

STRENGTHENING CIVIL SOCIETY: LESSONS FROM THE CONSUMER FORUM AT BASRUR IN KARNATAKA

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Necessitated by the inherent limitations of the market and failures in governance by the State, the search for alternative solutions has witnessed the emergence of the sphere of civil society. Organisations of ordinary people have taken up the task of ensuring better governance through their interactions with both the state and the market. The Consumer Forum at Basrur is a civil society organisation that seeks to build capacities amongst citizens and empower them to demand greater accountability from both the government and private players. Its key tool is effective communication, particularly through letter-writing, wherein the Forum guides the consumers in establishing contact with suppliers and officials and finding solutions to their problems in a cost effective and transparent manner. In this paper, the author studies the methodology and work of this Forum in order to assess the possibility of replicating the model.

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Introduction

The emergence of 'civil society' as a force to be reckoned with can be understood as a consequence of changes in the interrelation between society, politics and economy. With the growth of the market economy, the expectation of continued reduction of interference from the State also arose. However the inherent limitations of the market, such as asymmetry of information and difference in bargaining power, coupled with the inability of the State to effectively govern the market without restricting its benefits has created the need for alternative solutions to protect the interests of members of society.¹ The desire and competence amongst groups of ordinary people to act collectively to achieve the greater good has led to the rise of 'civil society' in providing alternative solutions where the market and the State have failed to deliver.²

Noting the emergence of such 'civil society' necessitates an inquiry into what the term itself implies. Academia, policy makers, international aid organisations, social activists and NGOs employ the phrase 'civil society' in numerous ways thereby making the concept complex and ambiguous. For instance, the revolutionary imagery of civil society portrays it as a site for contestation, where people counter pose themselves against state power and in the process either replace or reform it.³ A somewhat ambiguous conception has been proposed by Sunil Khilnani who expounded that 'civil society' may be most usefully thought of as identifying a set of human capacities, both moral and political.⁴ As a possible elaboration of the notion of human capacities, we can turn to the figure of a social entrepreneur, defined by David Bornstein as an obsessive individual who sees a problem and envisions a new solution, who

¹ Rajesh Tandon & Ranjita Mohanty, *Introduction: Issues and Problematics*, in *DOES CIVIL SOCIETY MATTER? GOVERNANCE IN CONTEMPORARY INDIA* 9 (Rajesh Tandon & Ranjita Mohanty eds., 2003).

² *Id.* at 10.

³ *Id.* at 11.

⁴ Sunil Khilnani, *The Development of Civil Society*, in *CIVIL SOCIETY: HISTORY AND POSSIBILITIES* 25 (Sudipta Kaviraj & Sunil Khilnani eds., 2001).

takes initiative to act on that vision, who gathers resources and builds organisations to protect and market that vision, who provides the energy and sustained focus to overcome any inevitable resistance and who keeps improving, strengthening and broadening that vision until it becomes transformed from a novel idea to a norm.⁵ Another stream, inspired by de Tocqueville, links civil society with the state where civil associations perform the role of watchdogs in a democracy.⁶ According to the Walezerian conceptualisation, 'civil society' is an uncoerced realm where social affairs are conducted without any interference by the state or market, and that civil society in fact forms the "third sphere", state and market being the first two.⁷

A wide definition of civil society, giving it room to be a watchdog when that is sufficient and a counterforce when that is required, is used by the author in the following paper thus accepting the de Tocqueville definition and going beyond it to include also the Walezerian conceptualisation of a third sphere. We have to accept that it is not enough that there be a civil society independent of the state. Civil society is not an institution; it is rather a process whereby the inhabitants of the sphere constantly monitor both the state and the monopoly of power within itself. It is not something that once constructed can fend for itself. It has to constantly reinvent itself, discover new projects, discern new enemies and make new friends.⁸ As one scholar put it, "the daily construction and reconstruction of civil society *is* civil society."⁹ Therefore, while conceptualising civil society as the third sphere after the state and the market, the author believes that the range of functions that can be played by this sphere can be captured by the 'construction-reconstruction' notion wherein civil society can play the role of a watchdog at times and be a counter to the state when

⁵ NEERA CHANDOKE, STATE AND CIVIL SOCIETY: EXPLORATIONS IN POLITICAL THEORY 3 (1995).

⁶ *Id.* at 10.

⁷ *Id.* at 11.

⁸ *Id.* at 58.

⁹ CHANDOKE, *supra* note 5, at 248.

needed, and even partner with the state to regulate the market if so required and so on.

Given the need for civil society initiatives and the presence of the right environment conducive for its functioning, the time is ripe for measures to strengthen civil society in order to improve governance.¹⁰ The Consumer Forum at Basrur is an organisation that seeks to build capacities amongst citizens thus empowering them to seek greater accountability from the state as well as the market. The main tool of the Consumer Forum at Basrur is the use of letter-writing to hold private as well as public sector suppliers responsible for their actions. A study of the Forum is taken up in the following paper in order to draw lessons from its methodology and work and to analyse whether this model can be replicated.

I. Growth of Civil Society in India

There are a diverse set of reasons for the growth of civil society organisations. Some of the most important reasons include the growing disenchantment of ordinary people with the institutions of government; the declining capacity of these institutions to respond to the diverse interests and expectations of populations; the increasing gap between policies and practical elaborations; the continued persistence of the problems of poverty, social exclusion and marginalisation; and the growing importance of national and transnational private business interests. These reasons among others have led to a normative shift in the concept of governance to now include a standard with regard to good governance.¹¹ Since the marginalised and the poor do not fall into a homogenous category and there are further stratifications among them leading to competition for scarce resources, good governance would thus not

¹⁰ In India, the enactment of the Right to Information Act, 2005 was brought about by civil society associations that have then gone on to spread awareness about the Act and the possibilities of enhancing good governance by seeking information from officials of the government at various levels.

¹¹ TANDON, *supra* note 1, at 12.

solely mean reforming the state; reformation of society also needs to be simultaneously taken up. In most countries, including India, civil society has been freed from its earlier restrictions such as obstructions by governments, as well as lack of access to capital, education and communication have all diminished, and people have entered this sector with new ideas.¹² The unique and powerful aspect of the emerging citizen zeal is that it seeks to adopt globally accepted and advocated standards to local problems and hence formulate solutions that provide real and immediate benefits to the target group of persons. Moreover, civil society organisations are today moving beyond stop-gap solutions to address the problems in the system itself and are seeking collaboration from business, academia and the government.¹³ Powerful social initiatives emerging from citizen groups will not only lead to faster implementation, but lead to decentralised thinking and a strengthening of democracy.¹⁴

In India, the presence of voluntary civil society groups at the grassroots level in remote areas, their close interaction with the people and their flexible work culture are some of the positive characteristics that have been highlighted.¹⁵ In Andhra Pradesh, the Foundation for Democratic Reforms, a civil society organisation, promoted the drafting of Citizen Charters regarding the public sector services which resulted in greater interest taken by the local municipalities

¹² *Id.* at 266.

¹³ *Id.* at 5. At the international level, the methods used by civil society groups include campaigning for international and domestic human rights standard-setting, fact finding and report submission which could serve the dual purpose of naming and shaming as well as showing the way forward for government action, promoting the use of legal tools to address past abuses and create awareness of responsibilities in the future, providing a forum for interaction of groups and individuals with similar concerns in order to foster a sense of identity, consequently increasing lobbying power, and giving of recognition through awards and grants to groups who are making sustained or radical efforts.

¹⁴ DAVID BORNSTEIN, *HOW TO CHANGE THE WORLD: SOCIAL ENTREPRENEURS AND THE POWER OF NEW IDEAS* 267 (2005).

¹⁵ Arun Kumar Sharma & Shailendra Kumar Dwivedi, *Voluntary Development Organisations: Mission, Vision and Reality*, 25(1) *GANDHI MARG* 5 (2003).

in ensuring the availability of services to the citizens¹⁶. They also set up an initiative called Election Watch which enabled people to express their views regarding the political system and expose those candidates with criminal records or corruption charges.¹⁷ Another instance is the initiative undertaken by Jeroo Billimoria of Mumbai, who founded Childline, a twenty-four hour helpline and emergency response system for children in distress. The organisation runs largely with the help of student volunteers, and has now been recommended by the revisions of the Juvenile Justice Act as the leading child protection agency.¹⁸

According to Ellora Puri, the existence of effective democratic political institutions is essential for the effective functioning of civil society.¹⁹ Another important aspect, especially in India, is that the state is not a single homogenous entity and hence civil society cannot rule out the option of cooperation with the state, since there are bound to be individuals within the state mechanism who are willing to provide support to civil society. The idea that civil society constitutes an independent sphere of existence may distort our understanding because though we divide spheres of human interaction into segments and accept that human beings act in different ways in different segments, we need to keep in mind that these spheres are mutually constitutive of each other.²⁰

¹⁶ I. Ramabrahmam, *Enhancing Effectiveness of Governance Reforms: Civil Society Initiative*, 40(1) INDIAN J. OF PUB. ADMIN. 247, 248 (2004). Through the publication of a paper entitled, 'Lok Satta: Harnessing People's Power for the Rejuvenation of our Republic' the agency sought to encourage debate on democratic reforms.

¹⁷ *Id.* at 250. The organisation was also involved in the drafting of an alternative bill for women's reservation which was circulated among parliamentarians and the media.

¹⁸ BORNSTEIN, *supra* note 14 at 88. Another example is that of Javed Abidi who battled for many years to get the government to recognise the rights of the disabled in India. Through his perseverant activism, Abidi facilitated progress on several fronts as a result of which in the private sector, especially in the technology sector, more companies are making efforts to recruit disabled employees. The higher-level civil service positions are now also open to this section of the society.

¹⁹ Ellora Puri, *Civil and Political Society: A Contested Relationship*, 39(32) ECON. & POL. WKLY. 3592, 3594 (2004).

²⁰ Neera Chandhoke, *A Critique of the Notion of Civil Society as the 'Third Sphere'*, in DOES CIVIL SOCIETY MATTER? GOVERNANCE IN CONTEMPORARY INDIA, *supra* note 1, at 57.

Sharma and Dwivedi point out that 'voluntary development organisations' go through five distinct phases: conceptualisation, ice-breaking, formalisation, expansion and withdrawal.²¹ According to them, the stage of conceptualisation involves discussion and dialogue between the founding members. The stage of ice-breaking starts the interaction with people which shapes the nature of future participation in the activities of the organisation. A hierarchical and solidified structure of the organisation with project managers and grass-roots workers is what characterises the stage of formalisation. In this stage and that of expansion, the research done by Sharma and Dwivedi led them to conclude that the duties of the workers become more mechanical and involves more paperwork thus diminishing the value of the 'spirit of voluntarism' that initially drew volunteers to the field. At the same time the people begin to associate the organisation with particular results arising out of particular projects rather than the larger goal of empowerment. The inference drawn from this, and the observation that often these organisations move to new areas along with the sources of their aid, is that the original mission and vision of the organisation gives way to the goals of particular projects as well as the sustenance of the organisation *per se*.²² They suggest that the involving of people right from the initial stages of prioritisation of programs and decision-making would ensure better capacity building of the community and sustainability of voluntarism.²³ The Consumer Forum at Basrur which has been taken up as a case study, has sought to keep its goal as the empowerment of the members of the community and hence is not associated with any particular project but rather with a methodology that can be adopted across a range of problems faced by the citizens.

II. Consumer Forum at Basrur: A Case Study

This section analyses the model of empowerment developed by a civil society initiative in Karnataka's Udupi District. In the 1980s, fresh after the

²¹ *Id.* at 9.

²² *Id.* at 15.

²³ *Id.* at 17.

excesses of the Emergency, a group of youth in Basrur gathered to deliberate on possible strategies to solve the problems that were plaguing the people of the area. They identified the main problems faced by the people of Basrur: irregular or inefficient distribution of essential commodities, lack of information on facilities extended by the government, lack of proper service from public service departments and harassment from officers at the lower level. Their discussions culminated in the decision to start with the simplest issues and gradually move on to the more complex ones. Taking pointers from a Consumer Forum in Udupi, the Consumer's Forum at Basrur [hereinafter CFB] was set up in 1981 by the youth group and was headed by Dr Ravindranath Shanbagh.²⁴

A. *Ideology of the CFB*

The fundamental objectives of the CFB are: (1) to educate the consumers about the need for protecting their rights and interests; (2) to cultivate a sense of responsibility among consumers and suppliers; and (3) to support and guide the consumers in any disputes. The CFB's approach overall may be characterised as "nonviolent, issue based, apolitical, result oriented, unrelenting and inexpensive."²⁵

The CFB is financially self-supporting and has not received or accepted aid from the government or foreign donors and thus does not have to deal with external pressures. The work is carried out using the 'no strings attached' donations (usually consisting of small amounts) made by people who believe in the Forum

²⁴ The author spent three weeks at the Forum observing the procedure as well as collecting data as part of a team in order to assess the types of cases and the methods employed to solve them. The description of the methods adopted and the reasoning behind them are presented in this chapter on the basis of the author's interaction with the Convenor of the Forum, Dr. Ravindranath Shanbag, the case files, newsletters and articles published and seminars conducted by the Forum.

²⁵ See BASRUR CONSUMER FORUM, PUBLIC INTEREST MOVEMENT: HANDBOOK FOR ACTIVISTS 8 (2002) [hereinafter HANDBOOK FOR ACTIVISTS].

and its cause. The CFB is emphatic that there should be no ostentatious ceremonies and that the work should proceed with minimum expenditure. Financial independence coupled with minimal expenses ensures that the CFB is free from external influences that often plague other voluntary organisations that tend to be heavily funded by donors.

Further, the CFB has steered clear from engaging in any personal vendetta, politics, elections, and has never linked up with any political group or party. The CFB has also been against accepting any form of awards or recognition since they feel that those involved in the movement should work without claiming personal credit; and awards would most likely induce personal ambition thereby quenching the actual purpose. The CFB strongly advocates that the focus of all actions should be on issues and not on persons, and those working in the organisation should be disciplined and responsible since they should practice what they preach.

B. Methodology of the CFB

The methods adopted consist of guidance, letter-writing, publishing of articles in the newspapers, holding seminars and contact meetings for consumers and activists as well as public officials of various departments and police officers.

The policy of the CFB is that having given appropriate advice after carefully analysing the problem, the forum should leave the rest to the consumer as long as he or she is instilled with enough confidence to be capable of solving the problem or fighting the injustice. When a citizen first approaches the CFB with a specific problem, he or she is advised to write a letter to the concerned supplier or official, stating the nature of the problem along with the action expected from the authority. In addition to this, the letter has to indicate that a copy of the same has been sent to the CFB. If after a specific period, as mentioned in the letter, the person does not receive any reply, then (in cases involving government officials) a letter is sent to the official next in the hierarchy and so on, and if need be even to the concerned Minister. In certain cases, the CFB writes the letter on behalf of the consumer but usually the citizens are

encouraged and assisted to do so by themselves. The CFB suggests that in the letter the issue should be separated from the person, extremes such as obsequiousness or high-handedness and arrogance should be avoided; and exaggeration should be avoided as well while stating the facts as plainly as possible.

In many cases, it was seen that consumers tend to conceal their faults in the issues or leave out aspects of how their behaviour compounded the problem. This trend makes it essential that the initial letter to the supplier or official be written in polite and clear language in the manner of seeking an explanation. This approach helps because if the consumer was in the wrong, the other party would be able to give full information to the same and justify their action(s). It is the policy of the CFB that if the consumer is unable or unwilling to respond to the information provided by the opposing party, the CFB drops the case. In this manner, the suppliers and officials also have faith in the impartiality of the CFB and also in its purely facilitative nature.

As a matter of policy, the CFB refrains from actively looking for disputes and taking up cases *suo motu*. Instead, it only takes up issues after being approached by the consumer concerned and after it is satisfied that the consumer has already taken steps to remedy the problem. This approach emphasises the positive orientation of the CFB which is to act only as facilitator to the consumer and to inform and disseminate information to shape public opinion.

The CFB also conducts Consumers' and Suppliers' Contact Meetings with regard to the cases brought before it. In such cases where a particular official of the local governmental authority is found to be absolutely unresponsive to the letters received from the consumer concerned, the CFB, through its newsletter, encourages citizens to flood that official with letters repeating the issue and their concern over the lack of action. This serves as a reminder to the officials, indicating the gravity of the problem and the seriousness of the people willing to voice their opinion and hence, these officials often relent and make attempts to take the required action. In 1987, the case of the Alevoor citizens became well known throughout Karnataka. Sixty persons from the neighbourhood of

Manipal applied for the allotment of 5 cents²⁶ of land to build houses. They never received the documents of ownership. Fifty-five letters were written to various authorities starting from the Tehsildar upto the Deputy Commissioner and twenty two appeals were filed with politicians including the Chief Minister. After continuous efforts that stretched for 5 years, these people approached the CFB. In February 1992, the CFB wrote an article presenting the case comprehensively before the public for their opinion. Several dailies in Karnataka published the article. People who read the article wrote back to the papers and also wrote letters of protest to the officials and politicians involved. Within months, the Dakshina Kannada District legislators came forward to take up the case and give the owners their due.

The movement has received a lot of support, due in no small part to the weekly articles entitled *Bahujana Hithaya Bahujana Sukhaya* ("in the benefit of all, lies the happiness of all") published in the Kannada paper *Udayavani*, which highlights the ongoing cases and issues involved therein. The newsletter *Balakedarara Shikshana* ("Consumer's Education") on consumer education helps increase the base of citizens catered to as well as spreads the awareness on the methodology which can be adopted by citizens anywhere. The main objectives of the newsletter are: (1) to educate the consumers about public service departments, government schemes and so on; (2) to explain the provisions of commonly encountered Acts in simple language; (3) to publish consumer grievances; (4) to provide information about other consumer initiatives across the country; and (5) to publish editorial articles about relevant issues in the field. Many of the publications are not authored and there are no copyright restrictions on the material since the CFB believes that it is the issue and not the organisation that needs to be highlighted.

If and when all the abovementioned methods fail in a particular case, then the CFB guides the consumer to a lawyer in the field who will then take up the case in court. The statistics provided by the CFB show that only around 1% of

²⁶ An area equal to 2,180 square feet.

the cases fall into this category. There are currently a handful of lawyers in Udipi as well as in Bangalore who have associated themselves with the CFB and take up the cases *pro bono*. As per the booklet published by the CFB, an alternative is to take up peaceful *Satyagraha*²⁷ protests if the situation is appropriate for the same. However, there are no known cases where the need for this extreme measure was called for.

C. *Impact of the CFB*

Consumer-supplier relations being the earliest and simplest of transactions, the CFB began as a movement to empower citizens to fight for their rights in the event of any unfair transaction. The Forum started out by publishing handouts providing information on consumers' rights and privileges every month. Initially, public meetings were conducted where government officers provided information regarding facilities and schemes of the government. In the first year following its formation, the CFB received only 8 cases since the people in the area were not yet ready to trust a new organisation with their complaints and were not sure how their problems would be handled. This was probably because the CFB did not present itself as a legal aid organisation, but rather a forum for empowerment of the citizens through dissemination of information and spreading of awareness about the kinds of problems faced, and the means to tackle them. The reputation and effectiveness of the CFB grew gradually and within a decade the number rose to 412 and by the end of 1997, the total number of cases solved since inception was over 7000.²⁸

²⁷ *Satyagraha* is the notion of non violent insistence of the truth as popularised by M K Gandhi during the freedom movement.

²⁸ As regards the total number of cases ever taken up and the number of those which were successfully and completely resolved there are no figures available with the Forum. This is because on one hand, when a case is completely resolved through their methodology, i.e. without having to approach the court, the file is closed saying "Samasya Pariharavagide" or "Problem Solved". On the other hand, files of cases which are still pending or which have been sent to lawyers linked to the Forum do not have this phrase and it is not clear whether the Forum follows the progress of these cases. Therefore, it becomes difficult to say how many cases were solved without the need for approaching the court.

The scope of the work of the CFB, along with the meaning of the term 'consumer', has also gradually expanded. From a mere customer who purchased goods, the list of 'consumables' was enlarged to include government services provided by various departments of government such as revenue, education, and transport for which the citizens pay indirectly through taxes. Further, arguing that every citizen has a right to clean water, fresh air, unpolluted rivers and lands, environmental issues were brought under the purview of the consumers' movement. Therefore, according to the CFB, a consumer is "anybody who has a right to a product or service. These rights may be purchased by direct or indirect payment."²⁹

Two decades later, the success of the organisation saw the creation of an offshoot called the Human Rights Protection Foundation which concerned itself with human rights issues. This forum sought to empower the weaker sections of society, namely women, children and the backward classes so that they can stand up to fight for themselves. This move necessitated improvisation of the strategies that were developed and learned from the two decades of experience handling consumers, suppliers, employers and government officials.³⁰

The initiators of the CFB did not intend the Forum to be a permanent organisation since its purpose was to empower the citizens to take charge and hold the state and the market accountable. At present the Forum has almost wrapped up its work, though the newsletters dealing with current problems in the area and developments in the law continue to be published. The attitude of the Forum can be summed up by aptly referring to the words of its convener, "When we are convinced that consumers can take care of themselves and solve problems on their own without the help of our forum, then we will wind up the forum."

²⁹ HANDBOOK FOR ACTIVISTS, *supra* note 25, at 3.

³⁰ In this paper, the author has chosen not to deal with the different methods adopted by the Human Rights Protection Forum, which is still in its infancy, and instead has concentrated on the Consumer's Forum and its methods.

Concluding Remarks

One of the most efficient methods of transmitting knowledge is 'blueprint copying', that is, when an available detailed blueprint is copied or modified.³¹ For this, it is necessary to identify and document models or processes that can be widely copied or adapted as required. The question to be considered is whether there is a pattern in the Consumer Forum's methodology and if so, whether it is replicable in similar situations elsewhere. The booklet, 'Public Interest Movement' published by the CFB, lays out the broad guidelines for the setting up of a Consumer Forum along the lines of CFB. In Margao, Goa, a radiologist inspired by the success of the Basrur Forum started a similar organisation for the empowerment of the people in that area. However, the CFB does not have any formal links with national level voluntary organisations.

The author believes that if the methods of the forum are well documented, then there is a strong case to say that it is a replicable pattern since the problems sought to be addressed and the resources being used to do so are common to all Indian citizens. There are two characteristics of the CFB that are useful pointers for all civil society initiatives. First, there are greater chances of success and sustainability of a pattern that favors a model which mobilises ordinary citizens rather than depending upon the few trained professionals available. To make a tangible difference, ultimately, the problem-solving strategy must be put directly into the hands of the families and community members.³² Second, it is also essential that such private organisations keep away from the traps of formalistic institutionalisation and instead seek to improve their professionalism by learning from previous mistakes. For instance, the CFB has used its financial independence to stay unbiased towards persons or parties in power and places emphasis on solving cases by focusing on the issues rather than the persons involved. However, one aspect that must be factored in is the fact that the CFB and the

³¹ BORNSTEIN, *supra* note 14 at 259.

³² *Id.* at 153.

social entrepreneur behind it, Dr. Ravindranath Shanbag, have developed such a reputation that in certain cases that arise in and around the area, suppliers and officials alike respond favorably with just one letter from the CFB.

The author feels that dealing with issues such as those involving consumer disputes and interactions with the government will give people a sense of being able to achieve something. People who are confident of tackling those in power with transparency and firmness will be more likely to seek information from officials on a variety of issues affecting them personally and as a community, and thus, will be able to sustain the role of civil society. In the hands of empowered citizens, there would be immense potential for the use of instruments such as the Right to Information Act to further strengthen good governance, and hence democracy in the country.

