

Narendra Modi's War on Civil Society on the Cusp

Debasish Roy Chowdhury

As India undergoes an existential election for its democracy and future, the fate of its civil society hangs in balance. Thousands of NGOs have already wilted in the populist heat on the sector and the rest are bracing for Narendra Modi to turn it up if he wins another term.

Aakar Patel was at his Amnesty International office in Bangalore that day in October 2018 when India's Enforcement Directorate (ED) raided it, accusing it of bypassing rules regarding foreign donations. The visit by India's dreaded agency tasked with fighting economic crimes came after a protracted face-off between the international rights group and the Narendra Modi government, by now openly intimidating civil society organisations. Earlier that month, it had raided the offices of Greenpeace India, charged it with corruption, and froze its accounts.

Patel, the head of Amnesty's India operations, was interrogated for nearly 10 hours that day. In his book, "*Price of the Modi Years*," he recalls the ED officers who came for the raid were "annoyed that we should be working on such issues as Kashmir and justice for the 1984 riots [in Delhi, against Sikhs]" and "indignant that a 'foreign' body should 'interfere' in India." When Patel asked them if Amnesty's accounts would be frozen, one of the officers told him that "goats are not informed if their throats are to be cut."

Through the period that Patel was with Amnesty India, its "doors were knocked on by some or the other part of the government wanting to see if it could tie us down or prevent our operation in some way." Finally in September 2020, Amnesty International had had enough and halted its India operations after working in the country for 54 years, blaming "[reprisals](#)" and "witch-hunt" by the government. It said its bank accounts had been frozen, and it had been forced to lay off staff and suspend all its campaign and research work. The income tax department was even intimidating its small donors by sending them "[investigative letters](#)."

Crackdowns like these, which began with attacks on international NGOs and then expanded to homegrown ones, are part of a broader pattern of the Modi government's overall strategy to stifle dissent as India slides ever lower in all parameters of democratic governance. As India undergoes an existential election for its democracy and future, the fate of its civil society hangs in balance. Thousands of NGOs have already wilted in the heat on the sector and the rest are bracing for Modi to turn it up if he wins another term.

Between 2018 and 2021, the number of NGOs filing [annual returns](#) declined by about a third. Amnesty and Greenpeace were among the early victims. In 2015, the government withdrew permission from Greenpeace to receive foreign funding on the pretext that the money was being used to block industrial projects. The same year the government put the Ford Foundation on a watch list over funding it gave to an activist who had been pursuing legal cases against Modi, accusing him of failing to stop a pogrom against Muslims in 2002 when he was chief minister of the western state of Gujarat. Ford, as a result, froze \$4 million in funding to India.

The attacks on civil society organisations have only intensified since. Last year, Oxfam was charged with violating foreign funding rules and a government [probe](#) was instituted against it. [Care India](#) Solutions for Sustainable Development, working to empower marginalised women and girls for 70 years in India, was accused of receiving foreign funds in a bank account meant for local funds. [Save the Children India](#) had its license to receive foreign donations cancelled as the government accused it of raising funds for malnutrition, which it felt was unnecessary since multiple government programs were already "vigorously" pursuing the issue. The previous year, the Commonwealth Human Rights Initiative (CHRI) was denied permission to access foreign funds.

'Anti-nationals'

India has a vibrant and diverse civil society sector comprising about [3.4 million NGOs](#) working on a wide range of issues, from poverty alleviation and gender discrimination to disaster relief and minority rights. But the growing trend of government scrutiny and restrictions on NGO activities since Modi's ascent to national power in 2014, particularly those critical of government policies or involved in advocacy and activism, has choked off NGOs, affecting millions of poor Indians benefiting from their programs, and creating a climate of a fear for a sector that has not only played a significant role in welfare delivery but has also contributed greatly to India's evolution as a democratic society.

According to Swedish democracy tracker V-Dem, India's score on a measure of civil society health has [fallen by half](#) since 2014. The NGOs that are vocal about minority rights and advocacy for marginalised communities find themselves most severely in the crosshairs of Modi's Hindu supremacist government.

The government uses vague national security concerns to justify its clampdown on NGOs, alleging that some organisations receive foreign funding to fuel unrest and destabilise the country. Modi himself mocks social activists as "[andolanjeevi](#)," or professional disruptors who live off protests, and labels Left-leaning activists as "urban Naxals" (or, urban Maoists) creating hurdles in the path of India's economic progress along with "[some global institutions and foundations](#)." In this

formulation, even activists protesting against a dam or a mining project to protect marginalised communities from dislocation are “anti-nationals” who are part of the “[tukde-tukde gang](#)” (the gang that wants to fragment India, a popular shorthand among Modi supporters for those who do not approve of his policies). The right-wing Hindu ecosystem routinely labels government critics, including opposition parties, along these lines, treating all forms of anti-government activism as a conspiracy to prevent India's rise to glorious heights under Modi's epochal leadership.

In his characteristic trait of personalising public issues, Modi himself claims to be a victim of a conspiracy by NGOs to “[finish](#)” him and dislodge his government. Once addressing farmers on the government's new crop insurance policy, he told the gathering: “NGOs are upset because I told a few of them to give us an account of the foreign funds that they spend here. They ganged up and said ‘beat Modi, beat Modi, he's asking us for an account of our expenditure’.”

His government, unsurprisingly, considers the entire civil society as “a new frontier of war.” His National Security Adviser, Ajit Doval, warns that the civil society can be manipulated to hurt a nation's interests through what he calls the “[fourth-generation warfare](#)” as conventional wars have ceased to be an effective instrument for achieving political or military objectives. “It is the civil society that can be subverted, suborned, divided, manipulated to hurt the interests of a nation,” he recently told a batch of graduating police officers.

With the civil society branded as an insidious fifth column and the deep suspicion that the government harbours against the liberal intelligentsia and left-of-centre groups, Modi's war on India's civil society organisations is hardly a surprise. But the Indian state's hostility towards civil society is not entirely a new phenomenon. Modi's predecessor Manmohan Singh cracked down on NGOs organising protests by locals triggered by safety and environmental concerns over a [nuclear power project](#). Three NGOs [lost their licence](#) as a result. “There are NGOs, often funded from the US and the Scandinavian countries, which are not fully appreciative of the development challenges that our country faces,” Singh had said in an [interview](#) to the *Science* journal at the time.

The anti-NGO rhetoric became a lot shriller after Modi took over. Soon after his election as prime minister in May 2014, a [leaked report](#) from India's Intelligence Bureau accused international NGOs such as Greenpeace, Cordaid, Amnesty and Action Aid of “serving as tools for foreign policy interests of western governments” by sponsoring agitations against nuclear and coal-fired power plants, reducing India's GDP by 2-3% per year.

The 21-page [report](#), incidentally commissioned by the previous government, said while caste discrimination, human rights and big dams were earlier chosen by international organisations to discredit India, the strategy had of late shifted to encourage “growth-retarding campaigns” focused on extractive industries, genetically modified organisms and foods, climate change and nuclear projects. The funding for such campaigns, it said, came from foreign donors under the garb of charity for issues ranging from protection of human rights and violence against women to religious freedom and relief for project-displaced people. These foreign donors, it further said, used NGOs to provide field reports that are then used to build a case against India and serve as tools for the strategic foreign policy interests of Western governments to keep the country in a state of under-development. This report laid the initial bedrock for legitimising the Modi government's crackdown on NGOs.

Repression Unbound

The disproportionate power of India's government authorities means the ruling dispensation has at its disposal an extraordinary array of weapons to bring to heel the civil society, or any part of the country's public life for that matter, that it sees as inimical to its interests. Tax raids and criminal charges have thus come to be used widely against civil society actors in recent years. The most egregious weaponisation of laws against activists and human rights defenders took place in 2020 when the government came down hard on select participants in mass protests against a controversial citizenship law excluding Muslim immigrants. Some [1,500 people](#) were arrested in relation to the protests, with many charged under the dreaded Unlawful Activities Prevention Act (UAPA) that allows the government to designate individuals as terrorists without following any formal judicial process. Several Muslim activists are still languishing in jail for the protests.

A number of rights activists, including some of India's most respected scholars, lawyers, academics and activists, have been [arrested](#) under this law and charged with subverting the state. Sudha Bhardwaj, India's best-known woman activist who has worked for decades to empower tribal groups—India's most marginalised people—was released on bail in 2022 after three years in jail over unproven links to Maoists on the condition that she cannot leave Mumbai, cannot return to her work as a professor of law at a leading university in capital Delhi, cannot go home in the city's outskirts, cannot visit her college-going daughter, or talk about the case against her. "I have to find work, and a place I can afford," the Massachusetts-born mathematician-turned-lawyer who gave up her American passport for a life of activism in India, told the [BBC](#) in an interview.

[Father Stan Swamy](#), an 84-year-old Jesuit priest and life-long tribal rights activist died in custody after his Parkinson's-ravaged body contracted Covid-19 in jail. He was arrested on trumped-up charges of being a Maoist "sympathiser" under the same draconian anti-terror law, and had repeatedly petitioned the authorities to be allowed to die in his home in the presence of his family. Instead, he was chained to his hospital bed and denied a [straw and a sipper](#) that he had requested as his condition meant he could not even drink water the way most people do. The [Washington Post](#) reported that spurious evidence was planted on Swamy's computer to frame him.

Notwithstanding such instances of lawlessness of the state in these targeted attacks on individual activists, the greatest damage dealt to the NGO sector is the hardening of the financial rules regulating it. Rules to prevent money laundering are regularly used to harass NGOs. The powers of the Enforcement Directorate (ED), tasked to check money laundering and misuse of foreign exchange provisions, were substantially increased in 2019, allowing the federal agency to enter any property for search and seizure at will and imprison suspects without conviction. Unsubstantiated ED cases as a result have risen from 112 between 2004 and 2014 to 2,974 between 2014 and 2022.¹

It's changes to the Foreign Contribution (Regulation) Act (FCRA) that have been used to an even more devastating effect. Registration under the FCRA originally came into force in 1976 during

¹ 'India's Democracy: The Competitive Authoritarian Propensity?', Rahul Mukherji and Seyed Hossein Zarhani, *Pacific Affairs*: Volume 96, No. 4 December 2023

the “Emergency” imposed by the Indira Gandhi-led government between 1975 and 1977 suspending fundamental rights. It was then used against political parties to prohibit the use of foreign funding in political activities. In 2010, the FCRA was amended by Modi’s predecessor Congress government to include “any organisation of a political nature,” bringing into its ambit non-profits demanding better government accountability. FCRA thus became mandatory for nonprofits to receive foreign funds.

‘Death by Detail’

FCRA licenses used to be permanent, but have been made mandatory to have them renewed every five years. This automatically gives the state arbitrary power to decide which NGOs to allow to access foreign funds and which ones, not. Following recent amendments to FCRA rules in 2020, NGOs using foreign funds are now also required to channel resources into service delivery by slashing their budgets for human rights and advocacy. They are barred from transferring funds or supplies to smaller NGOs and require prior permission to receive foreign funds. The government thus doesn’t just control who gets foreign funding and who doesn’t, it also decides how the NGOs with access to foreign funds get to spend it. Also, by mandating that all FCRA-approved NGOs must operate their accounts exclusively from a particular branch of a particular public sector bank in New Delhi, the government has made compliance virtually impossible for small NGOs located in far-flung corners of the country.

Within four years of taking over, the Modi government by 2018 is estimated to have cancelled the licences of nearly [20,000](#) NGOs receiving foreign funds under the FCRA. A report on India’s philanthropic landscape by the consultancy Bain and Company estimated that foreign funding had declined by about [40%](#) between 2015 and 2018. Between 2015 and 2019, nearly 17,000 NGOs lost their licences.

The International Commission of Jurists (ICJ) sees the latest changes to the FCRA regime as “a tool to silence” civil society organisations in India that is “severely shrinking” the civil space and “unlawfully obstructing” the work of NGOs. “The arbitrary use of the Foreign Contribution Regulation Act (FCRA) against nonprofit organisations and the politically motivated targeting of peaceful critics undermines Indian government claims of being a rights-respecting democracy,” said the [Human Rights Watch](#) in February. The statement came on the heels of a Central Bureau of Investigation (CBI) raid on the premises of noted human rights activist and writer [Harsh Mander](#) and his research and advocacy organisation Centre for Equity Studies. The raids were the latest in the series of financial probes initiated by different wings of the government against Mander and his centre.

Last year, the government suspended his centre’s FCRA license for three months. One of the reasons the home ministry cited at the time was [Mander’s columns](#) in various publications, which, it said, violated a section of the FCRA law that prohibits acceptance of foreign contributions by correspondents, columnists, cartoonists, editors, owners, printers and publishers of registered media outlets. It also accused Mander’s think-tank of using foreign contributions to create and release reports authored by associations not registered under FCRA. For this, it cited a 2020 report by Mander’s organisation on [hunger and precarious labour](#) during the Covid lockdown that it had produced in collaboration with another research group, with support from German foundation Rosa Luxemburg Stiftung.

[Minor infractions](#) like these are used with deadly efficiency to finish off NGOs. Research by online publication Article-14 show that even things as small as a late filing of an annual return by a day can spell an NGO's doom. In 2021, 65 NGOs lost all their donations to penalties and over \$2.6 million was collected from over 500 NGOs that filed annual returns late because of the pandemic. Article-14 mined the information from five years of government data, which from 2022 has [ceased](#) to be made public. A total of 6,000 NGOs lost their FCRA registration from January 1 of 2022 mostly because they had not applied for a renewal before the [December 31 deadline](#).

Crackdowns on the likes of Mander that are even more severe than this “death by detail” technique,² are typically accompanied by well-synchronised media attacks [villainising](#) civil society actors by portraying them as part of a global network of forces working against India. In an advanced state of capture, India's media today has been turned into an echo chamber of the government, generating consensus for the ruling dispensation and spreading hate against its discontents. In keeping with India's declining democracy scores—now categorised as an “electoral autocracy” by trackers such as V-Dem—India has steadily dopped in [press freedom rankings](#) in the Modi years. In the latest rankings in the Reporters Without Borders' World Press Freedom Index this year, India is down at [159](#) out of 180 countries, below the central Asian dictatorship of Tajikistan (155), China-controlled Hong Kong (135), and war-torn Sudan (149).

The [UN High Commissioner for Human Rights](#) has expressed concern that “vaguely defined laws are increasingly being used to stifle” and “deter or punish NGOs.” Multiple UN agencies have repeatedly called on India to safeguard the rights of human rights defenders and NGOs, but the government has remained undeterred. A [study](#) by Germany's Heidelberg University on civil society organisations facing government heat found that NGOs suffering the most are the ones that are actively pushing back against religious polarisation. These organisations are not only starved of funds but their leaders have either been sent to prison or slapped with charges that could result in their incarceration.³

The study categorises “moderately” attacked institutions as those that have had their activities severely curbed by multiple attacks by the state and are barely able to function but their leaders are not pressed with criminal charges. Some of these institutions have maintained neutrality on the issue of religious hate but haven't escaped the Modi government's iron hand even if they are heavily policy-oriented, such as the Centre for Policy Research (CPR), or do advocacy for human rights causes. The study also found that government pressure has managed to effect functional and behavioral changes in civic society organisations. It cites as example Greenpeace, which now faces far less attack than before but, in turn, has had to mellow down and alter its activities.

² 'Death By Detail: How the Govt Has Used Penalties In Law Controlling Foreign Donations To Cripple India's NGOs,' Manu Konchady, Article-14, 31 March 2024

³ “Civil society under siege,” Rahul Mukherjee and Aditya Shrivastava, The Hindu, 5 January 2024

Minority Institutions

While some organisations have managed to stay out of trouble by focusing on areas that attract less government hostility, faith-based NGOs have had no such luck because of the very nature of their operation. Minority institutions are an object of deep suspicion for Modi's Hindu supremacist party, for which proselytisation of Hindus into other faiths is a clear and present danger. Long-time Modi aide and Home Minister Amit Shah, considered the second-most powerful man in the Modi dispensation, has said on the floor of the Parliament that the government will show "no mercy" towards non-government organisations trying to "[change the demography](#)" of the country and create societal disturbances through foreign funding.

Christian NGOs have been the worst hit by a spurious "anti-conversion law." By 2022, the NGOs aligned with Christian programs came to constitute [more than 72%](#) of the 2,257 faith-related NGOs struck out of the FCRA list. In some BJP-ruled states, Hindu vigilante groups now routinely disrupt even Christian assemblies and celebrations based on anonymous, but never substantiated, complaints by extremist Hindu groups about forced religious conversions into Christianity, and the organisers are harassed with long drawn-out police cases. Christians comprise about 2.4% of India's population.

In February this year, the Modi government cancelled the FCRA license for Christian NGO World Vision India World, which works on empowering vulnerable children and communities. A police case was filed against the NGO based on vague complaints of inducements to convert. These complaints were curiously identical to the ones made by residents of a village in India's Uttar Pradesh state where a church was raided by Hindu vigilantes, pointing to a wider template of criminalising Christian NGOs. Locals at the village told the [media](#) that among the things World Vision gave them were "a bar of soap, a mosquito net, goods required to set up a kiosk, biscuits and a tin drum to store food grain".

Even iconic Christian organisations like the Missionaries of Charity founded by Nobel laureate Mother Teresa in the eastern Indian city of Kolkata, which has won global recognition for humanitarian work among the India's poorest and has been running homes for abandoned children and clinics and hospices across the country for decades, has not been spared. In 2021, Modi's government refused to renew the charity's foreign-funding licence because of "adverse inputs". It was restored later, but the message was loud and clear. If even Mother Teresa's organisation wasn't safe, no one was.

The new government goal is to bar foreign donors from welfare activities, which the government wants to handle through its various schemes. It also clearly prefers to work with organisations in its vast Hindu supremacist network so that the charity work can be electorally and ideologically leveraged. Colorado-based Christian charity Compassion International, which ended its almost half-a-century-long operations in India in 2017 after authorities restricted its funding channels over suspicions it supported religious conversions and raided its premises looking for evidence of its funding of "[anti-national](#)" activities, told [The New York Times](#) that Rashtriya Swayamsevak Sangh (RSS), the right-wing Hindu parent organisation of the ruling BJP, had told it that it would be treated more favourably by the government if the charity routed a portion of its \$45 million in annual charitable donations away from churches and through Buddhist, Hindu, Jain and Sikh organisations. Eventually the group's 500 Indian partners had to shut down their operations and

the 145,000 Indian children receiving services through Compassion International were severed from its programs.

Safeguarding Democracy

The Modi government's paranoia driving its repression of NGOs has had a chilling effect on civil society. Not only has foreign funding dried up, even domestic funding for human rights work has shrunk substantially as Indian donors have turned cautious lest their philanthropy offend the government's sensitivities. Small, grass-roots NGOs that collaborate with and depend on larger organisations have been dealt a deadly blow, resulting in hundreds of thousands of job losses at a time when unemployment is on the rise, not to mention the millions of families that had come to depend on their services. According to a [2012 government report](#), civil society organisations at the time accounted for 2.7 million jobs and 3.4 million full-time volunteers, generating employment figures higher than that of the public sector.

The crisis facing NGOs is most acutely felt by India's poorest and the most marginalised who are served by hundreds of thousands of NGOs spread across the country. This was most evident when the second wave of Covid hit India in 2021 and NGOs found their work seriously impaired as a result of the new changes in FCRA that were introduced at the height of the first wave the previous year. As smaller NGOs best placed to distribute relief could no longer be subcontracted by the bigger ones receiving international aid, relief aid was often delayed. Having been beaten down by Modi's serial attacks, India's once-bustling civil society space had already shrunk significantly by the time Covid hit. New funding rules only further incapacitated relief efforts.

Advocacy and policy research work, which has historically played an important role in Indian policymaking, is also taking a hit, again to the detriment of the disadvantaged. Many of India's civil society campaigns have been responsible for bringing about landmark court judgments, such as the banning of child labour. Sustained civil society movements have brought about significant governance changes by institutionalising practices such as auditing of government programs in open public forums, eventually leading to the passage of the Right to Information Act, making government more accountable by giving citizens the right to demand any undisclosed information withheld from it. Similar movements led by civil society organisations have led to the enactment of the Right to Education and the Right to Food as fundamental rights, making the government legally accountable for any failure to deliver the most basic human needs and ensure a life of dignity for the poorest of citizens.

NGOs have also played an outsize role in shaping India's democratic instincts. Millions of civil society movements over the years, from small hyperlocal agitations against environmental abuse or poor service delivery to headline-making national mobilisations, such as against big dams or workers' rights, have spread awareness of the importance of defying the status quo and fighting for social justice. By involving the most marginalised Indians in these mobilisations, such as women and underprivileged communities like Dalits and tribal groups, civil society movements have over the years deepened India's democracy. Innumerable women's collectives, self-help groups and micro-finance initiatives organised by NGOs have quietly altered traditional gender

balances, adding to India's democratic resilience.⁴ Modi's criminalisation of the entire civil society is thus one of the many aspects of his regime's systematic assault on India's democracy. The very ethos of questioning power and demanding more from those who wield it, goes against the spirit of obedience and deference to power and the social hierarchy that Modi is trying to institute. Restoring the lost vitality of India's civil society will be central to reviving India's flagging democracy and the principle of equal participation on which the republic was founded.

The outcome of India's ongoing general elections, in which Modi is seeking a third term, is thus just as important for civil society as it is for the country's beleaguered democracy. A Modi 3.0 will see an even greater intensification of his war on civil society as he moves further towards the goal of dismantling equal citizenship and establish a Hindu-first ethnic state. Many civil society organisations across the country are hence [working silently](#) to beat back the BJP, using their networks and expertise to spread awareness of what's at stake and fortify the opposition's challenge. Their efforts last year in the southern state of Karnataka helped the Congress unseat the BJP from power despite Modi's all-out campaign in the state. India's future, as well as their own, will depend on whether civil society organisations can replicate their success in this national election.

⁴ 'To Kill A Democracy: India's Passage to Despotism,' Debasish Roy Chowdhury and John Keane, OUP/Pan Macmillan, 2020/2021

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