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The righteous and the rightful:

The technomoral politics of NGOs, social movements, and the state in India

ABSTRACT

Civil society groups today are honored and relied on by governments, as well as tightly regulated and scrutinized for challenging state policies and agencies. In contemporary India, political dynamics of collaboration and confrontation between state and nonstate actors increasingly unfold in legal-social fields, taking "technomoral" forms. Mixing technocratic languages of law and policy with moral pronouncements, these actors assert themselves as virtuous agents, marking their political legitimacy as keepers of the public interest. Using ethnographic research with Indian NGOs, social movements, and a political party, we show that as civil society groups interact with state bodies, they redefine institutional boundaries and claim moral authority over public stewardship. Technomoral strategies are neither depoliticized nor antipolitical, but constitute a righteous and rightful form of politics. [*NGOs, state, India, morality, activist politics, neoliberalism, law*]

On June 3, 2014, the Indian Intelligence Bureau submitted a confidential report to Prime Minister Narendra Modi's office warning of efforts by certain foreign-funded NGOs to "take down" India's development (*Times of India*, June 12, 2014).[1] The report, which was leaked to the media, argued that were it not for the antidevelopment work of some NGOs, India's GDP would be 2–3 percent higher, and alleged that NGO activity had sabotaged mega–industrial projects and threatened the country's critical industries of mining, agricultural biotechnology, and energy. The report furthermore accused donors from the United States, the United Kingdom, Scandinavia, the Netherlands, and Germany of using NGOs and "people-centric" issues like human rights and gender equality to spark protests, thwart development, and harm India's reputation internationally (*Indian Express*, June 7, 2014).

The Intelligence Bureau (IB) report defined development as a national security issue tied to defending the interests of capital, invoking a strong state with powers to repress in the name of growth. It positioned the state as a vertically authoritative entity (Ferguson and Gupta 2002) in relation to a loose and ambiguous group of institutions categorized as "NGOs" that included people's movements (also known as social movements), advocacy groups, campaigns, and local and international organizations, all of which it positioned as subversive forces in need of restraint. Ironically, these were the very civil society bodies that international development organizations and the Indian state, as well as other states, had lauded in the 1990s as ideal partners in development and democracy.

The escalating state suspicion and tightening regulation of the voluntary sector in India today is part of a global trend. As Douglas Rutzen notes, from 2004 to 2010, more than 50 countries "considered or enacted measures restraining civil society," and since 2012 "more than ninety laws limiting the freedoms of association or assembly have been proposed or enacted" worldwide (2015, 7; see also ICNL 2013). Cuts in voluntary

sector funding in the United Kingdom, for example, have increased the sector's insecurity and restrained its ability "to campaign and criticize the Government" (Independence Panel 2013, 6). Similarly, the Russian government is reportedly waging a "war on NGOs," having raided the offices of several international NGOs in March 2013 and accused them of being foreign agents (UK *Guardian*, March 27, 2013).

Indian activists and civil liberties advocates reacted swiftly to the IB report. They called out the government's duplicity in demonizing foreign-funded people's movements and NGOs while soliciting foreign investment in retail, agriculture, and defense (Menon 2014), and they questioned why an intelligence agency concerned with terrorism, espionage, and national security would conduct a "witch hunt" against civil society groups (*Firstpost India*, June 13, 2014). Perhaps the most targeted NGO in the IB report was Greenpeace India. Shortly after the IB report was issued, the government froze the organization's foreign funds; Greenpeace appealed to the Delhi High Court, which ordered the funds released. Then, in January 2015, the Ministry of Home Affairs prevented a Greenpeace activist, Priya Pillai, from traveling to Britain, where she planned to brief parliamentarians on how the operations of UK mining company Essar Energy were violating the human rights of indigenous groups in central India. Pillai (2015) criticized the government's "arbitrary display of power" and filed a writ-petition challenging the legitimacy of her travel ban in the Delhi High Court. Although the government argued that her testimony would have been harmful to the national interest, the court ruled in Pillai's favor, and in March 2015 the government lifted her travel ban.

In this sequence of events, we observe that state and nonstate actors engage each other in the legal arena through moral positioning and judicialized political strategies. As the government deployed its sovereign authority to identify some NGOs as antinational, activists used moral arguments and legal mechanisms to contest state power and expand the sphere of democratic engagement. The IB report and its aftermath serve as an entry point for examining political relations between state and nonstate actors in contemporary India that are unfolding in the realm of law. By "law," we refer to a set of discursive and overlapping social fields that extend beyond the boundaries of formal judicial and legislative procedures and institutions, social fields that are shaped by multiple actors and social processes (cf. Falk Moore 1978).

Although NGOs have long collaborated with the postcolonial Indian state and criticized its development, welfare, and humanitarian policies, they are now tied to state institutions in greater numbers and in more complicated webs of regulation and resistance. Law and policy have emerged as the key terrain of struggle where nonstate actors express their distinctive identities and moral projects and negotiate their political relationships with the state through judicialized activism. By "the state," we do not refer to a singular, coherent entity (Abrams 1988; Gupta 2012) but to a hegemonic project and a series of "unstable equilibria" (Gramsci 1971, 182). In this conception of the state, its boundaries with nonstate bodies are political artifacts, neither given nor stable but discursively constructed and contested (Fuller and Benei 2000; A. Sharma 2008); they reify as separate what are actually profoundly entangled governmental actors (Foucault 1991).

Drawing on our ethnographies of Indian NGOs, social movements, advocacy groups, a political party, and state actors, we parse how they create, transgress, and navigate the spatial and moral distinctions among themselves. They increasingly negotiate their political relations, we find, through technomoral means. By "technomoral," we mean the complex, strategic integration of technical and moral vocabularies as political tactics. In mixing the languages of law and policy with moral pronouncements, state and nonstate actors posture themselves as defenders of rights and keepers of the public interest as they push their agendas and stake out distinctive positions. "Technomoral politics" refers to how various social actors translate moral projects into technical, implementable terms as laws or policies, as well as justify technocratic acts—such as development and legislation regarding administrative reform—as moral imperatives.

India offers abundant examples of technomoral politics with the increased turn toward judicialized activism. These include the struggle of the Narmada Bachao Andolan (Save the Narmada Campaign) against mainstream development and dam building through Gandhian tactics and court battles; the now-defunct India against Corruption movement's mission to foreground the immorality of state graft through hunger strikes and the drafting of a new anticorruption law; the Right to Food Campaign's use of public interest litigation to make a moral case for government responsibility for food security and poverty alleviation; and the struggle of NGOs to reterritorialize their identities and roles in light of new laws mandating corporate philanthropy and regulating foreign funding. All these actors, who claim to represent a suffering public and its interests and rights, interweave technical proceduralism with moral concerns and idioms.

In India, technomoral strategies proliferate at the intersection of two translocal processes: (1) the global, if uneven, diffusion of neoliberal good governance and development policies and the attendant "judicialization of politics" (Comaroff and Comaroff 2006, 26; see also Hirschl 2006) and (2) the postcolonial Indian history of legal and moral civil society activism. Neoliberal restructuring entails an ideologically motivated assemblage of techniques aimed at the economic and political liberalization of countries. In addition to freeing markets and trade through privatization

and deregulation, this also involves making states efficient, democratic, and lawful; this is coded as "good governance" (Harvey 2005). Neoliberal restructuring centers on a technocratic approach to development, turning political issues of poverty, inequality, and rule into technical problems that can be solved through economic, legal, and administrative reforms (Abrahamsen 2000; Ferguson 1994). It tends to have depoliticizing and demoralizing effects (Ferguson 1994, 2006) as it spreads cultures of law, audit, and expertise (Comaroff and Comaroff 2006; Strathern 2000). Small wonder, then, that people fight battles over the meanings of development and democracy through legal and moral means.

Some scholars see the intensification of judicialized forms of politics under neoliberalism as depoliticizing in that "policy comes to replace politics" (Randeria and Grunder 2009, 15). We follow Chantal Mouffe (2005) in viewing judicialized activism neither as necessarily antipolitical nor as a shrinking of political action but as an alteration in the *form* of politics.[2] Politics has become less of an ideological struggle between "right" and "left" parties and groups, and more of a moral struggle between right and wrong. Through our ethnographies, we follow the "displacement of the political into the legal" (Comaroff and Comaroff 2006, 31) and into the moral in India.

Neoliberal restructuring may have intensified judicialized politics globally, but judicial activism has a much longer history in postcolonial India, one that cannot be reduced to neoliberalism. Implementing national development and constitutional democracy were critical to the emergent identity of the nationalist Indian state, which deployed planning and law as key mechanisms for building an independent society (Chatterjee 1998, 2014; Jayal 2001). Nonstate bodies, including people's groups, funded organizations, religious charities, and social campaigns have always played an important role as partners in postcolonial governmental projects of development and humanitarian welfare. But they have also used a variety of protest tactics, including the legal means made available to them by the Indian constitution, to confront antidemocratic state acts, to articulate dissent, and to agitate for democratic reform. Some of these actors also use international legal instruments, participate in translocal activist networks, and garner resources through a global activist economy that is both affect fueled *and* technically driven, making them seem potentially threatening to state sovereignty and authority. Indeed, the India state has demonstrated an ambivalent stance toward NGOs: governments have courted them as collaborators and reined them in when they purportedly overstep their mandated "nonpolitical" role.

We probe this political dynamic of cooperation and opposition between state and nonstate groups, showing how they use technomoral vocabularies to struggle for legitimacy and authority. We write collaboratively as anthropologists studying political activism in contemporary India and have combined our independent ethnographic research on NGOs and philanthropic initiatives (Bornstein) and social movements, NGOs, and a political party (Sharma) to comparatively explore how negotiations between state and nonstate bodies take technomoral forms. Our argument unfolds in two steps: first we historicize technomoral politics in relation to neoliberalism and the judicialization of activism in India; then we ethnographically demonstrate the intensity with which such politics currently proceeds. As state and nonstate actors fight to change governance and society in legal arenas, they redefine their institutional boundaries and claim moral authority over public stewardship. These boundary-making struggles are a critical part of the technomoral politics we describe.

Situating technomoral politics

Law and policy have been central to the Indian state's relationship with the voluntary sector since the colonial era, when social reform groups agitated to pass legislation banning *sati* (widow immolation), for example, and when the colonial state passed the Societies Registration Act (1860) and the Charitable and Religious Trusts Act (1920) to regulate such groups (Sen 1993; Sheth and Sethi 1991). These colonial laws, alongside new ones, still govern voluntary organizations today. In the early 20th century, Mohandas Gandhi—a lawyer turned activist—extended the legal and moral nationalist engagements with the state by building a political project of attaining *swaraj* (self-rule) based on moral principles. Gandhi argued that Indians would achieve swaraj by nonviolently challenging unjust colonial laws and institutions and by uplifting society through following the path of truth and performing selfless social service, especially in rural areas (Hardiman 2003).

After independence, some Gandhians continued voluntary grassroots work, while others collaborated with the Nehruvian state on welfare policy.[3] Civil society actors also had new channels of legal engagement available to them, as state leaders foregrounded law and constitutionalism to both distinguish the nationalist state from illegitimate colonial rule (De 2014), thereby consolidating its authority, and to bring about socioeconomic transformation and redistribution in a recently decolonized society (Chatterjee 2014). Once the constitution came into effect in 1950, people increasingly used judicial mechanisms to protect their fundamental rights and limit governmental authority (De 2014). This spread of legalism further engaged voluntary organizations and activists—as defenders of public interest, welfare, and justice—through technomoral political intervention with state institutions.

The 1970s were pivotal for postcolonial politics in India (Kaviraj 2011), signifying a new phase in judicialized activism. Alongside using pro-poor slogans like *Garibi hatao* (End poverty) and *Roti, kapra, aur makaan* (Food,

clothing, and shelter), the Indian National Congress party government, led by Prime Minister Indira Gandhi, declared a state of emergency, known as the Emergency, which curtailed civil liberties. The developmentalist state simultaneously articulated its responsibility to secure people's basic needs and clamped down on democratic rights. The Congress government also passed the Foreign Contribution Regulation Act (FCRA) in 1976 to scrutinize NGOs receiving foreign funds for political activities, invoking imperialist intervention by an ill-defined "foreign hand" to quash dissent. When Gandhi lost the elections in 1977, the newly elected Janata Party government promoted rural voluntary organizations and set up semigovernmental bodies, like the Council for the Advancement of People's Action and Rural Technology, to support NGO activity (Kamat 2002; Sen 1993). But Gandhi's reelection in 1980 led to a fresh round of repression of the voluntary sector through the Kudal Commission, which investigated several NGOs for their alleged role in the fall of the Congress government in 1977 (Jenkins 2010).

Although the Congress government increasingly scrutinized the voluntary sector, watchdog and social-action groups grew in number in the post-Emergency period. Dubbed "non-party political formations" (NPPFs), these groups were lauded by scholars as innovative actors blossoming in the wake of government repression (Jenkins 2010; Kothari 1984; Sheth and Sethi 1991). NPPFs expanded the agenda, space, and tactics of politics, highlighting gender, environmental, and human rights issues and mobilizing groups ignored by the mainstream Left (Menon 2013). NPPFs also had a new judicial tool of resistance at their disposal: public interest litigation (PIL), which the Indian Supreme Court introduced in the late 1970s to reverse its surrender to the executive during the Emergency and to influence legislation in the name of redistributive justice (Baxi 1980; Bhuwania 2014). PIL expanded the sphere of judicialized activism, making it possible for NPPFs, citizens, and other civil society groups to question legislation and state actions, make policy interventions, and do political work. For example, survivors of the 1984 Union Carbide disaster in Bhopal, where an industrial gas leak killed thousands, used PIL to demand justice (Fortun 2001), as did the Narmada Bachao Andolan (NBA) to challenge the construction of the Sardar Sarovar dam in Gujarat and the government's failure to resettle residents whom it displaced (Khagram 2002). NBA activists also used global human rights and indigenous rights instruments available to them (Khagram 2002). This brings us to how the transnational neoliberal context has articulated with and affected judicialized activism in India.

Scholars have noted the simultaneous rise of neoliberalism and the widening reach of legality and rights consciousness since the 1970s, although they debate whether this represents a coincidence or a more ingrained relationship, and whether human rights offers "moral leverage against neoliberal developments" or abets them (Moyn 2014, 151; see also Douzinas 2013; Hopgood 2013). As human rights discourses, institutions, and advocacy have expanded (Merry 2006; Moyn 2014), they have become intertwined with the technomoral discourses of humanitarianism and development, which propose technical solutions to moral, human problems (cf. Bornstein and Redfield 2011; Redfield 2008). Where militarized humanitarianism (Calhoun 2010; Fassin and Pandolfi 2010) has further destabilized the boundaries between state assistance and NGO work, development discourse has incorporated the language of human rights (Alston and Robinson 2005). For example, the African Charter on Human and Peoples' Rights, adopted in 1986, redefined what in the 1970s were called "basic needs"—housing and food, for example—as economic and social "rights."[4] Indeed, NGOs and grassroots groups pressured the United Nations to rearticulate development, sustainable livelihoods, and access to opportunities in terms of human rights, democracy, and civil society participation (Kamat 2004). Some of these ideas were even woven into the World Bank's neoliberal policy mandate.

Neoliberal restructuring, which provides the global backdrop for understanding Indian technomoral politics, focuses on formal languages of policy, law, and reform. It purveys technical and economistic rationalities, which "scrupulously distance themselves from 'value-laden' claims" (Ferguson 2006, 78), and brackets off the messy vernaculars of politics and morality. It explains away inequality by invoking free markets and efficiency, operationalizes democracy through elections, and realizes good governance through expert-driven legal and administrative reforms. It translates insistently moral and messy questions—about wealth, power, democratic governance, and what counts as "good" and "free" and for whom—into formal, disaffected languages and goals. These translations, however, are not easily accepted by groups on the ground that contest neoliberal interventions in highly moralized terms, employing the same technical means made available to them under the rubric of good governance.

Law and policy are key sites where technomoral political contestations occur, not only because neoliberal reforms take place within their purview but also because they instantiate hegemonic moral worldviews about proper citizenship. Individuals and civil society groups increasingly invoke national laws and constitutional rights, international covenants, human rights languages, and informal adjudication mechanisms to struggle for entitlements and to challenge the inequalities wrought by neoliberal reforms. They also use "soft law instruments" (Randeria and Grunder 2009, 1), such as the policies of international institutions like the World Bank, to demand compensation and restitution from their own governments (Keck and Sikkink 1998; Merry 2006).

These global shifts have had two important consequences in India. First, the kinds of claims that citizens and activists can make on the state in the name of development and democracy, and how they make them, have been reshaped as rights talk has assumed a central role in development discourse. Since 2005 movement activists, advocacy groups, and NGOs have successfully instated the rights to information, education, and food, for example, as a result of struggles fought on the streets, in the legislative arena, and in courts. The passage of these laws, in turn, has opened up new vistas of litigious engagement with the state and spread bureaucratized forms of citizenship, as in the Right to Information movement, discussed below (cf. A. Sharma 2013). Second, the number of Indian NGOs has dramatically increased since the 1980s, and they have become further entwined with state institutions, as a result of international institutions' endorsement of NGOs as efficient development actors and their promotion of state–civil society partnerships in the name of good governance. In 1988, 12,000 NGOs were registered with the Ministry of Home Affairs; there are now an estimated 2 million of them (*Times of India*, February 23, 2014; see also Kamat 2002).

As NGOs take on state work, providing development and humanitarian services, they can become Trojan horses, challenging state authority from "within," even as state institutions co-opt them (A. Sharma 2008; Unnithan and Heitmeyer 2012).[5] Additionally, NGOs can exert soft power on states from without, through global advocacy networks and rights discourses (Keck and Sikkink 1998; Merry 2006). As a form of "grassroots globalization" (Appadurai 2006, 115–37), some NGO activity has put governments on edge, producing the kind of anxiety reflected in the Indian IB report and prompting states to closely scrutinize their activities (ICNL 2013; Rutzen 2015; see also Sidel 2010). Furthermore, some academics and activists have also criticized NGOs in India and elsewhere for being bureaucratized and professionalized pawns in the hands of imperialist forces that use them to demobilize rather than promote "revolutionary" activism and change (INCITE 2007; Jad 2010; Petras 1999). These criticisms have reworked how people assess nonstate actors' moral legitimacy and political potential (Jakimow 2010). They have also widened the chasm between idealized nonstate actors like people's campaigns and movements, which some critics laud for their transformative and radical work, and NGOs, which they deem depoliticizing, conformist, and even statist agents (see Fisher 1997; Jenkins 2010; Kamat 2004; Kothari 1986). The Indian IB report's portrayal of NGOs as an antinational menace in 2014 converges awkwardly with leftist critiques, the critical difference being that the government considers NGOs seditiously political, while the left critique sees NGOs as not political enough.

Asserting its sovereignty and claims of moral legitimacy through the IB report, the Indian government has positioned itself in relation to a structurally and politically diverse voluntary sector. That the voluntary sector is a moving target—working with and against state bodies on development and redistributive justice and seeking to transform democratic institutions and governance—is both its strength and its deepest vulnerability.

A hall of mirrors: Ethnographies of technomoral politics

We now turn to ethnographic examples from our respective research settings, where technomoral politics is paramount. The first setting, explored by Sharma, involves interlocking issues of transparency, corruption, and democratic governance. Her fieldwork took place in Delhi, on the streets as well as in the alternately bare-bones and well-appointed offices of NGOs, movements, and a political party. It focused on disparate but connected groups: the grassroots people's group Mazdoor Kisan Shakti Sangathan (Worker Peasant Power Coalition, or MKSS), the Right to Information (RTI) movement, the NGO Parivartan (Change), the India against Corruption (IAC) movement, and the Aam Aadmi (Common Man) Party (AAP). The MKSS spearheaded the RTI movement in the name of transparent, accountable, noncorrupt, and participatory governance. This movement gave rise to many NGOs working on increasing awareness and usage of the RTI law. One of these RTI NGOs, Parivartan, subsequently led the IAC movement, which fought unsuccessfully to pass an anticorruption law and later turned into the AAP, which won elections in New Delhi. All these groups grounded their technical, legal demands for reform in moral claims about justice, "true" democracy, an "ideal" state, and public interest. Furthermore, these struggles tightly knit together NGOs, movement activists, state representatives, and political parties, compelling these actors to distinguish themselves and assert their moral legitimacy as the authentic voice of the disempowered "common man," or ordinary citizen.

Our second setting, explored by Bornstein, involves the voluntary sector's regulatory concerns and the growing entwinement of nonprofit and for-profit moral economies through two laws—the Foreign Contribution Regulation Act (FCRA), substantially revised in 2010, and the Companies Act (2013). This setting includes the offices and community workshop halls of a cluster of NGOs in Delhi, many of whose representatives had also engaged in other forms of movement-based activism. This social field focuses on Voluntary Action Network India (VANI), an apex (membership) body of Indian NGOs that coordinates national-level advocacy on behalf of the sector. VANI's advocacy tactics include organizing workshops and consultations on changing laws, communicating with civil servants on behalf of civil society groups, informing voluntary groups about legal reform through FCRA clinics, and writing reports on topics

such as the FCRA, NGO registration laws, self-certification, governance and accountability, and tax legislation. In the reports that VANI produces, which both document and enact technomoral politics, staff members write draft documents on various topics and hold workshops with relevant stakeholders—including representatives from the government and from the voluntary and private sectors—to receive feedback on the report. They then edit the reports to incorporate suggestions and critiques, circulate revised drafts to VANI's wider, national membership for comments, and release the final reports in print and online. VANI's advocacy efforts mimic state documentation practices and encourage dialogue with the state on its own terms. In this robust discursive engagement with laws and policies, VANI and other NGO activists constantly move through the porous state-nonstate border: they sit on official commissions, advise the state on five-year development plans (cf. Planning Commission 2011), lobby government officials about laws affecting the sector, and assist with the drafting of legislation that aims to transform governance and establish new citizenship rights.

The politics of transparency and anticorruption

The RTI law (2005) aims to empower citizens and make governance participatory and transparent. The need for a sunshine law in India became urgent in the 1980s as the state refused to share information with people's movements. For example, in the case of both the Bhopal gas leak and the Sardar Sarovar dam, the government invoked the colonial-era Official Secrets Act (1889) and denied activists access to critical information. In the Bhopal case, this included information about the storage of hazardous materials and details about the government's settlement with the Union Carbide Corporation, and in the Sardar Sarovar case, documents pertaining to the dam and resettlement (Singh 2010). It became clear that justice for the dispossessed required a new law to overturn government secrecy.

To accomplish that, MKSS organized a campaign in its home base of rural Rajasthan by using *jan sunwais* (public hearings), which focused on state development and entitlement programs like famine relief. At the hearings, intended beneficiaries testified that they had not received their due. Such social audits were replicated nationwide to reveal an integral link between government secrecy, corruption, and disenfranchisement. MKSS popularized the slogan *Hum janenge, hum jeeyenge* (We will know, we will live), which positioned information as a human right to life and transparency as a marker of a legitimate democratic state. Movement activists conducted public hearings and took to the streets, met with legislators, and worked with legal experts and former bureaucrats to draft powerful yet simply worded transparency legislation, which passed as the RTI law in 2005 (A. Sharma 2013).

MKSS is a people's organization, not a registered NGO, and it combines the transformative politics of social movements with development work typically associated with NGOs. It has, for example, operated ration shops that distribute government-subsidized food to people living in poverty and encouraged its members to run in local elections to keep transparency and corruption on the political agenda (Jenkins 2010), thereby extending its reach directly into state institutions. MKSS is thus a hybrid entity that challenges divisions between government and civil society and complicates the overly simplistic separation of electoral and movement politics from purportedly nonpolitical service-sector NGO work.[6]

The hybridity that MKSS embodies is precisely at issue in the technomoral politics we describe, as activists claim one institutional identity over another to stake a purer position in the political field. Consider this example: in March 2009, Sharma attended a meeting of the National Campaign for People's Right to Information (NCPRI), a movement body that represents groups advocating RTI from across India, at the Nehru Memorial Library in New Delhi. Aruna Roy of MKSS opened the discussion with a brief history of the *andolan* (campaign) for the RTI law, emphasizing its movement-based ethos.[7] She noted that the "nuts and bolts" RTI work was proceeding well but that the movement was weakening in its "foundational role of intervening in democratic governance" and "protesting the arbitrary use of power" through the transparency law. A journalist attending the meeting agreed that RTI had "become very bureaucratic work." Filing RTI applications and appeals, he implied, was dulling the political edge of the transparency movement (A. Sharma 2013).

The discussion then shifted to another critical question facing the campaign: should the NCPRI register as an NGO, given that an "andolan, a pluralistic campaign," as an attendee put it, is quite different from "NGO-ization"? Shekhar Singh, a prominent member of the NCPRI, elaborated the drawbacks of becoming an NGO: First, he said, the group must not turn into one of those "dishonest NGOs that are proxies" used for obtaining funds. Second, it must not solicit foreign funds because NGOs that do are scrutinized by the government through the FCRA. And third, NGOs, unlike government bodies, do not come under the RTI law and are not obligated to share information about their accounts and workings. But if the NCPRI were to register as an NGO, Singh asserted, then "we need to tell people that you have a right to demand . . . information from us!" Roy observed that while it was conceivable to "have an honest NGO" collaborating with the RTI campaign, NGOs and movements do "functionally different things": movements do "rajneetic kaam" (political work), whereas NGOs do "supportive work, not political work." Roy's colleague, Nikhil Dey, added that Indian law defines an NGO as "an organization *not* doing political work. If you tell the registrar of societies that

you are an andolan, he will refuse to register you [as an NGO]."[8] Another activist chimed in at this point, emphatically stating her opposition to NGO-ization: "A movement has independence. [But] NGOs have to operate within limits." Over lunch at the adjoining cafeteria, she told Sharma, "NGOs have become like *dukaanein* [shops] that anyone can open. It is a life of comfort because funding comes from elsewhere."

Technomoral politics in this context involved the etching of institutional identities as markers of moral and political integrity. The activists constructed movements as undertaking political activities, whereas NGOs were seen as performing nonpolitical, supportive tasks. Moreover they considered NGOs morally questionable, if not outright dishonest, given their alliances with donors and the state and their unaccountability to the public. Like businesses, NGOs can also be driven by the quest for financial gain rather than pure, altruistic motives. As we discuss below, this refrain is also taken up by NGOs that claim a higher moral ground in relation to corporations regarding social responsibility. Although participants at the NCPRI meeting did not portray all NGOs negatively, they positioned movements as morally and politically superior to them and agreed that if NCPRI had to maintain its public legitimacy, it would have to avoid the NGO "trap." This discussion reflects the debates in India about whether NGOs constrain political activism, as opposed to movements, which some view as model political actors whose nonparty form of ethical politics is better than both the antipolitics of NGOs (Jalali 2013; Kothari 1986) and the shady politics of state institutions.

The discursive, moral parsing of institutional identities, however, is troubled by the on-the-ground reality of RTI activism. Not only is MKSS a "movement-NGO duo" (Jenkins 2010, 422), but the transparency movement it spawned includes many rural and urban NGOs that work on the RTI law. In New Delhi, Sharma volunteered with one such organization, Parivartan, off and on for 11 months from 2008 to 2010. Established by Arvind Kejriwal, a bureaucrat turned activist, Parivartan worked with slum dwellers, helping them use the RTI law to access state entitlements. It is not registered as an NGO but is largely viewed as one by the media and public. Indeed, the debate over whether only groups registered with the state should be considered NGOs is itself part of the process of technomoral politics, as laws such as the FCRA become a battleground for NGOs (a point we develop below).[9]

By mid-2010, Kejriwal had moved away from narrowly focused transparency work and broadened his fight for governance reform. He told Sharma that even though the RTI law was supposed to make the state accountable and less corrupt, it was limited in its scope and impact. "What we are grappling with," he said, "is that, OK, you expose corruption [with this law]. What next? You make a complaint to the vigilance agencies . . . to the Central Bureau of Investigation . . .

to the police . . . to the president, to the prime minister . . . No action is taken . . . So you think, where do I go now?" The RTI was good for exposing government wrongdoing but not for investigating it or punishing errant officials. The existing anticorruption law, moreover, was "toothless." Kejriwal concluded that "the ordinary citizen, in his [*sic*] day-to-day functioning, has no control over governance. And this is not democracy. It is a sham." The larger goal of participatory democracy required "a better understanding of our [governance] systems" and "a different campaign altogether." This new campaign materialized shortly thereafter as Kejriwal joined forces with another well-known RTI activist, Anna Hazare, to initiate the India against Corruption (IAC) movement. Dubbed the "Indian Spring" by the national media, the IAC agitated unsuccessfully for the passage of a law establishing a *jan lokpal* (people's ombudsman) to end graft within the state and lay the foundation for what it called "true" democratic governance.

Hazare's reputation as a Gandhian dedicated to public good and Kejriwal's image as an honest ex-bureaucrat and crusader for state transparency served to buttresses IAC's virtuous politics. Moreover, the movement defined corruption primarily as a state affliction. Gesturing downward with his hands, Kamal, a member of the IAC youth wing, explained to Sharma that corruption "forms a chain, from the top to the bottom." He continued, "Everyone knows that all *netas* [elected leaders] are thieves," adding that "the main orders come from above. That is why corruption is increasing down here [in society]." The state, in other words, may be seen as being above society, but it was morally debased (cf. Gupta 2012). Kejriwal also argued that while "greed and the downfall of moral values" in society at large played a role in the prevalence of graft in India, its root cause was "corruption in administration [and] lack of adequate deterrence" (Jeelani 2011). IAC leaders positioned themselves as upstanding, "good" men who were the real voice of the suffering public of India and who had the moral and technical wherewithal to uplift a fallen state through legal reform and their exemplary behavior. Yet the IAC's efforts to pass new anticorruption legislation (known as the Jan Lokpal bill) failed. In August 2012, after a few leaders attempted to fast until death, the movement disbanded. Hazare continued his nonparty-based agitation for clean governance, while Kejriwal established a new political party, the Aam Aadmi Party (AAP). The AAP ran in the Delhi elections in November 2013, and Kejriwal became chief minister. His government resigned after 49 days because its proposed anticorruption law stalled; by resigning, it sought to demonstrate uncompromised moral principles. Kejriwal was again chosen chief minister of Delhi in February 2015, when the AAP won a landslide victory.

From 2011 to 2012, IAC leaders went on Gandhian-inspired hunger strikes and organized rallies for their cause (A. Sharma 2014). They took a part-moralistic,

part-technocratic approach, advocating legal and administrative reform while using moral, often religious, tactics to gain publicity. The movement initially allied with Hindu spiritual gurus like Sri Sri Ravi Shankar and Baba Ramdev and used images of Bharat Mata (Mother India) associated with the Hindu right wing, until it was publicly criticized for doing so. On March 25, 2012, Sharma attended a daylong fast held by IAC leaders at Jantar Mantar, a popular protest site in central Delhi, where IAC's moral repertoire and political symbolism were on full display. Thousands of people sporting white Gandhi caps with "I am Anna" printed in black on them (in reference to Anna Hazare) jostled for space with media personnel and the police. Some wore T-shirts bearing the words "Being Young" alongside an image of the leftist revolutionary youth Bhagat Singh, whom the British executed at the age of 23 in 1931. Indian flags were visible aplenty. The IAC leaders sat on a stage against a backdrop of a large image of Gandhi and used Gandhian terms in their speeches, labeling their campaign a *satyagraha* or "truth-based struggle" to end corruption and establish *swaraj* (self-rule). Using this unwieldy assortment of moral tactics to make a political case for technocratic governance reform allowed the IAC to claim a capacious, pro-public, "nationalist" agenda that disavowed any particular political ideology. Indeed, many critics of the IAC pointed out that it studiously avoided a clear ideological stance. The movement presented corruption not as a symptom of structural inequalities, exacerbated by liberalization (Patnaik 2011), but as a "touchy feely 'moral' problem" around which "everybody can happily rally," including "fascists, democrats, anarchists, god-squadders, day-trippers, the right, the left and even the deeply corrupt" (Roy 2011). The movement's politics were idealistic and positional, not about Left or Right but about moral righteousness (cf. Mouffe 2005); and it was about the technocratic business of lawmaking.

The AAP, like its predecessor, the IAC, used technomoral strategies to distinguish its virtuous politics from that of NGOs and the state. When the party was established, its leaders asserted that they had no other option but to enter electoral politics and that they would use activist means to fight the establishment and change governance from within. "Now the andolan will take place on the streets as well as in the Parliament," Kerjiwal claimed on TV (NDTV, August 13, 2012). He exhorted people who were tired of politics as usual to join hands with the AAP: "This is not a party but a social movement, a political revolution" (News X, September 4, 2012). When people questioned his move toward electoral politics and argued that the state, activism, and morality were inherently incompatible, Kejriwal responded that "Gandhiji used to say that politics devoid of spirituality is very dangerous" and that his government would "prove that one can do politics with honesty" (NDTV, October 7, 2012). Even as he made a case for ethical politics,

Kejriwal drew a line around the state and its current form of dirty politics, counterposing it to a movement-based politics of virtue; the latter needed to infiltrate the state in order to cleanse it.

The AAP identifies itself as a moral and "revolutionary" misfit in state politics, and like the IAC, it claims that its agenda is not ideological but moral. During a speech, Kejriwal lamented that many people were accusing the AAP of being leftist. "Up until last year," he said, "when the Anna movement was on, people used to say that we are capitalists." He later added, "We are not wedded to any ideology. We are basically *aam aadmis* [common men]. We have problems," he said, and "just want solutions to our problems." He concluded, "All these labels put on us are *bebuniyaad* [baseless]" (Kejriwal 2013). The problems of the ordinary public could not possibly have any ideological color, Kejriwal implied, and neither did their solutions. Reforming government was a technical task to be undertaken by idealistic, upstanding, and skilled people, and that was the end of it.

The judicialized forms of activism undertaken by the NGO and social movement actors that Sharma studied blended into each other, and in one case morphed into a political party, with its members becoming state representatives. In the arena of technomoral politics neither the state nor movements nor NGOs can be found in any discrete place. It is this very ground-level instability that prompts an aggressive politics of positionality wherein state and nonstate actors strategically construct their identities and difference in relation to one another. This is technomoral politics in action. In the examples discussed above, movement activists position themselves as ethical and revolutionary actors. They simultaneously mark state bodies as suspect because of their impure politics, and NGOs as actors who suffocate or avoid politics, functioning like businesses that receive money for implementing projects that are designed elsewhere.

The politics of responsibility and regulation

The intersecting political dynamics of nonprofits, corporations, and state institutions echo similar positional struggles and claims regarding who is the most moral of them all. Among those working in advocacy, some fight for the rights of the dispossessed and some for the rights of the NGO sector itself. VANI, with which Bornstein volunteered in Delhi for 10 months in 2012–13, aims to create an "enabling environment" for voluntary groups (VANI 2013a). Much of VANI's work in 2012–13 involved bureaucratic advocacy and legal literacy surrounding two laws: the Foreign Contribution Regulation Act (FCRA), which had just been revised and was being implemented in its new form, and the Companies Act (2013), which was at the time in the process of being passed by Parliament. The FCRA was

revised in 2010 to become more stringent as a national security law to combat terrorism and money laundering; at the time of this writing, its rules are being amended once again (Manku 2015a). The new FCRA includes increased regulatory provisions for NGOs that receive foreign donations—NGOs must reapply to the Ministry of Home Affairs for permission every five years—and an additional stipulation that funds received through FCRA cannot be used for political or "antinational" activities. A government official quoted in a VANI publication stated, "A VO [voluntary organization] must not use foreign donations to criticize Indian policies [but] to do development work instead" (VANI 2014, 3). That development is defined as an apolitical NGO task is itself a deeply political claim and strategy (Ferguson 1994). Moreover, the ambiguous definition of "political" work in the law disadvantages NGOs, since there is no telling which activities may be deemed political or "against national interest" and which organizations may be restricted by the government from receiving foreign funds (*Economic Times*, July 2, 2015; Manku 2015a).

After the FCRA rules were implemented in May 2011, the government canceled the registration of over 4,000 NGOs, some erroneously (for example, some NGOs had moved offices without notifying the government). VANI petitioned the government to reevaluate the cancellations, and those in error were overturned. But the voluntary sector was concerned, as activists claimed the government was using the FCRA to target NGOs for their political activities and to discipline an unruly sector (cf. Lewis 2010 on Bangladesh). One NGO whose FCRA registration was canceled, Indian Social Action Forum (INSAF)—which consists of 700 voluntary groups doing political work, including protesting nuclear energy, religious fundamentalism, and the violation of indigenous people's rights—took the government to court in August 2011, challenging the constitutionality of the law itself by filing a Supreme Court petition. In the two-year court battle that ensued, INSAF's bank accounts were frozen and its foreign funding, which composed 90 percent of its donations, was suspended. The organization was then obligated to increase its domestic fundraising (*Firstpost India*, June 13, 2014; INSAF 2013). In October 2013, a judge overturned the cancellation of INSAF's FCRA registration and the freezing of its international funds. Yet INSAF became a cautionary tale for the voluntary sector in an era of intensified legal reform. NGOs not only had to know the law but also had to use it to defend their existence. One of VANI's responses was to educate its network members about new laws affecting the sector through regional workshops, newsletters, and clinics.

VANI also organized workshops with its members in and outside Delhi to discuss the damage done to the voluntary sector's image as a result of government scrutiny and academic criticisms, and to strategize what could be done to fix it. Through discussions that sometimes turned into heated debate, the group decided to write a report affirming the sector's historically significant contributions to national development. One of VANI's aims in its capacity as the "voice of the voluntary sector" (*vani* means "voice" in Hindi) is to assert "NGO values"—as a particular ethical positioning—which has become an ever more urgent focus in the face of the amended FCRA law and the IB report. In June 2013, VANI published *The Status of the Voluntary Sector in India: A Study Report*, which Bornstein participated in drafting, and which became an advocacy tool for NGOs to use with donors and civil servants. Funded by a foundation, the report was written over six months through a process involving public workshops: 62 organizations and individuals from six Indian states were consulted in the process of writing the report, which referred to 145 organizations. Although the report was cowritten by several staff members, they were unattributed. As with the IB report authored by the state, the status report carried an institutional signature. The report's final version provided a history of NGOs since liberalization, addressed questions of nomenclature and identity, and outlined challenges facing the voluntary sector, such as FCRA regulations, diminished funding, and governance issues. It highlighted the sector's good work with women, children, and tribal peoples, its campaigns for environmental conservation and educational reform, and its contributions to India's development in sectors of water and sanitation, health and nutrition, and agricultural livelihoods (VANI 2013b). It aimed to redefine the moral space of voluntary action in troubled times.

In compiling this report, activists consulted civil servants and corporate representatives who participated in many of VANI's workshops. Corporations are not new actors in social welfare provision. Industrialist family businesses and corporate groups such as the Tatas and Birlas, among others, have long partnered in funding India's development. However, an innovative legal dimension to this partnership emerged: the inclusion of a corporate social responsibility (CSR) tax in the Companies Act. Bornstein got a vivid sense of the excitement and skepticism with which activists approached this altered landscape. Although corporate involvement represented potential alternate funding streams in the face of restricted foreign donations, NGO delegates were ambivalent. Corporations, they told Bornstein, had a profit-based "value system" that was different from their not-for-profit, beneficiary-oriented work. Education, for example, was one arena where activists were challenging the intersecting legal distinctions between charitable and for-profit bodies, which the state enabled by requiring both educational institutions and NGOs to register under the same legal category of "societies." VANI described the growing number of private educational institutions as profit-seeking predators and "teaching factories" that rendered education into a commodity instead of a right (Pushkar 2013). The moral distinction between selfless NGOs and

businesses driven by self-interest had a legal remedy: legislation "made exclusively for not-for-profit organisations," which VANI exhorted the government to enact, as well as reform that clearly distinguished between nonprofit and profit-driven institutions (VANI 2013a, 20–21).[10] It even called for a separate ministry to oversee the voluntary sector. In VANI's technomoral political positioning and argumentation, NGOs' lack of a profit motive automatically signified closer ethical ties to the public, as distinct from state institutions and corporate bodies. The public good and interests of the voluntary sector were unique and different from the business-oriented privatization of basic rights and entitlements, such as education and food, as goods to be bought and sold. Thus, the sector warranted its own set of laws (Manku 2015b).

Claims about NGO distinctiveness take on heightened significance in the context of neoliberal reforms as the Indian state promotes privatization and courts business investment to promote growth. In addition, the government has reworked its legislative architecture to involve corporations more centrally in funding social welfare through a provision in the Companies Act, which levies a 2 percent CSR tax. This legislative move exemplifies the globally expanding trend of CSR, as well as social enterprise and venture philanthropy (Hopgood 2008; Rajak 2011), which promotes business models and market-based strategies for development, poverty alleviation, and social welfare. In the process, CSR can redefine development in terms of capitalist aims and interests, extending the reach of the market, creating paternalistic dependencies between corporations and CSR beneficiaries, and bestowing moral legitimacy on corporate and state actors, as Dinah Rajak (2011) shows in her critical study of CSR in South Africa.

For others, however, blending entrepreneurial innovation with social investment—doing good and making money—is a more hopeful and exciting prospect (Yunus 2005; cf. Ferguson 2010). Sitting in an office behind his glass desk, the manager of a large Indian family foundation enthusiastically supported the social-enterprise approach to development in an interview with Bornstein.

> Picture two photographs next to each other—Steve Jobs and Mother Teresa—and put a plus sign in the middle, so it's the entrepreneurial thinking of Steve Jobs . . . to attack social ills. [This is] taking off in a huge way. It's going after the social sector, solutions for the social sector, in a sustainable way. So *sustainable* means that [you] are not grant dependent. It's not charity dependent. It's not subsidy dependent. You may get grants and soft capital [finance to help an organization grow] in the early stage of taking off. It can be an NGO. It can be a business.

The indifference the manager projected as to whether the institution is an NGO or a corporation is also evident in the Companies Act, under which NGOs can register as "charitable companies" (or Section 8 companies). The CSR initiatives written into the Companies Act are an arena of technomoral politics where NGOs, corporations, and state institutions negotiate moral legitimacy.[11] It is too soon to judge the effects of this law, and whether it will transform the identity of the voluntary sector, since it is being implemented as we write.

Nonetheless, the passage of the Companies Act presents both challenges and provides opportunities for NGOs. Even as they risk being sidelined, co-opted, and upstaged by corporations on their own "altruistic" turf (Salamon, Geller, and Newhouse 2012), some NGOs recognize that greater access to corporate funds can potentially help keep their work alive and their organizations afloat. The new law is progressive in that it mandates CSR engagement by large corporations with a net profit over a certain amount.[12] With international funding having declined because of the global recession and the FCRA restrictions on foreign donations, this 2 percent provision offers the promise of domestically sourced funds for Indian NGOs.

This has caused great anticipation. In 2013, at VANI's national convention, which Bornstein attended, an NGO director stood up in front of the packed conference hall and announced to the nearly 200 representatives in attendance from all over India that about 18,000 crore rupees ($3.3 billion) of philanthropic funding would soon flood the social sector market. The energy and anxiety in the room was palpable. During a panel session titled "Building Bridges—Working with Corporates," a representative from a trade association of Indian information technology companies spoke about its foundation and CSR work. After the panel concluded, she was swarmed by employees of small, rural NGOs desperate to learn how to access the resources she professed to distribute. They raised other issues as well, such as how in-kind donations or volunteer labor from corporations to NGOs would be calculated in the CSR provision and whether corporations would stop providing these services given the new legislative directives. The government stipulates specific areas toward which CSR funds can be directed, including poverty alleviation, rural development, education, gender and caste equity, environmental sustainability, employment-enhancing vocational skills, and giving to the Prime Minister's National Relief Fund for disasters and emergencies.[13] This list is controversial because it conspicuously excludes human rights work and further institutionalizes and entrenches financial relationships between politicians and corporations: the mandated 2 percent CSR, if given to government-sponsored charities such as the prime minister's fund, can subsidize state institutions. Bornstein later discussed these challenges with the director of a prominent Indian NGO, who explained that even if 90 percent of the CSR funds mandated by the

Companies Act went to the government and 10 percent to NGOs, it would be beneficial. She considered this legislation the start of a new conversation with corporations, and she directed much of her professional activities toward encouraging corporate leaders to support her NGO with their CSR funds.

In the various legislative reforms discussed here, we see how the ground of development, social welfare, and democracy is being transformed. Through the Companies Act, the Indian state has opened its arms to corporations as social welfare providers and begun to reform the regulatory frameworks that govern civil society. As the legal boundaries between various state and nonstate bodies are continually redrawn and the legislative landscape of social action shifts, NGO and movement activists engage with the state through the law, using technomoral political strategies. Voluntary groups engage the government, contesting and clarifying laws like the FCRA and Companies Act as they are drafted, amended, and implemented. While demanding that the voluntary sector be regulated more justly, NGO activists fight to defend and extend people's rights, like the right to food, and attempt to render the state more substantively democratic through progressive legislation, like the RTI law. It is through such judicialized, technomoral struggles that state and nonstate actors prove their moral mettle, discursively define their institutional identities vis-à-vis one another, and defend their "comparative advantage" and "efficiency" as good-governance actors.

Righteous and rightful politics

In April 2015, the Indian government revoked the licenses of 8,975 NGOs for violating FCRA regulations (Johari 2015) and refroze Greenpeace India's foreign and domestic donation accounts. In response, a group of prominent activists released a statement to the media:

> Civil society organisations in India have a long and credible history of standing up for social justice, ecological sustainability, and the rights of the poor. When certain government policies threaten these causes, civil society has a justified ground to resist, and help affected communities fight for their rights. This is in fact part of the fundamental duties enjoined upon citizens by the Constitution of India. (Bhan 2015)

The activists used a technomoral approach emphasizing constitutional rights and duties to condemn state repression. In concert with events described in our ethnographic examples above, Greenpeace used judicialized tactics against the government's legal action: it filed a case, and the Delhi High Court ordered its domestic accounts unblocked the following May. Meanwhile, the Ministry of Home Affairs continued its spree of canceling NGO licenses, adding 4,470 organizations to its roster by early June 2015

and putting the Ford Foundation on its watch list (Johari 2015; *New York Times*, May 7, 2015). The ministry also proposed amended FCRA rules, requiring that NGOs register with the government online (disadvantaging small rural organizations) and that FCRA-regulated NGO employees submit the details of their personal social media accounts. VANI and other groups responded to the government with their concerns about the proposed rules. One NGO leader called the increased surveillance "suffocating scrutiny" (Mohan 2015).

The trend of increasing state regulation of NGOs, both in India and worldwide, reflects that NGOs are seen not merely as "doing good" (Fisher 1997) but as doing politics: they transect and challenge state institutions, force governance reforms, and potentially threaten corporate profits through translocal organizing (Keck and Sikkink 1998). NGOs have states on edge, but this in itself is not novel. The Bharatiya Janata Party's (BJP) amplified scrutiny of Indian NGOs echoes the Congress government's position in the mid-1970s and the early 1980s, when it passed the FCRA law and set up the Kudal Commission. The current regulative acts were also prefigured in a speech delivered by Prime Minister Modi at the BJP National Convention in 2010, when he was chief minister of Gujarat. During that speech, Modi laid out his vision of *surajya* (good governance) with technomoral aplomb: he seamlessly interwove the neoliberal rationality and techniques of proper government promoted by organizations like the World Bank with an imagined Hindu moral worldview of ideal rule instantiated by Ram Rajya and by the example of the Bhagavad Gita.[14] Modi's vision of surajya included NGOs, but with an important caveat: "Non-state actors such as NGOs, and voluntary agencies and activists . . . are said to be watchdogs. But who will watch the watchdogs?" Surajya, he argued, requires a "strong" government that is "rightsized," not downsized, and that can serve as an effective "weapon in the fight against fissiparous tendencies, both within and without, to destablise the country" (Modi 2010). The warnings expressed in this speech were made manifest in the events that unfolded in 2014–15. The intensified technomoral politics we recount in this article is an ongoing social process with earlier precedents.

Nonstate actors in India have always had a dynamic and contested relationship with the postcolonial state. They have been courted and contracted by state institutions as partners in national development, albeit on statist terms. They have also opposed state agencies, forced policy reform, and been deemed antinational forces. NGOs shapeshift (Bernal and Grewal 2014) as they work with and against the state. Some NGOs demand clearer regulation, while others morph into movements or enter electoral politics to transform state institutions and practices. Perhaps we have moved from an oppositional politics wherein NGOs are defined by what they are not—the state, political

parties, social movements, labor unions, corporations—to a positional politics, wherein different social actors deploy technomoral strategies to stake their moral ground as they seek to represent the interest of the public and to render governance virtuous, clean, and substantively democratic.

The politics we have described in this article takes judicialized forms: its actors constitute lawmaking as a contentious social process and a realm of negotiation. Lawmaking, as an instantiation of sovereign power, is one of the state's primary tools for claiming moral authority. It is also a key ground for activist communication with and critique of state institutions. It is through law—whether the FCRA, Companies Act, or rights-based legislation such as the Right to Information, Food, Forests, and Education Acts—that technomoral politics is articulated, for it is also through law that NGOs, social movements, and other nonstate actors increasingly aim to challenge state institutions and alter governance structures.

Nonstate actors' use of dominant, statist languages of law and policy cannot be deemed simple co-optation, for the judicialized politics we have described is hydra headed. As the impetus for government control over the voluntary sector expands and the laws governing this sector rapidly change, technomoral politics offers the hopeful potential to fight the shrinking space for dissent and expand the realm of rights. Aruna Roy, the RTI activist introduced earlier, reflected on this potential in an online interview:

> [There is today] a blatant disregard for poor people and their concerns, and a dismissive attitude to the rights-based paradigm. . . . The space for social activism may have been undermined because of the witch hunt of dissenters by the Home Ministry and other agencies of state. However, the need for social activism is even greater at a time when mainstream political parties seem to be turning away from social sector issues. People's movements are actually stronger than ever before . . . [and] are engaging with the state, the market, and with many powerful adversaries in society. . . . While some social activists make a transition into electoral politics, others must continue to deepen the space of the non-party political process. The dialectic between the two will make for a much healthier and more vibrant democracy. (S. Sharma 2015)

We anticipate that technomoral, judicialized strategies will grow in India and elsewhere, given the growing importance of rights-based discourses in global politics that simultaneously deploy technical and moral idioms. Although rights are sometimes formally promoted by states as stand-ins for providing material resources—instead of giving free medicines, for example, states appear to support the "right to health" through privatization and self-care (cf. Unnithan and Heitmeyer 2012)—what we also observe in India is the recoding of entitlements as rights largely as a result of

grassroots activism and advocacy. Judicialized activism in the name of rights has facilitated, not precluded, justice-based resource redistribution. It has also not squeezed out other forms of mobilization, such as the Maoist movement, which is not bound by the law and engages state power on very different terms. Instead, judicialized strategies have become critical components of the technomoral activist tool kit in India. These strategies, which use the languages of rights, law, and policy, are undoubtedly constrained by the liberal-democratic framework in which they operate. Judicialized activism may be "dangerous" in that it comes with limits and risks, alongside possibilities. It is not, however, depoliticized or antipolitical. The threat that judicialized activism poses to the state, and the arsenal of technomoral strategies that both state and nonstate actors use, affirm its political currency. Enlarging the scope of rights and entitlements for citizens, and expanding the sphere of dissent in a context in which they are under threat, does not signify the *end* of politics but its transformation into a *righteous and rightful* form.

Notes

1. Our names appear in alphabetical order and do not reflect first and second author. This article is the result of a full 50-50 collaboration.

2. Mouffe (2005) argues that instead of confrontation between adversarial groups (for example, the Right and the Left), political struggles are displaced by moral struggles between good and evil. Mouffe's theory is only partially relevant for the Indian political setting. Unlike European constitutions, India's integrates separate laws for different groups and establishes an electoral process for identity-based voting blocs, as well as coalition building across parties and across regional and national scales. In this context, Right and Left might be less useful analytic categories than other affiliative alliances manicured for political gain.

3. State and nonstate groups continue to selectively claim the Gandhian legacy as a hallmark of their virtuous legacy.

4. See the African Charter on Human and Peoples' Rights at http://www.achpr.org/instruments/achpr, accessed March 10, 2015.

5. Humanitarian governance can position NGOs as shadow states in military and postmilitary contexts, and in states of emergency (Pandolfi 2010).

6. One of MKSS's leaders, Aruna Roy, is a former civil servant who also served on the National Advisory Council, a government body that advises the state on social policy matters. She is an activist not strictly outside the state (cf. Lewis 2010).

7. We use pseudonyms for all our interlocutors but not for public figures.

8. Political activity is notably absent from the Societies Registration Act's definition of NGOs as organizations doing charitable, literary, artistic, scientific, or educational work. See the Societies Registration Act, No. 21 of 1860, India Code (1860), vol. 21, available at http://indiacode.nic.in. See also the FCRA, which requires that organizations seeking foreign funds are not engaged in "activities detrimental to national interests" and that FCRA funds may not go to political parties. The Foreign Contribution (Regulation) Act, No. 42 of 2010, *Gazette of India*, section II(1) (Sept. 26, 2010), p. 8, accessed August 7, 2014, available at http://www.mha.nic.in/sites/upload˙files/mha/files/FC-RegulationAct-2010-C.pdf.

9. The singular category of "NGO" lends coherence to an otherwise diverse and differentiated assemblage of actors, including social movements and campaigns, funded NGOs, unfunded people's groups, advocacy and research organizations, religious charities, and corporate philanthropies. To oversee the groups under this catchall category, the government employs multiple laws, some dating to the colonial era, under which nonprofit entities must register with the state (Sen 1993).

10. A National Policy on the Voluntary Sector was formulated through extensive dialogue with the government (Planning Commission 2007).

11. The category of "charitable company" under Section 8 signals a porous boundary between nonprofits and corporations. NGOs can choose to register as charitable companies and be regulated under the Companies Act.

12. The 2 percent tax applies to companies with a net worth of 500 crore rupees or more, a yearly turnover of 1,000 crore rupees or more, or a yearly net profit of five crore rupees or more. The companies are taxed on the average net profit of their preceding three fiscal years. See the Companies Act, No. 18 of 2013, *Gazette of India*, section II(1) (Aug. 29, 2013), accessed August 7, 2014, available at http://www.mca.gov.in/Ministry/pdf/CompaniesAct2013.pdf.

13. See the Companies Act, schedule VII, section 135.

14. *Ram Rajya* refers to the kingdom of the Hindu God Ram and is popularly understood to mean an ideal form of rule. The Bhagavad Gita, an ancient Indian text, is part of the Mahabharata.

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