement was supported by a wide variety of grassroots groups and non-governmental organizations. There has long been sporadic community or local-level groups that fight against the construction of large dams. Since these regions faced construction first during the military dictatorship, these small landowners were not powerful enough to contest construction. Anti-dam groups reframe dam building by arguing that their local knowledge of environmental and social impacts is information critical to effective planning. Generally, communicative action means that people engage in reasoning for social protest without the influence of fundamental and economic claims.

Anti-dam groups use community solidarity generated by meetings and deliberation as the basis of social protest. This process begins with the politicization of local consciousness, is followed by the formation of alternative discourse about dams and development and the organizing of potentially or already dam-affected groups, then a challenge to the state and corporate power in the form of participation in state institutions, protests and sit-ins. In this way, both influencing discursive and institutional forms are necessary. Grassroots groups and NGOs unite in this process to address the multiple institutional governmental levels where dam-planning takes place, and to incorporate the grassroots and NGO perspectives into a new discursive formation.

Unlike 20 years ago when the movement was initiated, governmental agencies and representatives on all levels expect dams to be contested by local communities. These representatives have constructed new governmental bodies and accords to answer movement concerns. This national Brazilian movement has initiated a global opposition to dams that has changed the conception of dams from positive to problematic.²⁶ . They held the first international meeting of people affected by dams in Curitiba, Brazil in 1997.

For example Tucuruí dam were greater than originally predicted. An estimated 1750 families were thought to require relocation at the inception of the Tucuruí project, but actually some 25,000 to 35,000 were eventually forced to relocate. As these people were displaced, thousands of migrants inundated the area in search of jobs stressing the little infrastructure there. Conflicts took place between previous landowners, loggers, migrants, and local groups, especially upon completion of the project when many jobs were lost and employment rose.

The Anti-Dam Movement (MAB) in Brazil has successfully halted the construction of many dams, including what would have been the largest dam in Latin America. It has garnered resettlement packages for previously ignored communities. Maybe more important than these victories is the alteration of discourse around dam-planning that the movement has created. In the end, the Irape community was granted a resettlement plan tailored to the specifications of dam-affected people. While the construction of the dam was a blow to the movement and tragic for the community, the resettlement can be considered a partial success and proof of government openness to discourse with civil society.

2.1.2 Space for Civil Society

Democracy consolidated in Brazil since late 1990s, municipality began experimenting with institutional reforms designed to promote civil society participation. As a developing democratic country like Brazil civil society plays a very significant role. For civil society

²⁶ Khagram et al (2002)

to play that significant and relevant role it need demands certain things, such as protection from the Constitution and the political system. So here we can see that how much space has been provided by the Brazil for the civil society in its constitution and thought political structure.

2.1.2.1 Constitutional Structure of Brazil

Brazil has a democratic system in which power, duties, and rights has distributed according to the constitution. The seventh and current Brazilian Constitution was promulgated on October 5, 1988 after a two-year process in which it was written from scratch by a Constitutional Congress elected in 1986. It appears as a reaction to the period of military dictatorship, seeking to guarantee all manner of rights and restricting the state's ability to limit freedom, to punish offences and to regulate individual life. On the other hand, it did not provide clear rules for state reform and kept the economic regulation of the country intact. In the following years, especially from 1995 onwards, this constitution had to be amended many times to get rid of obsolete, contradictory or unclear provision.

Brazil constitution which in its core and central part discuss about the Democratic state, the exercise of social and political rights, liberty, security, well being, development, equality and justice as supreme values of a fraternal, pluralist and unprejudiced society. Its article 3 discusses about to build a free, just and solitary society, to promote well being of all with out as to origin, race, sex colour, and other forms of discrimination. Article 5 discusses 'All' persons are equal before the law, without any distinction whatsoever, and Brazilians and foreigners resident in Brazil are assured of inviolability of the right of life, liberty, equality, security, and property. And the expression of thought is free, and anonymity is forbidden, the creation of associations and, set forth in the law, of cooperatives, does not require any authorization by the state.²⁷ Through these articles Brazil constitution tries too eliminating discrimination and has provided enough space for forming association and indirectly to civil society.

²⁷ Accessed from <http://www.servant.unibe.ch/icl/br00000.html> accessed on 14/06/08

Brazil Constitution under article 8 disposes about work and union under which, the law may not require approval from state for formulation of a trade, except for registration with the proper agency, it being forbidden for the Government to interfere and intervene in trade union organization. It is incumbent upon the trade union to defend the collective or individual rights and interests of the category, including in court or administrative disputes. And under article 9 right to strike is guaranteed, and it is incumbent upon the workers to decide on the advisability of exercising it and on the interests to be defended.²⁸

The Brazilian constitution increased the forms and the arenas of participation. In its article 14, the Constitution acknowledged that popular sovereignty could be exercised through the vote but also through popular initiative. In its article 26, on the cities, the constitution required the participation of representatives association in city policies.

Recent years Brazil has made some amendment in his constitution. The new Brazil he Constitution, which is now in effect has not make major social or economic changes, such as land redistribution or curbing the role of the military. But it legalizes strikes, abolishes censorship and strengthens people's rights and environmental laws. "This constitution will protect the weak and punish those who abuse power," said the Speaker of the Constituent Assembly, Ulysses Guimaraes. Though on the basis of new Brazil constitution we can say it has made more space for the civil society such as legalization of strikes.

2.1.2.2 Political System of Brazil

Brazil is one of the largest Democracies in the world. It has a Federal Presidential Representative Democratic Republic, whereby the President of Brazil is both Head of State and Head of Government, and of a Multi-party System. Executive Power is exercised by the government. Legislative Power is vested in both the Government and the two chambers of the National Congress. The Judiciary is independent of the executive and the legislature presidential republic.

²⁸ Ibid

In recent years the interest in participatory democracy has grown apace with the increasing recognition of the deficits of representative democracy, especially in the developing world. In Weberian term many new democracies suffer from poor institutionalization and in particular weak channels of vertical integration between states and citizens. State-society relations tend to be dominated by patronage and populism, with citizens having either no effective means of holding government accountable (other than periodic elections) or being reduced to dependent clients.²⁹

It can be said that, civil society as the institutions, practices and networks of voluntary life. By 'Voluntary' it specifically refers to the forms of associational life that are independent of kinship and neither structured by binding forms of hierarchical authority (such as political parties) nor market incentives. Since Brazil's return from military rule to civilian rule in 1985 and democratic rule in 1989, municipal governments, acting in conjunction with other political allies, experimented with a range of participatory institutions.. The decentralization of authority in new democracies provides municipal governments with the opportunity to experiment with innovative democratic institutions. The direct incorporation of citizens into municipal decision-making venues has been a central feature of institutional innovations in Brazil.

Since 1989, over 250 Brazilian municipalities have adopted the most well-known participatory format, Participatory Budgeting (PB). The direct incorporation of citizens into new decision-making bodies, advocated during the 1980s and 1990s by Brazil's leftist political factions, is part of an effort to empower individuals to produce active citizens, enhance the responsiveness of local governments to citizens' demands, and curtail government corruption. It has also helped Brazilians overcome problems associated with representative democracy.

²⁹ Baiocchi G, Heller P (2008), "Making Space for Civil Society: Institutional Reforms and Local Democracy in Brazil", *Social forces*, The university of North Carolina Press, 86(3):914.

Brazil has a mixture of representational formulas uncommon in the advanced industrial democracies. Power in the political system is concentrated in the executive branch. Elections for most executive offices, including president, governors, and mayors of cities with at least 200,000 voters have a majoritarian format. The national legislature is bicameral, and the state legislatures have a single chamber. Even though the senate is almost as powerful as the chamber of deputies and each state has three senators, the less populous states are greatly overrepresented in the chamber.

Electoral systems in Brazil that give the electorate more of a voice in determining which people will run for office seem more democratic than those in which the party machine makes this decision. In Brazil elections are taken place free and fair. Votes are secret. All citizens have equal rights to vote, the President is the candidate with most votes. The press and media are completely free. Unfortunately and counter intuitively, comparative evidence indicates that giving voters more choice in intra-party nominations does not make parties more responsive to popular demands. Finally, it can be said that Brazil draws its insights from cases in advanced, institutionalized democracies, where the associational autonomy of citizens is taken for granted. Brazil has also provided enough space to the civil society through their constitution and political structure.

Chapter 4

Structure and Space for Civil Society in India

India is one of the largest democracy of the world, Which is rightly credited as the most diverse and complex society in the world, and a populace permeated with multiple and overlapping identities founded in caste, religion, class and region. These distinguished variety and density of groups of people have given birth to different movements and associations to protecting their groups and people.

For being a good democracy there is need to be a free and lively civil society and there must be a rule of law to ensure legal guarantees for citizens' freedoms and independent associational life. Civil society refers to the realm of organised social life that is voluntary, self generating, (largely) self supporting, autonomous from the state, and bound by legal order to set of shared rules'. In this context citizens seen as acting collectively in a public sphere to express their interest, passion and ideas, exchange information, achieve mutual goals , makes demands on the state and hold state officials accountable.¹ Civil society includes the arena of community meetings and street corner activities, clubs and churches, shabas and samajs, professional associations and unions, social movements and community action groups.² In civil society, citizens engage one another each in pursuit of his interests and out of this exercise the "universal" comes into view.

In a large developing country like India, there are numerous gaps left by the government in the development process, sometimes by intention, sometimes due to lack of funds, sometimes due to lack of awareness. These are the gaps that many NGOs try to fill in modern India. Some of them may work in areas that the government does not want to get into - like fighting discrimination on the basis of caste. Most Indian politicians do not really want to upset the existing caste hierarchy in his or her constituency, because the

¹ Diamond Harry(1994), "Towards Democratic Consolidation", *Journal of Democracy*, (5), p 4-17

² Elliot C M (2003), "Civil Society and Democracy: A Comparative Review Essay", (eds.) *Civil society and Democracy : A Reader*, Oxford University Press, New Delhi, pp-8

politician is dependent for votes on the dominant castes of that particular constituency. In the process, laws prohibiting discrimination on the basis of caste are often ignored unless there is an NGO working in the area that is willing to take up the cause of those being discriminated against.

Civil society in India, according to some experts, resides among the poor and the downtrodden. Rajni Kothari, the foremost exponent of this position, argues that the crisis of governance in contemporary India comes from the state's efforts to stifle the initiatives of the poor and the marginalized by relying on a "techno-managerial structure". This has led to the emergence of two India's one urban and the other rural.³ Civil society is therefore supposed to protect the much precious diversity among communities and oppose the state's grand homogenization project, which is carried out in the name of modernization.⁴

4.1 Structure of civil society in India

Civil society plays very dynamic role especially for the democracy as it has said by Hegel a democracy with civil society is fragile democracy other wise their is very less chances for fragile democracy. But for the civil society to play a significant role that is depend on the structure of the civil society such as the objective, programmes and the strategy played or executed by the civil society.

4.1.1 Women's Movement in India

Since independence (1947) India has experienced the women's movement and struggle, such as social reform movements, agrarian struggle and revolts, issue based campaign, women's right, government run empowerment programmes, gender sensitivity programmes, violence against women and religion, communism and fundamentalism. So

³ Dipankar Gupta (1997) "Civil Society in the Indian Context: Letting the State off the Hook", *Contemporary Sociology*, 26(3), p 305

⁴ Ibid, p 306

the structure of the women's movement can be understood on the basis the objectives of the movement or struggle and on the basis of their working model.

The women's movement in India is a rich and vibrant movement which has taken different forms in different parts of the country. Fifty years ago when India became independent, it was widely acknowledged that the battle for freedom had been fought as much by women as by men. Sarojini Naidu the first woman President of the Indian National Congress in 1925 has provided spirit lives on in thousands of Indian women today. The women's movement in India is largely represented by women's organisation, some of which are linked to each other through network at regional and city levels.

4.1.1.1 Self Employed Women's Association (SEWA)

SEWA was born in 1972 as a trade union of self employed women .It is both an organisation and a movement. It grew out of the Textile Labour Association (TLA), SEWA is India's oldest and largest union of textile workers founded in 1920 by a woman, Anasuya Sarabhai. Its main goals are to organize women workers for full employment and Self-reliance. Full employment means employment whereby workers obtain work security, income security, food security and social security (at least health care, child care and shelter).

SEWA has been working for years on the grass roots as well as with policy makers at all levels. Its finding is that Poverty is connected to both the economic structures and social structures within which the poor find themselves, and to remove poverty those structures do have to be addressed. SEWA has facilitated the establishment of dedicated economic and social institution that promotes non exploitive employment and social security for members.⁵ It also provides services like savings and credit, health care, child car, insurance, legal aid, capacity building and communication services which are important needs of poor women.

⁵Hill Elizaneth (2001), "Women in the India Informal Economy: Collective Strategies for Work Life Improvement and Development" *Work, Employment & Society*, Sage Publication, London, Pp-451

The SEWA movement is enhanced by its being a sangam or confluence of three movements: the labour movement, the cooperative movement and the women's movement. But it is also a movement of self-employed workers: their own, home-grown movement with women as the leaders. It is an organisation of poor, self-employed women workers. These are women who earn a living through their own labour or small businesses. They do not obtain regular salaried employment with welfare benefits like workers in the organised sector. They are the unprotected labour force of our country. The female labour force in India, more than 94% are in the unorganised sector. Several strong leaders developed as a result of these campaigns:-

- (i) Home-based Workers' Campaign.
- (ii) Vendors Campaign
- (iii) Forest Workers' Campaign.
- (iv) Construction Workers' Campaign.
- (v) The Water Campaign.
- (vi) Food Security Campaign.
- (vii) Campaign for our Right to Child Care.
- (viii) Campaign for Recognition of Midwives.
- (ix) Clean Ahmedabad Campaign.
- (x) Minimum Wages Campaign.
- (xi) Campaign for Recognition of Unorganised Sector workers⁶

SEWA runs 58 literacy centers in 18 urban and 26 rural areas of Ahmedabad district. It also has self employed women and their teenage daughters passed out from these classes. These women were given certificates in functions organised in different areas. The women coming to these classes put up exhibition of their drawing and craft work and shared their experiences.⁷

In 2001 there was a devastating earthquake in Gujarat in which over 20,000 people died and hundreds of thousands lost their homes and livelihoods. SEWA had a large presence

⁶ Accessed from, <http://www.sewa.org/newsletter/specialedition.html>, accessed on 18/05/08

⁷ Accessed from, <http://www.sewa.org/programs/specialedition.html>, accessed on 19/05/08

in the worst affected districts and SEWA members, their families and neighbours were badly affected. SEWA supported its members in the worst-affected districts, first through relief work and later with long-term rehabilitation with livelihood restoration as its base. SEWA worked with its sister organisations especially the local Associations of the women. Taking note of these efforts, the international agency IFAD approached SEWA to undertake a seven-year programme of large-scale rehabilitation of victims of the earthquake which was to be a unique partnership between IFAD, the Government of India, the Government of Gujarat and SEWA. For two years the project went well and SEWA was able to reach to 14,000 families especially the poorest of the poor.⁸

On November 11th, 2005, with the support of Gandhian organizations in the state, SEWA organized a silent rally to protest the cessation of employment opportunities for workers in the state and the shrinking space for civil society. 5000 women marched through the busy streets of Ahmedabad and to the Sabarmati Ashram for a rally and prayer meeting. SEWA has achieved lot of achievements some of them are as follows :-

A board for informal sector workers has been established, from which workers will receive identity cards, medical benefits, training and equipment 154 bidi workers received Rs. 15,000,000 from their Provident Funds. The wage for agarbatti workers was increased from Rs. 7.5 to Rs. 8 for 1,000 sticks. From this, 15,1000 women will receive a total annual increase of Rs. 15,828,744. The 3,000 paper pickers were recognised and will receive welfare benefits. In 2007, Rudi brand of Gram Haat sold Rs. 4 crores worth of goods and Hansiba brand of our Trade Facilitation Centre grossed Rs. 3 crores. In 1.5 years, 60,000 women have received employment, from which Rs. 18 crores of income was generated.⁹ In November, the Gujarat High Court stayed the eviction of streetvendors. They can now sell their wares in marketplaces and streets of the city. This judgement was in response to a SEWA petition in the High Court. A rally of 400 workers was organised on the occasion of Literacy Day in September. Lok Swasthya cooperative

⁸Elizabeth Hill(2001), " Women in the Indian Informal Economy: Collective Strategies for Work Life Improvement and Development, *Work Employment Society*,15 (3): 443-464

⁹ Accessed from, [http:// www.sewa.org.report](http://www.sewa.org.report), accessed on 10/07/2008

opened a low cost medicines-cum-medical advice centre, its forth such centre, in the Chamanpura area of Ahmedabad. It shows that local Solidarity based, bottom-up collective strategies redress the marginalized workers economic and social security. In has also developed an alternative sustainable and democratic forum in which poor women workers are recognized as workers and it enables them to participate as citizens in their own development.

4.1.1.2 Chipko Movement (Stick to Tree)

India has experienced some environment related movement's such as the Chipko Movement (literally "to stick" in Hindi). The name of the movement comes from a word meaning 'embrace': the villagers hug the trees, saving them by interposing their bodies between them and the contractors' axes was a group of female peasants in the Uttarakhand region of India. Dhoom Singh Negi, who, with Bachni Devi and many village women, first saved trees by hugging them in the 'Chipko embrace'. They coined the slogan: 'What do the forests bear? soil, water and pure air. They acted to prevent the felling of trees and reclaim their traditional forest rights that were threatened by the contractor system of the state forest department.¹⁰

The Chipko movement began in Chamoli district in 1 April 1973 and over the next five years spread to many districts of the Himalaya in Uttar Pradesh at the end of the decade. Chipko, which literally means to embrace has spread to many other parts of India and has drawn worldwide attention for its resourceful efforts to fight against deforestation and thereby protecting ecology and society. Women played a unique role in making success of the Chipko Movement because they being the dependents on the fuel, wood and fodder for survival found it difficult to procure them for over the last several decades. Most of the time different slogans were used by the Chipko movement some of them were:-

'What do the forests bear? Soil, Water and pure Air'

¹⁰ Martin, J. Singh (1988), "Understanding 'Chipko': The Himalayan People's Movement for Forest Conservation, *International Journal of Environmental Studies*. 31:99-110.

'Embrace the trees and Save them from being fell; the property of our hills, save them from being looted'

'Ecology is permanent economy'¹¹

It is this tale that inspired the actions of a group of mostly rural women who has launched similar spectacular protest movements in India. For rural women, saving the environment is crucial to their economic survival. As primary food, fuel, and water gatherers, women have strong interests in reversing deforestation, desertification, and water pollution. The women, who eke out a living in the Himalayan foothills, using its forests as sources of food, fuel, and forage for their animals, face particularly severe challenge. The Himalayas, a young range subject to erosion, need forests on these steep slopes to allow the absorption of water and prevent flooding. Disintegration of Himalayan forests started over a century ago.

In Tehri district, Chipko activists would go on to protest limestone mining in the Dehradun hills in the 1990s as well as the Tehri dam, before founding the Beej Bachao Andolan or Save the Seeds movement that continues to the present day. In Kumaon region, Chipko took on a more radical hue, combining with the general movement for a separate Uttarakhand state.¹² The Chipko protests in Uttar Pradesh achieved a major victory in 1990 with a 15-year ban on green felling in the Himalayan forests of that state by order of India's the then Prime Minister, Indira Gandhi. Since then the movement has spread to Himachal Pradesh in the North, Kamataka in the South Rajasthan in the West, Bihar in the East and to the Vindhya in Central India. In addition to the 15-year ban in Uttar Pradesh, the movement has stopped clear felling in the Western Ghats and the Vindhya and generated pressure for a natural resource policy which is more sensitive to people's needs and ecological requirements.¹³

¹¹ Accessed from, <http://www.unu.edu/unupress/unupbooks/80a03e/80A03E06.GIF>, accessed on 03/07/2008.

¹² <http://www.iisd.org/50comm/commdb/desc/d07.htm>

¹³ Thomas Weber (Winter, 1987-1988), "Is There Still a Chipko Andolan", *Pacific Affairs*, 60(4): 615-628.

The Chipko movement itself was never an organised protest. It was largely a series of discrete protests by separate Himalayan villages like Reni, Gopeshwar and Dungari-Paitoli. In some cases it was villagers fighting the government and in some cases it was village women fighting their men who would rather cut the trees and see some money without worrying where the firewood would come from. But this amorphousness of the movement was given a unified vision and leadership by the Gandhian social worker, Chandi Prasad Bhatt, a resident of Gopeshwar, who had seen trees disappear, local village industries erode, and women's work burden go up.

On one hand, the Chipko women are seeking an escape from the commercial economy and the centralizing state; at yet another level they are assertive and aggressive, actively challenging the ruling-class vision of a homogenizing urban-industrial culture. Meadows describe this as the culmination of the private (peasant movement) and public (ecological movement) profile that gives Chipko a distinctive quality and strength.

In India there is an ancient legend about a girl, Amrita Devi, who died trying to protect the trees that surrounded her village. The story recounts a time when the local Maharajah tree cutters arrived to cut the village trees for wood for his new fortress. Amrita, with others, jumped in front of the trees and hugged them. In some versions of the tale their dramatic efforts prevented the forests destruction; in others Amrita dies in her valiant attempt. Bahuguna ended a 45-day fast in 1995 when the Indian government promised a review of the Tehri dam project. But the promise was not kept and the following year he committed himself to another fast, only broken after 74 days when the Prime Minister gave a personal undertaking to conduct a thorough review, largely on Bahuguna's terms.¹⁴

These are incorporated vide Article 48A and Article 51(A)(g) in the Constitution of India by the Constitution (forty-second Amendment) Act, 1976. Article 48A is a directive principle of the State which states that the State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country. Article 51(A)(g) is a

¹⁴ Ibid. p 624.

fundamental duty of a citizen where the citizen of India has a duty to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures. In fact, as per the Article 21 of the Constitution of India, right to clean the environment is a part of the right to life as examined by the Supreme Court in the Subhash Kumar vs. State of Bihar case. The women participation in the Chipko Movement not only protected the ecology and environment but also developed the world's consciousness on environmental aspects.¹⁵

4.1.1.3 Tamil Nadu Women's Forum (TNWF)

Tamil Nadu Women's Forum (TNWF) has started in 1991. It was established in order to train women for more leadership, to strengthen women's movement, and to build up a strong women's movement. TNWF espouses awareness on discrimination against dalit women, mobilizes movements and lobbies at national and international levels to eradicate the evil of untouchability, to abolish caste system and to uphold the rights of dalits as human rights.

Tamil Nadu Women's Forum has joined hands with people's movements, women's groups, trade unions, leftist political parties, human rights forums, and other organisations at local, national, regional and international levels to uphold the rights of marginalised indigenous oppressed and discriminated communities. Moreover, TNWF campaigns for women's reservation, land and food without poison, food security, in combating communalism and globalisation, against violence on women, child abuses, female infanticide and foeticide, and illegal patent by the MNCs (Multi-National Companies).

TNWF also conducts not only political actions but also legal activities. It uses law as a tool for social change. It creates access to justice for women by adopting legal and meta-legal strategies. Women leaders are enlightened on legal procedures and are encouraged

¹⁵ http://www.articlecity.com/articles/recreation_and_sports/article_97.shtml

to support the other women to approach the appropriate forums. The objectives of the TNWF are:-

- (i) To elucidate the Dalit women on the provisions and procedures of availing lands for Dalit women.
- (ii) To create wider level consciousness among the women and the Dalit women about the promise of land in the manifesto of the present government.
- (iii) To motivate Dalit women to lobby for achieving the land rights.
- (iv) To enable Dalit women to have knowledge on the local self governance and thereby to motivate them for identifying appropriate candidate who will take up the cause of Dalit women.
- (v) To import knowledge on good governance, democracy and alternate leadership.
- (vi) To facilitate Dalit women to secure political awareness to achieve political power envisaged in the 73rd and 74th amendments to the Indian constitution.
- (vii) To Make Dalits assertive against corruptive electoral process and to enable them to adhere to fair election.
- (viii) To evolve a collective common strategy for achieving land rights for women.
- (ix) To widen the perspectives of Dalit women leaders on the need of land and political power for the Dalit women.¹⁶

TNWF works in different sectors for the women such as in economic, those women who are working in the unorganized sector. They do not even get the minimum wages that the State/country has specified, since they are unable to organize and demand for decent wage TNWF makes voice for them. The introduction of new farming techniques such as, mechanization for harvesting and transplanting, women have lost their traditional work in the agricultural sector. Such situations push the women into further situations of impoverishment, making them more and more vulnerable to all forms of discriminations and violations. It is TNWF which provides work to women. Girl children are deprived of access

¹⁶ Conference Report: Aug. 2006, Tamil Nadu Women Forum (TNWF)

to education as belonging to economically weak families, they are unable to pursue their education. It provides education to women and health care also.

Despite the existence of constitutional, administrative and legal provisions to protect women from all communities, and specific provisions for women in the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (1989), women of disadvantaged groups are vulnerable to gender-specific abuses such as rape, stripping and being paraded naked. As some cases has been seen recently, such as:-

Jaipur: The National Campaign for Dalit Human Rights has demanded a CBI enquiry into the death of a Dalit woman in Chomu police station of Jaipur district on Thursday. The woman, Kamla, who was brought to the police station to meet her son who was in police custody on a charge of murder, had died of mental shock and agony due to police misbehaviour, an enquiry report by NCDHR and Centre for Dalit Rights said. The main opposition in the State, the Congress party had made a similar demand. Pradesh Congress Committee president B.D. Kalla in a statement on Friday demanded a judicial enquiry into the case. The party has alleged that the death had taken place at the police station following the ill treatment of the victim. The Chomu police last week had arrested Kammla's son Sumit on a charge of murdering a history sheeter Sikandar Khan. Kamla, a schoolteacher was taken to the police station on Thursday last by five constables, including two women constables to meet her son in the lock up. The police version is that the woman, apparently depressed over the act of her son had consumed poison at home before leaving for the police station. She gave a dying declaration to this effect but her family members had challenged this. The NCDHR team, which visited the spot, found the role of the police and administration "doubtful" ¹⁷

The UN Committee on Elimination of Racial Discrimination (UN CERD) has expressed concern over an alarming number of allegations of acts of sexual violence against Dalit

¹⁷ The Hindu, 05/06/06.

and tribal women in India, who were being "trafficked and forced into prostitution". The Committee asked the Indian government to establish special courts and task forces to deal with violence against Dalit women .¹⁸

TNWF had also organized conferences on August 27th to 28, 2006 at Palavoy, Arakkonam. The highlight of this year conference was on the "Land and Political Rights for Dalit Women". The movement exists to assert the rights of Dalit women at State Level. Every year the movement organizes conferences focusing on different themes as per the contextual relevance. The conference creates wider level awareness among Dalits and other caste people. The Dalit women themselves after each conference have taken up many local issues. So far the TNDWM has organized seven conferences at different venues of Tamil Nadu.

Tamil Nadu Women's Forum is headed by Fatima Burnad (APWLD member. She submitted an alternative report for the 15th - 19th periodic report on India submitted by the Government of Republic of India for the 70th session of the UN Committee on the Elimination of Racial Discrimination, Geneva, March 2007. The TNWF report "Unheard Voices - Dalit Women" presents documented cases of discrimination and violence against Dalit Women in India in 2005-2006. It has passed many resolutions in its conference. these were :-

- (i) The conference insists the State government to continue with the existing reserved constituencies for women and not to reschedule them in the context of the coming Panchayats elections.
- (ii) The conference demands the government to provide necessary protection for the elected Dalit women and to ensure the atmosphere to exercise their office without the interference of the district collector and the other officials.

¹⁸ <http://www.apwld.org/vol203-13.htm>.

- (iii) While welcoming and appreciating the land allocation scheme of the state government, the conference urges the government to allocate the land in the name of the landless agricultural Dalit women and to provide them with the required instruments, seeds and manure to make the land more productive.
- (iv) The conference urges the government to take wartime measures to redeem the Panchami lands from the encroachment and to vest those retrieved lands to Dalit women.
- (v) The process of mechanization displace the agricultural workers and intensifies the unemployment, the conference demands the government to prevent mechanization in agriculture through legislative provisions.
- (vi) The increasing cash crops intensify the food insecurity and increase the dependency, and hence the government should take adequate measures to encourage the farmers for promoting food crops.
- (vii) The continuing untouchability and caste discrimination are heinous crimes against humanity. The conference indicates that it is the bounden duty of the governments to ensure equal status and as an initial step the government should construct houses in the name of Dalit women amidst the main villages.
- (viii) The conference condemns the continued deprivation of Dalits' share in the common property resources and demands the government to ensure the Dalit women's decision with regard to the final decision of the allocation of common property resources.
- (ix) The conference urges the government to provide adequate shelter and protection to the Tamil refugees from Sri Lanka and to ensure them self

respect and dignity. The government should assure sufficient food and financial resource for their dignified life.¹⁹

TNWF has taken Action against Khairlanji atrocities, on 04 Dec. 2006. For that Tamil Nadu Dalit Women's movement conducted a protest demonstration in Chennai on 4th Dec 2006. Around 1000 people from Vellore, Kancheepuram and Thiruvallur district were participated. Protest slogans were raised against the atrocities. A protest meeting was held near Taluk office on February 10th 2006 at Arakkonam against the construction of dam at the river Palaru by the Andhra Pradesh Government. Due to the construction, problem of famine and drought will be faced by the people. The meeting was organized by Alliance of People Movement. The problems of agriculturist were discussed. The proceeding of the construction of the dam is stopped temporarily. Petitions were submitted to the Governor of Andhra Pradesh, local collector, Chief Minister Cell and to Prime Minister Cell.

4.1.2 Social Movements in India

Social movements are organized around ideas which give the individuals who adhere to the movement new forms of social and political identity. India has seen some social movements like as Tribal movement, Dalit movement, peasant movement, backward caste/ class movements, student's movements, industrial working class movement, and middle class movements. Some of the current and important movements are:-

4.1.2.1 Save the Narmada Movement (NBA)

The Narmada River is the largest westward flowing river in India which empties into the Indian Ocean. The state began planning the dam in 1946, but only started construction in the mid 1980s. Because the dam would not only affect the state of Gujarat, but also

¹⁹ Tamil Nadu Women's Forum, "Unheard Voices -DALIT WOMEN", An alternative report for the 15th – 19th periodic report on India submitted by the Government of Republic of India for the 70th session of Committee on the Elimination of Racial Discrimination, Geneva, Switzerland (2007), Accessed from burnad@md3.vsnl.net.in on 12/07/2008

would cause flooding in Madhya Pradesh and Maharashtra, two neighboring states, construction was delayed. By 1983 the states' disputes had been reconciled and extensive planning began. The plans called for the displacement of several thousand families from the river valley. It is now estimated that well over 100,000 families will be displaced by the flooding of the valley.²⁰

The Government's plan is to build 30 large, 135 medium and 3000 small dams to harness the waters of the Narmada and its tributaries. The proponents of the dam claim that this plan would provide large amounts of water and electricity which are desperately required for the purposes of development. Of the 30 big dams proposed along the Narmada, Sardar Sarovar Project (SSP) and Narmada Sagar Project (NSP) are the megadams. The Maheshwar and Omkareshwar dams along with SSP and NSP are to form a complex which would ultimately cater to the needs of SSP. The struggle of the people of the Narmada valley against large dams began when the people to be displaced by SSP began organizing in 1985-86.

The Narmada Bachao Andolan (NBA), led by Medha Patkar, rose in protest over the displacement and the state's plans, or lack thereof, for the rehabilitation and resettlement of the "oustees." The movement strengthened and grew to incorporate dozens of international NGOs. Such groups, which deal with the environment as well as human rights, internationalized the movement. The fight against the Indian government was strengthened as the dam's principle investors developed tremendous support to the movement which is challenged state away sovereignty.

NBA has acquired an international character for the environment protection and for the displaced people problem. NBA enlisted several environmental organizations, such as the Environmental Defense Fund and Friends of the Earth, who "for the first time heard of human rights issues associated with the SSP (Sardar Sarovar Project). The local movement, with the help of the international coalition of NGOs, was able to spread

²⁰ Fisher W (1995), "Towards Sustainable Development?: Struggling Over Narmada River", M.E. Sharpe Publication, London, pp-14.

information throughout the world with hearings, symposiums and tours. Medha Patkar, for instance traveled to the United States and spoke before a Congressional panel on two separate occasions. Her goal during both occasions was to stop the World Bank, one of the SSP's principle investors, from supplying loans to the Indian state. Patkar also spoke before Paul Arlman, a World Bank Executive Director at a World Bank Committee Meeting in Washington DC.

The destruction of sacred lands and entire villages prompted one old woman to exclaim: "I will not move, I will die here".²¹ They may give me land and water and whatever. But can they give me my Chimakheda. The mantra of the Narmada Bachao Andolan became "Hamara gaon mein hamara raj" (Our villages, our rule).²²

4.1.2.2 Save the Chilika Movement (CBA)

The Chilika Bachao Andolan (Save the Chilika Movement) was a movement by the people. Who had in the early 1990s, successfully resisted the Integrated Shrimp Farm Project (ISFP). The project was a joint venture of the Tata Iron and Steel Company (TISCO) and the Government of Orissa- for investing prawn cultivation and export, that posed a direct threat to livelihood of fishing communities living around the lake. The fishermen were supported in their struggle by non-fisherman (mostly farmers, but some with of them also engaged in fishing), students, intellectuals and human rights activists. The chilika struggle was a struggle of the poor against "development- a form of development which threatened to leave them destitute and exile from the land which supported them and coexisted with them for centuries."²³

Chilika is the home and as well as an earning source of 192 villages, who are dependent on fishing and particularly prawn fishing as their major source of livelihood. More than

²¹ Pathekar M (1995), "The Struggle for Participation and Justice: A Historical Narrative", Toward Sustainable Development?: Struggling Over Narmada River (eds.) Williams Fisher, M.E. Sharpe Publication, London, pp-157.

²² Ibid, PP-4

²³ Sheth P (1997), "Enviournmentalism: politics, ecology and development", Rawat Publication, New Delhi, PP-250.

50,000 fishermen and over lakhs of population depend upon the Chilika for their living and livelihood. According to R.N.Das senior Scientist in the Environment Department, "people realized that indiscriminate prawn farming and siltation had greatly reduced the life of lake."²⁴

The fishing communities had been resisting the commercial use of and the consequent loss of control over their resources. Initially only few people in these villages were skeptical about the project. Later, Meet the Students (MTS), an informal group of student from Utkal University actively involved in effecting social change, took the initiative. MST visited the villages and discussed the issue with the villagers. The MTS played an important role in raising people's awareness and organizing them against the Tata project during the initial years.²⁵ Later a provincial level student forum called Krantadarshi Yuva Sangha (KYS) was formed to mobilize young against the Tata project. Its core comprised student who were earlier member of MTS, and who when they passed out of the university, joined the KYS. Thereafter it was decided that MTS would function at the university level and KYS would work as a forum to mobilize youth against the project and the policy of the state.

A meeting of intellectuals was convened at Bhubaneswar, at the students' initiative. Out of this meeting grew the Chilika Suraksha Parishad (CSP) which was assigned the task of mobilizing public opinion regarding ISFP in the cities of Orissa. It was that forum that invited the thanks of Oriya society to debate and discuss the issue and provide moral support to the cause that MTS was trying to promote. Gradually the students realized that local organization could serve as an effective vanguard in the resistance against the project. Thus steps were taken to involve the Chilika Matsyajibi Mahasangha (CMM), a mass organization of 122 revenue village in Chilika that works to protect the interest of fishermen.²⁶

²⁴ Shankar U (1992), "Chilika: A Lake in Limbo", *Down to earth*, Vol. I NO.7, PP-25.

²⁵ Ranjita, Mohanty, p 184.

²⁶ Tondon, P 185.

The united struggle of the MTS and CMM led to the formation of a people's movement, on 15 January 1992 at Gopinathpur village. So the fisher folk organized themselves for a movement under the banner of the "Chilika Bachao Andolan" (CBA) against the pattern of development which threatens peace, development, ecology and livelihood of the poor of Chilika, to protect it from commercial exploitation by big business operating under political umbrella and to restore to the people their right to manage Chilika.²⁷

The CBA organised movement to protect the lake ecology as well as the large population of poor fisher folk. CBA was supported by many other civil society organizations, such as Ganatantrik Adhikar Suraksha Sangathan (GASS), an organization based in Bhubaneswar that works to protect the democratic rights of people and the Orissa Krushak Mahasanga (OKM), which work for the cause of farmers. Some of the prominent issues that the movement drew attention to were:

- (i) The land allotted to the ISFP was traditionally used by the neighboring 26 villages for harvesting prawn; the shallow water collected during the monsoon was ideal for their natural breeding.
- (ii) The threat of flood and water logging due to the construction of the embankment on the Bhubania canal which form the outlet of the lake to the sea.
- (iii) The embankment would obstruct the movement of the fish and prawn from the brackish water to the sea during breeding season. This, in turn would hamper the natural regeneration of prawns.
- (iv) Long term availability of fish within the lake would be adversely affected due to the pollution caused by protein feed chemicals and pesticides.
- (v) The project had moved ahead without the mandatory Environment Impact Assessment.

²⁷ Op.cit., (Pravin Seth), p 252.

- (vi) The land given on lease to the ISFP was classified as reserved wetland and community pasture land. Leasing out the lake was therefore illegal. As it was not listed under property that could be leased.²⁸

In the second phase of the movement became more vibrant and broad based since it evoked the support of all fisher folk of Chilika as well as a large mass of people of the locality and outside. The threat to the lake's fragile ecosystem and to the livelihood of fisherman were used to pressurize the government. The CBA held the State as an illegitimate and repressive authority. It put pressure on the State through constructive, conscious strategies using the law courts, through the mass media and by mobilizing the support of other intellectual elites.

Finally, government has interrogated on the legality of the project by invoking the 'land settlement act', according to which Chilika is a 'reserved wetland' and therefore can't be leased to any individual or company. The struggle of CBA exhibited the might of fisherman and its ideology - it asserted inseparability of ecological sustainability and social justice. Thus the CBA, which started as a grassroots movement, became in subsequent years, an organized mass movement. It tarnished the false mood of development imposed upon the weaker masses by the state.

4.1.2.3 Save Bhagirathi Movement (BBS)

On 11th May, 2008, Navdanya and Paani Morcha with hundreds of local farmers launched the campaign to "Stop the Disappearance of the Ganga". The River Ganga is the lifeblood of India. The river is fed by the Gangotri glacier at the foothills of the Himalayas and flows for 2,510 km. It is running from the Gangotri Glacier in the Himalayas to the Bay of Bengal. It is estimated that the livelihoods of over 500 million people in India are dependant upon the Ganges, and that one-third of India's population lives within the Ganges Basin. Along its entire length, communities rely on the Ganga's waters for drinking, bathing, agriculture, and ritual.

²⁸ Tondon, p 186.

The river not only holds great significance for river gange and for the vegetation process of India. Bhagirathi Bachao Sankalap (BBS) but also represents enormous cultural, ecological, and economic value to India and the world. Unfortunately, the health of the Ganges is being destroyed in a number of levels. Not only by the human and industrial pollution, but it is now also being threatened by the construction of massive dams. Six dams are being constructed on the river Ganges between the Gangotri glacier and Uttarkashi for generation of Hydropower.

The dams are effectively throttling the Ganga at its very source, in some spots they are slowing the flow of this mighty river to a mere trickle. Already, the World Wildlife Foundation has declared the Ganges to be one of the 'top ten rivers at risk' in the world. To make things worse, in 2007, the UN Climate Report indicates that the glaciers feeding the Ganga may disappear by 2030. In addition to affecting the flow of the Ganga, the process of building dams involves a great deal of destruction to local ecosystems through blasting, drilling, deforestation and submergence. This construction threatens to displace both wildlife and local populations. The objectives of the movement are:-

- (i) The Government of India and the Government of Uttarakhand take immediate steps to free this holy and majestic river from bondage, ensure the uninterrupted flow of the holy river from Gangotri to Dharasu (Uttarkashi), and conserve the heritage of India.
- (ii) the government of India to stop work on National Thermal Power Corporation's Loharinag Pala project on river Bhagirathi in order to maintain an unobstructed flow of the sacred river between Gangotri and Dharasu.

Ganga, the spiritual, cultural and physical lifeline of India is disappearing because reckless dam building in the high reaches of the Himalayan is drying up the river. More than two dozen dams are being built from the source of the Ganges at Gangotri to Hardiwar, where more than 30 million people gather every twelve years for the Kumbh Mela and hundreds and thousands bathe everyday. The river is being diverted through tunnels for many kilometers, impeding the free flow of the river and resulting in a crisis

situation. These dams will choke the life from the Ganga, reducing her flow in many areas to a mere trickle.

Environmentalists and social activists led by G D Aggarwal hand headed for Delhi to continue with their campaign against construction of power projects between Gangotri and Uttarkashi. Campaign was preceded by a large scale demonstration. After forcing the government in Uttarakhand to suspend work on the 480 MW Pala Maneri and 381 MW Bhairon Ghati Hydro Projects.

Thus, on the basis of above movement it can be determined that it has played dynamic role for their demands regarding the right, liberty and the discrimination. It also represents that India has provided enough space for the civil society to play their role.

4.1.3 NGOs in India

NGOs are recognized as important players in the formulation, design, and application of development strategies. International development organizations are placing greater emphasis on working with national and local NGOs to emphasize local knowledge and participatory development. NGOs are strengthening the fabric of civil societies in still-fragile, emerging democracies. They are essential partners for governments, the private sector, and development organizations in meeting people's needs. NGOs are an expression of people's belief that through their own initiative, they can better fulfill their potential by working together, and in so doing reduce the opportunity gap that exists between the advantaged and disadvantaged in society. The structures of NGOs vary considerably, such as through their objectives, organizational structure and their working mode.

Until recently (July 2007), UNAIDS and Global Fund remained firm on their stand that India's total number of HIV infected individuals (5.7 million) has surpassed that of South

Africa (5.3 million) making India the worst affected in the world.²⁹ HIV/AIDS is said to be the biggest public health threat in India. Since the beginning of HIV epidemic in India in late 1980s, the portrayal and representation of HIV epidemic in popular discourses has remained alarmist, creating an image of fear and horror among minds of planners, policy makers, academicians, researchers and general population. India's HIV epidemic has been labeled as the "ticking time bomb" that would "explode" if not given urgent attention.³⁰ The United Nations Special Envoy on HIV/AIDS refer to it as "a termite attack, invisible at first, catastrophic in the end".

4.1.3.1 Society for the Promotion of Youth & Masses (SPYM)

Society for the promotion of youth & masses (SPYM) is a national, non-profit agency, working in the area of health and development since 1983. SPYM has been active at the national and state level for providing technical support in partnership with Regional Resource & Training Centres (RRTCs) to more than 500 NGOs across the country and is one of the pioneering organizations to advocate for HIV/AIDS and drug abuse interventions.

SPYM works in different parts of India, with the head office in Delhi. It has an experienced professional, who is supported by a strong network of 164 project-based staff from all over the country. SPYM has been implementing a comprehensive HIV/AIDS prevention programme through targeted interventions with the mobile population of truckers and their families since 1995. Since 2006 it has been working with injecting drug user's commercial sex workers (CSW), men who have sex with men (MSM), the transgender population and young people. The basic objectives of SPYM are:-

²⁹ UNAIDS (2006), *Report on the Global AIDS Epidemic: A UNAIDS 10th Anniversary Special Edition*, UNAIDS, Geneva, p. 511.

³⁰ Williams, Elizabeth (2005), "Asian Culture and AIDS", *The Brown Journal of World Affairs*, 12 (1), Summer/Fall, pp. 209-223

- (i) To focus our HIV transmission prevention efforts on the highest-risk groups, namely truckers, commercial sex workers (CSWs), men who have sex with men (MSMs) and intravenous drug users (IDUs).
- (ii) To provide easily accessible, free HIV testing. To educate among HIV-positive clients the basic modes of transmission.
- (iii) To improve quality coverage of injecting drug users, to prevent the spread of HIV among this population.
- (iv) To improve both quality and coverage of Drug Demand Reduction services in the country in order to raise awareness of the adverse consequences of drug use including HIV/AIDS, and to reduce risky behaviour among drug using populations to break the chain of HIV transmission.³¹

SPYM provides awareness generation regarding STDs/HIV/AIDS through Behavior Change Communication session i.e. One to One and One to Group, Audio visual shows, Street Plays, Panchayat Sensitization Programmes (PSP) and various other methods. It is also referral network and has linkages with drug demand reduction programs, HIV testing, DOTS and various other care & support service. It has launched different programmes and projects like:-

1. Integrated Counseling and Treatment Centre (ICTC):- It is estimated that only 25-30% of HIV positive people in India are aware of their status, and it takes an average of 5-7 years for an HIV positive individual to develop AIDS. In order to tackle the AIDS epidemic in the best possible manner, it follows that SPYM try to make people aware of their status, so that, if they are HIV positive, they do not infect others and that they may pursue life-saving treatment. In accordance with the National AIDS Control Program, Phase-III (an initiative of NACO), SPYM has established an Integrated Counseling and Treatment Centre (ICTC). This program exposes students to the public and clinical health efforts in Northern India to stem the spread of AIDS. Students witness first-hand avenues

³¹ Accessed from, <http://www.spym.org/html> accessed on 02/07/2008

of treatment for PHAs: in a hospital or clinical setting, in a community with an NGO, or in a care home.

2. Project I-49: Reducing substance use related HIV vulnerabilities in female drug users and female partners of male drug users:- This program was initiated in December 2005. Through this programme STYM trying to reduce the vulnerability of female drug users and female partners of drug users and in this way to reverse the overall feminization of the HIV epidemic in India, And to reduce the HIV-related vulnerabilities among partners of male drug users.

3. Project G-86: Formation of peer networks to address HIV risks in injecting drug-using populations in the Northeast & Metropolitan cities of India:- This programme was basically launched to prevent and reduce the abuse of drugs and spread of drug-related HIV. Under this programme SPYM try to meet with the community leaders and stakeholders. Referrals to our drug treatment cum rehabilitation centre, various STI clinics, our Integrated Counseling and Treatment Centre, the DOT centre, etc.

4. Empowering communities on primary prevention of drugs and HIV:- This programme was launched in December 2005, with the assistance of UNODC. Under this programme SPYM has tried to reduce drug use and the spread of drug-related HIV in India, and to strengthen the capacity of government and civil society organizations to prevent drug abuse and scale-up interventions.³² It has since the date of its birth has achieved different achievements out of which the major ones are:-

- (i) 171,055 CSW, MSM, Eunuchs, IDUs & Truckers were provided regular access of quality condoms over the 2006/2007 period.
- (ii) 1635 STI cases were treated and counseled in two centres over a period of a year.

³² Accessed from, <http://www.spym.org/html> accessed on 02/07/2008

- (iii) Over a period of one year, the Behaviour Change Communication program has reached the following groups of people: 984 CSWs, 779 MSMs, 1132 IDUs and 28 561 truckers.

4.1.3.2 AIDS Awareness Group (AAG)

AIDS Awareness Group (AAG) is a voluntary organisation (NGO). Its mission is to contribute towards minimising human suffering in the fields of health, STIs / AIDS, domestic violence, through awareness programmes, treatment and referrals and counselling to facilitate generation of options for crisis resolution. AAG deals with issues of human rights violations through advocacy and free legal aid. AAG mainly concentrate on HIV/AIDS & STIs awareness programmes so that this epidemic can be controlled and the incidence of HIV infections is minimised. The objectives of the AAG are related to:-

- (i) Creating awareness about HIV / AIDS / STIs (sexually transmitted Infections) in the jails, red light areas, slums, universities, colleges, schools, etc.
- (ii) Providing counselling for people infected and / or affected by HIV / AIDS.
- (iii) To produce IEC (information, education, communication) material on HIV/AIDS and STIs, Sex and Sexuality and allied topics.
- (iv) To observe, (discretely) if the human rights of prisoners are being violated, and take appropriate action to inform the concerned authority confidentially.
- (v) Helping victims of domestic violence and other disadvantaged persons referred to us, and providing legal aid.
- (vi) To take up advocacy work on issues of social injustices, unfair policies and discriminatory law enforcement, in collaboration with like minded NGO groups, and lawyers.³³

AAG has also launched different programmes to cover its objectives. These are:-

³³ Accessed from <http://www.aagindia.org/aboutus.html>, accessed on 28/06/2008

1. Enhancing AIDS Awareness through conducting Sessions, Street Corner Meetings, Street Plays and Magic Shows on HIV /AIDS, and lastly through one to one sessions.
2. AAG has been working on G.B. Road regularly since 1991. This project was taken up because during our earlier work in the brothels of GB Road, it was observed that no precautions were being taken for the prevention of HIV/AIDS/STIs and there was a general ignorance about both STIs and AIDS. The sex workers were powerless to negotiate safer sex practices through condom use for fear of losing their clients.
3. AAG has organised Participatory Group Sessions with a large number of assembled persons, like the jails using Flip Charts and having question and answer sessions during and after the session. These include discussions on Attitudes, Stigma and Discrimination, and where necessary on HIV / AIDS Home Care, diet for positive people and referrals for testing and treatment and allied topics. This is very effective in Jails, schools and colleges and with Corporate Houses on invitation.
4. For Mass awareness programmes, AAG has organized street plays and/or Magic shows on HIV / AIDS. These are conducted by professional groups trained and briefed by AAG. These are used in Tihar Jails, in the parks at Madan Pur Khader, for Nepali Migrants and others in Central Delhi, and on some Sundays on GB Road near the brothels when there is almost no traffic. Except for Tihar Jail where AAG can only distribute IEC material (Condoms can not be given), elsewhere in all other areas it distributed condoms also after giving condom demonstrations on the right way of using them. AAG distributed IEC material and provide referrals if some people from the audience want.

4.1.3.3 Sanctuary for Health and Reconnection to Animals and Nature (SHARAN)

SHARAN is a non- governmental organization which was established in 1979 with humble beginnings. Nevertheless, over the years it has successfully responded to a city's call. Since the 1990s SHARAN has specialised in the areas of microfinance and HIV/AIDS. With a huge influx of migrants from neighbouring states, the number of slums in the city of India or in any particular city is dramatically on the increase. As a

result, inadequate housing sanitation, lack of drinking water poor health facilities, lack of literacy, drug abuse and HIV/AIDS have become major problems In responding to the concerns often community.

It has addressed the needs of the marginalized communities living in extremely poor, resource constrained settings, through need based, qualitative and sustainable programmes of treatment, referrals and after care for the past twenty one years years. SHARAN is also involved in the field of drug treatment & HIV/AIDS in respect to counseling, crisis care, awareness & prevention, and detoxification of drug users.

SHARAN aims is to raise the health status of the poor through curative, preventive and proactive programs, i.e. through diagnosing illnesses, prescribing & dispensing of medication and through health education and training to the leaders and women of the community. It also works towards creating a community consciousness among the poor, where they try to involve in sharing their resources with one another, assisting each other when in need and to break down caste, creed and religious barriers in the process so that people can co-exist in harmony.

Over the past 6 years SHARAN has implemented HIV prevention. Prevention is primarily supported by the Delhi State AIDS Control Society (DSACS), which supports a needle and syringe exchange programme under its Targeted Intervention programme. Its community mobilization is primarily supported by the REACH programme for the Care and Support of People who are living with HIV.

SHARAN has launched some programmes these are:-

- (i) Rapid Situation Assessment in five Indian Cities. Under it has provided AIDS Education, Care, Counseling and Support project at GB Road (red light District), which targets commercial sex workers and their children. Men's Sexual Health Project is located around the vicinity of the red light area and targets clients of commercial sex workers, mostly daily wage earners such as Rickshawallas and laborers.

- (ii) Nangla Machi Slum Project, which is basically a primary health initiative with a successful small savings component.
- (iii) Barakhamba Development Project has primary health, education and income generation activities.
- (iv) SHARAN Crisis Care Shelter project which provides crisis care to homeless clients in need of residential care and support due to their drug use, HIV status and other crisis.
- (v) Improving Hospital Environment for HIV positive clients in India. This is an Operation Research Project aiming to contribute towards understanding how to improve hospital settings for People Living with HIV/AIDS (PLWHA) and their families and the objective is to assess certain aspects of care services available in the hospitals.³⁴

The training is designed for planners, programme managers and service providers in public, private and NGO sectors involved in the management of care and support for HIV positive people at district, provincial and national levels.

4.2 Space for Civil Society in India

The freedom struggle in the 19th and 20th century were huge historical developments which created and defined the social space in India. It was also a period of the emergence and evolution of civil society in India. The Nehruvian and post-Nehruvian eras in India become significant as they determined the course and character of civil society with specific models of economic development and modernisation. However, the space of civil society can be identified by the constitution and in the political system of India.

4.2.1 Constitutional Structure of India

The Indian constitution embodies the Fundamental Rights, Directive Principles of State Policy and decentralization of power. The elaboration of Indian constitution reflects the aspirations to end the inequities of traditional social relations and enhance the social welfare of the population. According to constitutional scholar Granville Austin, probably

³⁴ Accessed from, <http://www.sharan.net/sharanaprojects.zhtml>. accessed on 04/07/2008

no other nation's constitution "has provided so much impetus toward changing and rebuilding society for the common good".³⁵

Indian constitution provides enough space to citizens and civil society. Such as fundamental rights guaranteed to all citizens which has been described in article 13 to 35. In which Article 19 to 22 deals with different aspects of the basic rights. These four articles have provided solid rock foundation to the civil society.

- (i) Such as freedom of speech and expression but this freedom, is subject to reasonable restriction imposed by the state related to defamation, contempt of court, security of state, public order and maintenance of sovereignty and integrity of India.
- (ii) Similarly, the freedom of assembly is subject to qualification that the assembly must be peaceable and without arms and subject to such reasonable restriction as may be imposed by the state and interest of public order or sovereignty and integrity of India.
- (iii) Similarly, all citizens have the right to form association or union but subject to reasonable restriction imposed by the states in the interest of public order or sovereignty and integrity of India.
- (iv) Again, every citizen has the right to move freely throughout the territory of India and has right to practice any profession, occupation, trade or business but subject to reasonable restriction imposed by state in the interest of general public and subject to any law laying down qualification for carrying on any profession or technical occupation.³⁶

Fundamental right also abolishes "untouchability" prohibit discrimination on the grounds of religion, race, caste, sex, or place of birth; and forbid traffic in human beings and forced labor. They go beyond conventional civil liberties in protecting cultural and educational rights of minorities by ensuring that minorities may preserve their distinctive

³⁵ Granville Austin (2003), "

³⁶ D. D. Basu (2005), "Introduction to the Constitution of India", New Delhi: Wadwa Nagpur, p 36.

languages and establish and administer their own education institutions. These civil liberties take precedence over any other law of the land. They include individual rights common to most liberal democracies, such as equality before the law, freedom of speech and expression, freedom of association and peaceful assembly, freedom of religion, and the right to constitutional remedies for the protection of civil rights such as habeas corpus.

The Directive Principles are asserted to be “fundamental in the governance of the country,” but they are not legally enforceable. Instead, they are guidelines for creating a social order characterized by social, economic, and political justice, liberty, equality, and fraternity as enunciated in the constitution's preamble. It exhorts the state to secure work at a living wage for all citizens; take steps to encourage worker participation in industrial management; provide for just and humane conditions of work, including maternity leave; and promote the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other disadvantaged sectors of society.

Part XVI of the constitution endeavors to promote social justice by elaborating a series of affirmative-action measures for disadvantaged groups. These “Special Provisions Relating to Certain Classes” include the reservation of seats in the Lok Sabha (House of the People) and in state legislative bodies for members of Scheduled Castes and Scheduled Tribes. Part XVI also reserves some government appointments for these disadvantaged groups insofar as they do not interfere with administrative efficiency. The section stipulates that a special officer for Scheduled Castes and Scheduled Tribes be appointed by the president to “investigate all matters relating to the safeguards provided” for them, as well as periodic commissions to investigate the conditions of the Backward Classes. Part XVIII of the constitution permits the state to suspend various civil liberties with the exception of protection of life and personal liberty.

On the basis of Indian constitution provisions, it can be said that, the Indian constitution has provided enough space to the civil society to play their role. Whether it is through

Fundamental rights, directive principles of state policy, check and balance or through the democratic system/setup.

4.2.2 Political Structure of India

India has a liberal socialist democratic system in which the union government, as India's central government is known, is divided into three distinct but interrelated branches: legislative, executive, and judicial. As in the British parliamentary model, the leadership of the executive is drawn from and responsible to the legislative body. Although Article 50 stipulates the separation of the judiciary from the executive, the executive controls judicial appointments and many of the conditions of work. In addition, one of the more dramatic institutional battles in the Indian polity has been the struggle between elements wanting to assert legislative power to amend the constitution and those favoring the judiciary's efforts to preserve the constitution's basic structure.

Parliament consists of a bicameral legislature, the Lok Sabha (House of the People--the lower house) and the Rajya Sabha (Council of States--the upper house). Parliament's principal function is to pass laws on those matters that the constitution specifies to be within its jurisdiction. Among its constitutional powers are approval and removal of members of the Council of Ministers, amendment of the constitution, approval of central government finances, and delimitation of state and union territory boundaries. The president is authorized to convene Parliament and must give his assent to all parliamentary bills before they become law

The president has a specific authority with respect to the function of the legislative branch, executive branch and the judiciary. According to Indian constitution the legislature, executive and judiciary work has been distributed in there affairs. So according to Indian constitution no one can override the powers of other. Indian constitution has also made important character check and balance and the separation of power. Through this it makes ample opportunity and space to the civil society.

The unique feature of the new phase in panchayats and municipalities in India is that it has ensured one-third representation for women in the local bodies and one third of the offices of chairpersons at all levels in rural and urban bodies for them. This has created the possibility for about 1,000,000 women to get elected to village panchayats and urban municipalities. In some states such as West Bengal, more than the mandatory 33.3 per cent women have been elected. They include influencing government educational policy to encourage women's education; strengthening institutional devices, such as panchayats at the village level to include women's voices in all decision-making bodies at the grassroots level such as 33% reservation for women in panchayat. It is local government that influences the formation of civil society. Because it helps the people forming the basic proposition that if they can together voice against the system. Their voices will be heard. Hence, it can be said that local government influences the civil society both directly and indirectly.

Chapter- 5

Comparative Study of Structure and Space for Civil Society in South Africa, Brazil and India

Civil society represents the arena of unconcerned collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. As Tocqueville, and Robert Putman develops the analysis as: associations in civil society allow individual to express their interest and amplify voices that might not be heard. It has provided a forum where citizens get information and engage in deliberation and useful platform. It has strengthened the democratic institutions and government accountability by monitoring performance, insisting on procedure, and pursuing civil rights.

Thus, civil society includes any voluntary collective activity in which people come together to combine and to achieve change on a particular issue - but not political parties, even though civil society has a political dimension. Civil society includes organisations such as registered charities, neighbourhood self-help schemes, international bodies like the UN or the Red Cross, social movements, human rights campaigns in repressive societies, community groups, women's organisations, faith-based organisations, professional associations and non-governmental organisations improving health, education and living-standards in both the developed and developing nations.

Civil society carries with it certain historical connotations. It has a rich history in Western political thought, most notably in the writings of Locke, Alexis de Tocqueville, and John Stuart Mill. It is grounded in ideals of citizenship under law; in freedom of speech, of the press, of assembly, and of worship; and in the protection of minority rights under majority rule. However, civil society, from Aristotle to Thomas Hobbes, represented a

kind of society that was identified with certain ideals. And in modern societies, realizing these ideals – like political equality or peaceful coexistence - requires action across different kinds of institutions, not just voluntary associations. Most recently, philosophers have developed a new set of theories about civil society as the ‘public sphere’ – the places where citizens argue with one-another about the great questions of the day and negotiate a constantly-evolving sense of the ‘common’ or ‘public’ interest.¹

As Kothari and Mahmood Mahajan, say’s, civil society offers more opportunity for democratic practice. According to Kothari, civil society is not a space to foster greater involvement in state politics, but one in which to engage a new politics outside of the state. Civil society is an alternative domain of people centered politics. In this domain, a whole range of organizations emerges that aim to address people real needs and concerns. These people-centered organizations constitute a “grassroots model of mass politics ... in which people are more important than the state”.²

An important dimension of civil society could be anti-state or pro-state. That is whether or not a movement takes a pro or anti – state posture depends on the character of the state. Therefore to posit that civil society is necessary and always anti-state as is widely believed is at variance with facts. Second, the agenda of civil society may undergo substantial changes over a period of time depending upon the demands of the system. This may be the reflected in the emergence of different organizations, Political parties and mobilization with differing orientations. Third in an authoritarian state if some element of the civil society become pro-state they may lose their legitimacy in the eyes of the wider public. Conversely, those elements of civil society which are anti-state (in an authoritarian state) may acquire wide public acclaim but are likely to be discredited, even oppressed, by the state. Both of these had happened in the case of the Gandhian movement.³

¹ Michael Edward (2004), “*Civil Society*”, Cambridge University Press, p 28.

² Gurpreet Mahajan (1999), “Civil Society and its Avatars”, *Economic Political Weekly*, p 1193.

³ T.K.Oommen (2004), “State, Civil Society and market in India: Gradual Automisation”, book name ‘nation civil society and social movements: essay in political sociology’, p 119.

The discourse and practice of civil society has become more vigorous in the 1990s, passing through numerous incarnations and representations that ranged from revolutionary to collaborative action. According to Charles Taylor, it is not easy to understand the emergence of civil society. In civil societies suffering under Leninist tyranny it articulated the hopes of those fighting to open spaces of freedom. Originally, when the chances of doing away with these power structures altogether seemed remote, the notion 'civil society' expressed a programme for building independent forms of social life from below, free from state tutelage. This was the current in solidarity movement in Poland, for instance, in the early 80s.⁴ Taylor stresses the disruptive, challenging aspect of civil society, the aspect that showed its face in the Narmada Bachao Andolan (NBA) in India, anti-dam movement in Brazil, Anti-Eviction Movement in South Africa, and the non-violent protest of the Chipko Movement.

A central feature of civil society is its role in establishing bridges between the society at large and government and in seeking harmonization of their respective purpose. The key functions performed by civil society are:-

- (i) Buffer against government or society
- (ii) Broker between government and society
- (iii) Agent of change
- (iv) Symbol of actual political norm setter
- (v) Regulator of the process of participation in societal norm setting
- (vi) Integrate of groups articulating political interests into a viable process for doing so.
- (vii) Representative of particular interests.
- (viii) Midwife of regime change.⁵

⁴ Charles Taylor (1989), "Modes of Civil Society", paper presented for psychological studies (Chicago) on November 11-12, 1989, no 31 of working papers and proceedings of the centre or psychological studies (eds., Greg Urban and Benjamin Lee) under the title "Invoking Civil society.

⁵ John, W. Harbesons (1994), "Civil Society and Political Renaissance in Africa" in Harbeson et al., *Civil Society and State in Africa*, Boulder: Lynne Rienner Publisher, p 22.

5.1 Structure of civil society in South Africa, Brazil and India.

Civil society has strong linkages with the social movements, cultural assertions, and affirmative action. Civil society also works as a guarantor of the interests people. Who claim to represent the neglected and marginalized by the state. The neglected and marginalised people made the manifold groups making up civil society which can remind the government to ensure that their rights not be hindered and has to be fought in the interest of those that can least afford to defend themselves against its brutal attacks: the poor, the uneducated and illiterate, the unorganised and the weak. Finally, civil society is the watchdog, the whistleblower and the vanguard to warrant that government and to a lesser extent the private sector respect their borders.

Civil society explains great deal about the course of politics and social change, and serves such as a practical framework for organizing both resistance and alternative solutions to social, economic and political problems. Though the structure of civil society can be understood on the basis of the different civil society organization (CSO) objectives, work and role it playing, as it can be seen in the case of South Africa, Brazil and India. So it can be comparatively along different themes such as:-

5.1.1 Women's Movement in South Africa, Brazil and India

Among the contemporary movements, the women's movement can proclaim to have enormous recorded materials and campaigns, experience of the struggle. The multipile forms of women's participation in and the different approaches adopted to understand or incorporate the women question by struggle /movements make the task discerning. As it has been seen the women's movement in South Africa, Brazil and in India is a rich and vibrant movement which has taken different forms in different parts of these country. As it has been seen women's movement in South Africa such as Anti-Eviction Campaign (AEC) it was fight and movement by south African women for the fighting evictions, water cut-offs, poor health services, for free electricity and against police brutality. The AEC represent themselves as defending basic elements of their life spaces. On the other hand BFRA movement protests were an angry, desperate articulation of their frustration

of living in worsening poverty: their pleas were for proper housing, for water, for electricity. In spite of the fact is that the burden of day-to-day survival falls on the shoulders of the women in the household, these women have dedicated about their struggle to survive.

In Brazil has seen women movement such as International Health Women Coalition (IHWC). It is an international organization which works for the health right of women such as right to Legal and Safe Abortion. MMC (peasant movement has also played role in Brazil it was fight the desire of justice and happiness that encourages to the women to conquest of basic rights and in the base work. Land, water, fire and air are elements. Black women movement has also initiated by the women. Brazil black Women's mobilized them self and integrated with unions, black movements and state entities. They have also managed to pressure for other legal reforms, created affirmative action programs, and campaigned to ensure women's rights to shelter, health, and education.

In compare to South Africa and Brazil, India has also experienced some women's movement which is basically related with the environment and ecology. Such as Chipko Movement the villagers hug the trees, saving them by interposing their bodies between them and the contractors' axes were a group of female peasants in the Uttarakhand region of India. A Self Employed Women's Association (SEWA) it is an association which work as a movement of self-employed workers: their own, home-grown movement with women as the leaders. It is an organisation of poor, self-employed women workers. These are women who earn a living through their own labour or small businesses. In southern India TNWF (Tamil Nadu Women's forum) is a state level initiative for women's rights and gender justice. It has also foughted for the rights of the women, provided job to poor women and provided health care.

Thus, the countries like South Africa, Brazil and in India have seen women's movement. Most of the movement and association are working successfully fulfilling their objectives such as providing food, job, rights and related to health care etc. the way they work it

reflects the structure of the women's movement. Such as protesting peacefully, demanding their right which so ever is hindered by some organization or person.

5.1.2 Social Movements in South Africa, Brazil and India

Social movements are the most modest way of civil society and it has been used mostly by the people for to raise their demands. Civil society language has been picked by people's movement in large parts of the world. Objectives, ideology, programmes, leadership and organisation are important components of social movement. They are interdependent, influencing each other. Various programmes and strategies are evolved to mobilize the people. Social movement has seen as a united effort on the part of deprived social categories to bring about social change. The nature of social movements is neither unidirectional nor straightforward.

Social movements in south Africa has played a vital part in precipitating and defining the turn of the turn to democracy, and indeed the liberation movement are arguably one of the quintessential social movement of this millennium. The UDF (United Democratic Front), COSATU, NGOs and civil formed a democratic energy with –economic difficulties, external political pressure and changing geo political circumstances. The growth of new social movements in post-apartheid South Africa has attracted a lot of media, academic and police attention over the past decade. The Centre for Civil Society (CCS) and School of Development Studies (SODS) at the University of KwaZulu-Natal in Durban has specialised in studying these movements and, funded by the Ford Foundation and Atlantic Philanthropies, put together a project which saw a range of academics between June 2003 and July 2004 analyse 17 of the movements, most of them new, but several of long standing, namely Anti-Eviction Campaign (AEC), Anti-Privatisation Forum (APF), Homeless People's Federation (HPF), Mapogo-A-Mathamaga vigilante organization, People against Gangsterism & Drugs (PAGAD), Self-Employed Women's Union (SEWU), Soweto Electricity Crisis Committee (SECC) and South African National Civics Organisation (SANCO) etc.

Brazil has experienced social movement in which workers are grouped together primarily in the Sole Group of Labor Unions (CUT), the General Confederation of Workers (CGT) and the Labor Union Forum. Many labor unions do not belong to any of these, preferring to remain independent. Movement of the Landless (MST), an association of workers without land whose agenda is agrarian reform in rural areas, and land for the construction of housing, in urban areas. National Union of Indigenous Peoples (UNI), an association of Brazil's different indigenous groups. Pastoral Commission of the Earth (CPT) and Indigenous Missionary Council (CIMI), pastoral groups of the Catholic Church involved in social action in these areas. Defence Network of the Human Race (REDEH), an eco-feminist organization. "Torture Never More", state groups committed to the defence of human rights.

As India has experienced different types of social movement like Narmada Bachao Andolon (NBA) which is an anti-dam movement The Government of India had plan to build 30 large, 135 medium and 3000 small dams to harness the waters of the Narmada and its tributaries. The struggle of the people of the Narmada valley against large dams began when the people to be displaced by the construction of dams. In the same manner the CBA (Chilika Bachao Movement) is also a struggle of the poor against "development- a form of development which threatened to leave them destitute and exile from the land which supported them and coexisted to with them for centuries. against the pattern of development which threaten peace, development, ecology and livelihood of the poor of chilika, to protect it from commercial exploitation by big business operating under political umbrella and to restore to the people their right to manage chilika lake. There are also some examples such as the Adivasi movements in the Jharkhand region working against dam construction and deforestation have advocated for use of agriculture and water management systems based on more prudent indigenous irrigation schemes and ecological practice.

It has been perceived that the social movement has always played there role whether it is for the rights or for the environment protection, protest for the food, liberty and for the

equality in South Africa, India and Brazil. So, it reflects that the state has provided enough space to the civil society.

5.1.3 NGOs in South Africa, Brazil and India.

NGOs are private, non-profit, professional organizations, with a distinctive legal character, concerned with public welfare goals. It is not part of a government and was not founded by states. NGOs are therefore typically independent of governments. In the developing world, NGOs include philanthropic foundations, church development agencies, academic think-tanks and other organizations focusing on issues such as human rights, gender, health, agricultural development, social welfare, the environment, and indigenous peoples. Other non-profit organizations such as private hospitals and schools, religious groups, sports clubs, and QUANGOs (quasi-autonomous non-governmental organizations) are excluded.⁶ In the contemporary NGOs are distinguished from Peoples Organisations (POs), local, non-profit membership-based associations that organize and mobilize their constituents in support of collective welfare goals.⁷ POs include local community associations and cooperatives as well as peasant associations and trade unions, but exclude other professional or business associations. POs are usually regarded as a sub-category of NGO.⁸

Most NGOs are intermediaries they work between the grassroots or community level and other levels and sectors of society (such as general public, government and other institutions of market), providing a range of support services that connect with different institutions with these institutions with each other and with groups that are poor or socially excluded.⁹ Globalization during the 20th century gave rise to the importance of NGOs. Many problems could not be solved within a nation. NGOs associated with

⁶ Such organizations, however, especially sports clubs and religious groups, may count among the figures cited in the preceding paragraph, complicating attempts to document the proliferation of NGOs

⁷ T. F. Carroll, *Intermediary NGOs: the Supporting Link in Grassroots Development* (West Hartford, Kumarian, 1992), pp. 9±11, or D. C. Korten, *Getting to the 21st Century: Voluntary Action and the Global Agenda* (West Hartford, Kumarian, 1990), p. 2

⁸ Carroll, *Intermediary NGOs*, p. 9

⁹ Michel Edward and Alan Fowler (eds.) (2002), "Introduction: Changing Changes for NGDO Management" *The Earthscan Reader on NGO Management*, p 2

international, national or local development face a future scenario where they can work for different humanitarian issues, developmental aid and sustainable development. A prominent example of this is to fight against the AIDS which is biggest threat in front of the world.

The structure of NGOs varies considerably. They can be global hierarchies, with either a relatively strong central authority or a more loose federal arrangement. Alternatively, they may be based in a single country and operate transnationally. With the improvement in communications, more locally-based groups, referred to as grass-roots organizations or community based organizations, have become active at the national or even the global level.

Non-governmental organizations play a vital role for the shaping and implementation of participatory democracy. Their credibility lies in the responsible and constructive role they play in society. The independent role played by non-governmental organizations within a society calls for real participation; therefore, independence is a major attribute of non-governmental organizations and is the precondition of real participation. One of the major challenges facing the world community as it seeks to replace health related problem such as AIDS and unsustainable development, patterns with environmentally sound and sustainable development is the need to activate a sense of common purpose on behalf of all sectors of society. Especially in the areas of development, the environment or human rights, NGOs have added a new dimension to traditional politics and have helped humankind to find new forms of addressing our global problems.

The rise of the NGOs saw the proliferation of non-governmental organizations throughout the world as a way to provide social services that neither government nor the private sector was willing or able to provide. Though such social organizing has provided forums for political discussion, particularly in third world countries, this movement emphasizes the 'civil' aspects of civil society, i.e., providing aid to one's fellow citizens, particularly the poor and oppressed.

HIV/AIDS is considered not only as the greatest global public health disaster but also as the biggest "development challenge" of the twenty first century affecting the most economically productive population and threatening development achievements in many areas. Civil society is playing dynamic role especially through NGOs.

South Africa has the sixth highest prevalence of HIV in the world, with 18.8% of the population estimated to be infected. The UNAIDS 2006 Global Report, estimated that 320 000 people died of AIDS related deaths in South Africa during 2005. The South African Government's response to the epidemic is grounded in the HIV/AIDS and STD Strategic Plan for the period 2000 – 2005. A wide range of NGOs have responded to the HIV/AIDS crisis. They engage in awareness raising, research, training, advocacy, education, welfare and health service provision, materials production, orphan care, counselling and other activities. some NGOs such as Thembaletu is a home based care (THBC) and AIDS Foundation of South Africa (AFSA) are playing role for the people who are in need of physical and emotional support during their illnesses due AIDS. The most significant their service is palliative care which means staying with the patient during their final hours.

Until recently India's total number of HIV infected individuals (5.7 million) has surpassed that of South Africa (5.3 million) making India the worst affected in the world. Civil society is playing significant role for the fighting against the AIDS, in which NGOs are up most some NGOs such as Society for the Promotion of Youth & Masses (SPYM), AIDS Awareness Group (AAG) and SHARAN etc. The NGOs has not only provided aid to the AIDS affected peoples but these they have also launched different programmes such as :-

- (i) STYM trying to reduce the vulnerability of female drug users and female partners of drug users and in this way to reverse the overall feminization of the HIV epidemic in India, And to reduce the HIV-related vulnerabilities among partners of male drug users.

- (ii) AAG has organised Participatory Group Sessions in with a large number of assembled persons like the jails using Flip Charts and having question and answer sessions during and after the session. These include discussions on Attitudes, Stigma and Discrimination, and where necessary on HIV / AIDS Home Care, diet for positive people and referrals for testing and treatment and allied topics. This is very effective in Jails, schools and colleges and with Corporate Houses on invitation.

Like South Africa and India, in Brazil also NGOs has played role to fight for to stop the AIDS. Some well-known NGOs are working such as Institute of Religious Studies (ISER), GELEDES, Center for Advanced Studies in Gynecology (CASG) and BEMFAM etc. the NGOs has played significant role in Brazil regarding the awareness and for the prevention of AIDS. These NGOs has conducted different programmes such as :-

- (i) Conducted a five-day national meeting with the participation of 60 CSWs representing 14 Brazilian states.
- (ii) Development of radio campaigns to promote social issues, thus with the increase of HIV/AIDS cases among adolescents.
- (iii) Launched programmes to make awareness about to spreading of AIDS and what are the bad consequences of AIDS.

Civil society such as NGOs has playing significant role for fighting against the AIDS and other social issues, as it has been noticed in the South Africa, Brazil and India. In these countries has been observed that the NGOs has launched different programmes to stop the AIDS and make awareness among the people and it is successful. So, it can be said that NGOs has playing very dynamic role especially for to stop and control on the AIDS. It also reflects that these three countries have provided such kind of structure which has provided enough space to play the role by civil society such as NGOs.

5.2 Space for Civil Society in South Africa, Brazil and India

Civil society represents the space of uncoerced human association and also set of rational networks- formed for the sake of family, faith, interest, and ideology- all these things fills the space. In a democratic countries like India, South Africa and Brazil where there have been diverse groups of people with dissidents builds a networks like Unions, churches, political parties and movements, cooperatives, school of thoughts, societies for promoting and preventing there interest. But for doing so there is need for space, which can be seen in these three democratic countries with thee constitutional and political setup which provides them liberty to do so.

From Locke to Hegel, civil society meant the establishment of institutions by a constitutional democratic state that would guard and enlarge the principles of liberty. For most democratic theories, who tend to see democratization process and outcomes as contingent on the confluence of international and domestic actors and development (democratic contagion, state breakdown, class actors, pacted negotiations, etc.), a democratic civil society develops after the actual process of transition from an authoritarian to a democratic state takes place.¹⁰ The space provided by these three countries for the civil society can be seen on the basis of their constitution and by their political structure.

5.2.1 Constitutional Structure of South Africa, Brazil and India

Civil society can be seen as self organizing and self regulation groups with corporate identities that are autonomous from the state- may exists with in any given social and political setting. Civil society tends to develop in response so an actual or perceived breakdown in the functions of the state in some specific areas, be it in the protection of the environment helping needy people and community and so on.

¹⁰ L. Diamond (1994), "Rethinking Civil Society: Towards Democratic consolidation", *Journal of Democracy*, 5 (3): p- 4-17

Constitution is a core for good running democracy. As South Africa, Brazil and India has a constitution which defines the fundamental political principles, and establishing the structure, procedures, powers and duties, of a government not only this constitutions also guarantee certain rights to the people. As the South African constitution preamble describes South Africa, Recognise the injustices of our past, honour those who suffered for justice and freedom in our land, respect those who have worked to build and develop our country; and believe that South Africa belongs to all who live in it, united in our diversity. South Africa constitution briefed about freely elected representatives, adopted its constitution as the supreme law of the republic so as to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights, lays the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law, improve the quality of life of all citizens and free the potential of each person, and build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations. South Africa confers the duties of legislature, executive, judiciary and justifiable socio-economic rights. As south Africa constitution talks about Bill of Rights (Sections 7 through 39) details the obligations of the state to ensure progressive realisation of the right to housing (Section 26), the right to health care, food, water and social security (Section 27) and the right to education (Section 29).

Likewise, Brazil constitution preamble is there which describes about the Brazil is a Democratic State, for the purpose of ensuring the exercise of social and individual rights, liberty, security, well-being, development, equality and justice as supreme values of a fraternal, pluralist and unprejudiced society, founded on social harmony and committed, in the internal and international orders, to the peaceful settlement of disputes. Its constitution has described the Fundamental Principles, Individual and collective rights and duties, Organization of State, Organization of Powers, Defense of the State and of the Democratic Institutions, Taxation and Budget, Economic and Financial Order, Social Order, and the General Constitutional Provisions.

Similarly, India's constitution has also preamble which describes India as a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens, JUSTICE, social, economic and political, LIBERTY of thought, expression, belief, faith and worship, EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the nation.¹¹ In its constitution has discussed about the union and its territory, citizenship, fundamental rights, directive principles of state policy, fundamental duties, the union, the state, the union territories, panchayats, municipalities, scheduled and tribal areas, relations between the union and the state finance, property, contracts and suits, trade, commerce and intercourse within the territory of India, Services under the union and the states, elections, special provisions relating to certain classes, emergency provisions, amendments of the constitution, temporary, transitional and special provisions, short title, commencement, authoritative.

The constitution of these three countries guarantees the freedom of association, speech and strike, there by legitimizing the role of civil society in independent. It makes plenty of space for the civil society and provides legitimacy to play role in the state. And on the other hand through the democratic system, the rights and freedoms it grants to the people provide a frame work for civil society to prepare for the fight of peoples rights and problems. It is constitution which draws the boundary of political permissibility and renders acts falling beyond these boundaries as uncivil .but from time to time civil society not only challenges but extends boundary as well.

5.2.2 Political Structure of South Africa, Brazil and India

Civil society usually refers to 'associational activity outside the state' and civil society theory represents a commitment to democratic participation above and beyond the official forms of representative government. Civil society expresses skepticism toward the statistic politics which has dominated independent developing states. Democratic civil

¹¹ D D Basu, "Introduction of the Constitution of India", Wadhwa and Company Law Publishers, p 21

society is about self activity and voluntary association independent of the state as crucial elements of a democracy.

It is very much accepts the idea that democracy requires continuous active participatory in republic affairs by citizens organized in great variety of interests groups rather than simply the periodic casting of votes by unorganized individuals. The creation of new public spaces in which cultural and social, politics enacted and subaltern identities, demand and need shaped. The participatory public carries two dimensions of democracy as it was represented by Jurgen Habermas and Robert Dhal. Habermas draws the key ideas that political and social renovation occurs at the public level.¹² Debate negotiation and the Proliferation of democratic spaces based on open, public meeting were conceptual tools and political strategies utilized by Brazil's democratic and reformist spaces. Dahl's world on local democracy shows how the emergence of a strong public dimensions can help abuses that are embedded of a strong public dimensions can help offset abuses of power that are embedded in hierarchical status.¹³

All the three counties South Africa, Brazil and India have a democratic system under which the sovereign authority is in the hand of people of the nation. According to democratic system they have distributed the power in legislature, executive and the judiciary among them there is check and balance setup is there.

South Africa has a Federal Parliamentary Representative Democratic Republic, wherein the president of South Africa, elected by parliament, is the head of the government, and of multi-party system. Multiparty system playas Executive power is exercised by the government. Legislative power is vested in both the government and the two chambers of Parliament, the Council of Provinces and the National Assembly. The Judiciary is independent of the executive and the legislature. Government is three-tiered, with representatives being elected at the national, provincial and local levels. The check and balance has also made space for the civil society. On one had constitution has guaranteed

¹² Habermas J (1989), "the structural transformation of public sphere: An Inquiry into a Category of Bourgeois Society", MIT Press, Cambridge, P-

¹³ Dahl R (1956), "A Preface of Democratic Theory", University of Chicago Press, Chicago, P

right to protest and forming association as a fundamental rights and on the other hand judiciary is protecting it. South Africa constitution has also discussed about local democracy in chapter 7 of its constitution. The local sphere of government consists of municipalities, which must be established for the whole of the territory of the Republic of South Africa. Constitution has detailed about the executive and legislative authority of a municipality is vested in its Municipal Council. A municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution. The national or a provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions. So through local government has also made path and the space for the civil society.

Brazil has a democracy with direct and free election. It has Federal Presidential Representative Democratic, Republic, whereby the President of Brazil is both head of state and head of government, and of a Multi- Party system. Executive power is exercised by the government. Legislative power is vested in both the government and the two chambers of the National Congress. There is separation of power and also check and balance among the Judiciary, executive and legislature. Brazil is divided in to 26 states and a district. The constitution guarantees freedom of religion speech, press and assembly and affirms the principle of universal suffrage and the secret ballot. Through constitution Brazil has provided enough space to the civil society as right to form association and the right to strike.

India is a Federal, Parliamentary, Multi party, Representative, Democratic, Republic. The Prime Minister of India is the head of government, while the President of India is the formal head of state and holds substantial reserve powers. Executive power is exercised by the government. India's bicameral parliament consists of the Rajya Sabha (Council of States) and the Lok Sabha (House of the People). Federal legislative power is vested in both the government and the two chambers of the Parliament of India. The judiciary is independent of the executive and the legislature. The According to its constitution, India is a 'sovereign socialist secular democratic republic'. States in India have their own

elected governments; where as Union Territories are governed by an administrator appointed by the central government. On April 24, 1993, the Constitutional (73rd Amendment) Act, 1992 came into force to provide constitutional status to the Panchayati Raj (Local Government) institutions. As like any other democracy, political parties represent different sections among the Indian society and regions, and their core values play a major role in the politics of India. Both the executive branch and the legislative branch of the government are run by the representatives of the political parties who have been elected through the elections. Thus, through the constitution these three countries has provided enough space to civil society to play their role.

5.2.3 Institutional Base of Civil Society in South Africa, Brazil and India

After the disintegration and collapse of Soviet Union and authoritarian regime whole world has experienced the new waves of social, political and economic changes. South Africa, Brazil and India has experienced of liberation movement, anti- apartheid movement (South Africa), anti- racial movement (Brazil), and anti-caste movement (India). But after the independence the nature of the civil society has changed in these three countries.

Civil society has institutionalized in South Africa, Brazil and India, specifically after the cold war. As in case of South Africa, Brazil and in India has been observed in last chapters, the role of NGOs and social movements. On the basis of that it can be said that civil society has established institutionally in these three countries. Neo-liberal economic reforms have woken up the CSOs from their deep slumber. The process of privatization has stimulated decentralization in the administrative process, which provided the expansion of CSOs in South Africa, Brazil and India. Inspired by market-led reforms these organizations have sprung up enjoying independence from the state apparatus.

All the three countries - South Africa, Brazil and India constitution discusses directly and indirectly about provisions of separation of power among three wings legislature, executive and the judiciary. The idea of separation of power sets limits to its own

functions and powers. According to this no state can perform those functions unless it is vested with the appropriate powers. A constitutional state is simply one which sets limits to its powers and functions. Such as legislative power subject to periodic elections combined with a separate executive authority and an independent judiciary for instance minimise the risk of administrative despotism by ensuring that the political power which govern civil society frequently changes hands and adopts different course of action and this prevented from becoming excessively centralised and all embracing.

Thus, it can be said that civil society needs at least a political-legal framework that institutionalizes the normative pre-requisite of right, freedom and the rule of law. In very state that civil society supposedly positions it self against, enables letter in the sense that it provides the legal and political setting. Civil society can't sustain without the rule of law and the ultimate guarantor of the rule of law is the constitutional state. It mean that there must be an impersonal order that can secure for all members of society is equal no body is outside and nobody is above the law.

Finally, It can be said that civil society is essentially collective action in associations, across society and through the public sphere and as such it provides an essential counterweight to individualism; as it has been seen in the South Africa , Brazil and India. As a creative action, civil society provides a much-needed antidote to the cynicism that infects so much of contemporary politics; and as values-based action, civil society provides a balance to the otherwise overbearing influence of state authority and the temptations and incentives of the market, even if those values are contested, as they often are. The collective, creative and value-driven core of an active civil society takes out as the best from us to respond in kind to create societies that are just, true and free.

CONCLUSION

The discussions and analysis contained in the preceding chapters are indication of the fact that 'civil society' is a vague concept. It is employed so often, in so many different ways and in so many different theoretical, practical, and historical contexts that contemporary attempts to deploy it in democratic theory are typically more obfuscating than illuminating. Civil society has been universally seen as a necessary condition for modern liberal democracy. If a democracy is in fact liberal, it maintains a protected sphere of individual liberty where the state is constrained from interfering. If such a political system is not to degenerate into anarchy, the society that subsists in that protected sphere must be capable of organizing itself.

Civil society serves to blame the power of the state and to protect individuals from the state's power. In the absence of civil society, the state often needs to step in to organize individuals who are incapable of organizing themselves. The result of excessive individualism is therefore not freedom, but rather the tyranny of what Tocqueville saw as large and benevolent state that hovered over society and, like a patrimonial state, saw to all of its needs. In a nutshell, civil society can be described as interest groups trying to divert public resources to their favored causes, whether tribal development, famine and child healthcare, and the protection of biodiversity.

After the end of Cold War (1990s) and military dictatorship world politics has experienced significant socio-economic and political changes, and the aspiration of ordinary men and women to carve out for themselves an autonomous space for collective action and act as a counter to state power. It has sent message that now people affirmed the desire and competence of ordinary people to define both political and social good and their term of engagement with the state. It has also affirmed the strength of collective action in achieving desired political and social goals.

In the light of the case studies which have been presented, it is now possible to discuss the nature of civil society and its interface with governance in South Africa, Brazil and

India. The major finding from this study is that a democratic polity does exist in South Africa, Brazil and India, which is tolerant of dissent and allows space for protest and contestation against the state. This is evident through widespread and intense protest launched by people in these three (South Africa, Brazil and India) countries.

The structure of the civil society can be understood on the basis of the role played by the civil society, objectives made by it, and the different programmes launched by it. Such, as in earlier chapters, has been seen under different themes of civil society such as the social movement, NGOs, women's movement and the media.

Throughout South Africa, Brazil and India, media has played a dynamic role in the creation and success of strong civil society structure. Media is a tool which has helped to put the civil society principles into action and enables more effective participation in its framework by providing accurate and timely information. It is believed that mass media has got the ability to shape our consciousness; it is playing a democratic role in reflecting the perspectives of every society.

As the role of media has been observed in South Africa both the print and electronic media is playing dynamic role. For example, in South Africa the channel 'Safe South Africa channel' has launched a civil-crime prevention initiative. It acts as a civil society organisation with a focus on addressing the context and factors that feed the cycle of crime and violence in South Africa. Likewise, Brazil has also experienced similar phenomena where the media played a central role at exposing governmental wrongdoing. It has also worked as a human right protector, important cases of human rights violations like the massacres of *La Cantuta* and *Barrios Altos* in Peru or the slaughter by police forces of 19 rural workers of the landless movement that were blocking a road in Northern Brazil. Likewise, India media has worked as a civil society as one of the recent event Jassica Lal Murder case where media been played a very significant role to catch the real culprit. Thus, all three countries have been experiencing the activist role of media as a civil society.

South Africa, Brazil and India have experienced social movement. As social movements are known as their aims, objectives, ideology, leadership and organization, which is regarded as their components. In the view of Michael Foucault, these movement aims at establishing their identity for particular region and as such their role looks like a struggle for identity politics. As in South Africa has experienced poor, marginalised, and labour people related movement such as, Anti-Eviction Campaign (AEC), Landless People Movement (LPM) and Concerned Citizens Forum (CCF). Brazil has experienced Peasant Women's movement (MMC), Blacks Women's movement, Landless Labour Movement (MST) and Anti-Dam Movement (MAB). Similarly, India has also experienced Anti-Dam Movement for example Narmada Bachao Andolan (NBC), Tribal Movement, Tamil Nadu Women's Forum (TNWF) and Save Chilka Movement.

Both Brazil and India have experienced movements regarding environment but this type of movement has hardly been experienced by South Africa, yet all these countries have experienced movements regarding the issue related to poor people. Most of the movements have successfully solved their objectives such as Anti-Eviction movement etc. in the all three countries. The women has played very significant and successfully covered movement whether it is Bayview Flat Residents Association in South Africa, Black Women's Movement in Brazil and the Chipko Movement in India.

The NGOs as civil society have also played significant roles in South Africa, Brazil and India. The structure of the NGO can be understood on the basis of their objective and the different programmes launched by them, such as, in South Africa, NGOs have done vigorous work in the different sectors, for example, Thembaletu Home Based Care (THBC) has launched 'Youth in Action' as the HIV prevention program. It is a programme through which it serves all newly infected HIV persons as well as those who suffer from full blown AIDS. It also provides physical and emotional support during their illnesses due to AIDS. In Brazil NGOs have also played a role as it has been observed in an earlier chapter, such as the NGOs, Communication, Education and Information on Gender (CEMINA) has implemented an HIV/AIDS Prevention Campaign through the NGO Rapid Response Fund to adolescents emphasizing the use of condoms and it has

also distributes free condoms. Similarly, India has also experienced an active role played by NGOs for example, Society for the Promotion of Youth & Masses (SPYM), which has since 2006, has been working with intravenous drug user's, commercial sex workers (CSW), men who have sex with men (MSM), the transgender population and young people. HIV/AIDS is a most threatening disease in the world. And to check it, civil societies in the form of NGOs have been playing a significant role, as it has been observed in the South Africa, Brazil and India.

The space as prevalent in the civil societies in South Africa, Brazil and India, can be understood on the basis of their constitutional structure and the political system. As it has been seen in the earlier chapters all of South Africa, Brazil and India, have provided enough space constitutionally for civil society. For example, the Republic of South Africa constitution has described the bill of rights which enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom, equality before the law, the right to freedom of expression, the right, peacefully and unarmed, to assemble, to demonstrate and most importantly the right to freedom of association. Brazil's constitution has briefed to build a free, the right of life, liberty, equality, security; expression of thought is free and right to strike. Similarly, Indian constitution has provided the right to association, right to protest peacefully, right to equality and freedom. As it has been observed that these three nations constitutions have provided enough space to the civil society but only to those who is using these powers (protest or strike) peacefully non-violently. South Africa, Brazil and India are representative of Third World democracy. In their political structure they have adopted a system of checks and balance among the Legislature, Executive and Judiciary. Most importantly, all these three countries have adopted local governments. Through, the means of local government, the grassroots demands of the masses find self expression even among the highest portals of powers in the land. Hence it can be said that local government makes space for the civil society.

Thus, it can be said that, a vibrant civil society, injects new ideas and opinions into public debates, creates new channels and modes of participation and demand-making, amplifies

and diversifies sources of government accountability, empowers the marginalized and nurtures citizens' democratic capacities. A vibrant civil society compensates for the deficits of representative democracy, as it has been observed in these three countries.

Moreover, from the experience of the last WTO Hong Kong Summit (2005) shows that there is the emergence of a new trend called 'global civil society'. For instance when the summit passed the resolution to reduce the farm related subsidies, the farmers lobbies of the three countries (South Africa, Brazil and India) had a strong universal protest cutting across the north-south divide leading to a failure on the part of the developed world attempt to bulldoze its own agenda on developing world. Thus, the struggle of global civil societies against the hegemony of developing world it's undoubtedly commendable.

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