

Is knowledge power?: the Right to Information Campaign in India

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Introduction

All over India, along dusty rural roads and city streets, one can now see signboards in the local language announcing ongoing construction works. Whether repairing a road, building a school or bridge, or digging a check-dam, the government prominently displays basic information about the work undertaken. The signs make public a project's purpose and its technical specifications, its cost and source of funding, the executing agency, and the date of commencement. They declare the government's commitment to transparency in public expenditure, acknowledging a demand that has been vigorously voiced by various social groups in India in the last decade, more recently under the rubric of the National Campaign for the Right to Information. Through the signboards, a major achievement in the struggle for greater accountability in governance is writ large across the Indian landscape.

Mandated by the government as a response to public pressure, the signboards would be meaningless if the process of mobilization that led to them was not sustained. In the past, these signs would merely have served a cosmetic purpose. Even the literate few who could understand them would have found it almost impossible to negotiate their way through the labyrinths of government procedure to verify whether a project met its stated parameters. Take road works, for instance. Each year, a municipality spends millions of rupees on road repairs. Generally, projects are sub-contracted to private firms who often corner jobs by bribing the appropriate municipal officials and corporators to reject more competitive bids. Once their bid has been chosen, these firms short-change the public by using substandard materials and by cutting corners in the work process. Another round of bribes at the time of inspection ensures that the work is approved and their payments cleared. Confronted with roads that become potholed barely a month since repair, most citizens could do little besides fulminating against the rampant corruption in public works. The signboards would get only a passing glance.

This dismal state of affairs received a major jolt when citizens' groups in various parts of India began using the Right to Information (RTI) to inspect government documents. Upon payment of a nominal fee and photocopying charges, any citizen can now ask for specific information and the competent government authority is required to respond within a short period. If information is not provided, or if it is inaccurate or incomplete, citizens can complain to a Public Grievance Commissioner. If an officer is found delaying or withholding information or supplying wrong information, s/he can be fined a fixed amount for each day of delay. In the case of the repairs on a potholed road, how did examining the public record help? Comparing government papers with physical inspections of the work and examining building materials against their official specifications showed precisely where the records had been fudged and by whom. Not only did it enable groups to demand that incompetent and corrupt officials be prosecuted and collaborating firms blacklisted, their vigilance and continued public scrutiny ensured that future projects were less likely to be undermined by corrupt practices. As a result of these efforts, greater probity and efficacy in public works is much more likely.

The National Campaign for People's Right to Information (NCPRI) was formally launched in 1996 at a gathering of more than a hundred activist organizations. Campaign leaders described their goals as 'transparency in public life, empowerment of people, deepening of democracy, and fighting corruption and malgovernance'. Their primary focus was to campaign for a national law on the right to information. In the same year, the NCPRI and the Press Council of India sent the first draft of such an Act to the government for consideration.¹ Since 1996, nine out of 28 Indian states enacted legislation to grant citizens the right to information (RTI), and on October 12, 2005, the central government led by the Congress Party made operational a national-level Right to Information Act that applies throughout the country to central, state and local government institutions. The Act is a major milestone in the Campaign's ongoing struggle. As required by the Act, all government departments and public sector organizations are currently putting together the infrastructure needed to meet public demands for information. This entails appointing Public Information Officers and training personnel to answer queries. Such a flurry of bureaucratic activity in response to a new law is unusual. How was such a radical piece of legislation passed and notified?²

At the NCPRI national convention in Delhi in October 2004, a diverse array of people – rural development workers, anti-dam activists, urban slum-dwellers' organizations, politicians from the Left and far-Left, advocacy and research NGOs, lawyers and legal activists, academics, and the odd bureaucrat – reflected on their experiences with trying to get information and deliberated on how to make the campaign more effective. What these discussions made powerfully evident was that the demand for the right to information had grown from tiny sporadic initiatives dispersed across the country to a concerted campaign. The forging of horizontal links was matched by the leap in vertical reach, from targeting local governments and small projects to securing legislative action at the highest levels of the state. Translating legislation into practice seems much more likely with the strongly mobilized grassroots organizational network of the NCPRI.

The recent successes of the NCPRI are all the more impressive because its constituent organizations belong to that most marginal political group – 'people's organizations' that are neither NGOs who draw on donor funding, nor formal political parties. Some of these groups achieve a prominence out of proportion to the numbers they represent, especially when they address issues of national development and the environment (e.g. large dams), but the majority labour on in relative obscurity. How were these small

¹ The then government appointed a Working Group headed by H. D. Shourie, a retired civil servant and consumer rights advocate who headed the NGO Common Cause. The group watered down the NCPRI-PCI draft to produce a Freedom of Information Bill that the NCPRI found highly unsatisfactory. This Bill was passed by Parliament in 2002. For an insightful account of these events, see Mander n. d. Before this, the coalition government of 1989 headed by V. P. Singh had attempted to draft an RTI Act. PM Singh, who is now associated with the NCPRI, ruefully reminisces that the committee of ministers constituted to draft a Bill used the RTI as a pretext to go on a world tour to 'study' similar legislation. Their diligent tourism notwithstanding, no Bill was drafted.

² Simply enacting a law is not enough; it must be 'notified' by the government with an accompanying set of rules to make it operational. Several laws, including the earlier Freedom of Information Act 2002, were suspended in limbo despite being passed by Parliament and approved by the President of India because the government did not follow up by issuing notification.

localized groups able to sustain a long-term campaign that resulted in opening up the public sphere, enabling popular participation that made the government more accountable to ordinary citizens? What strategies of networking did they use to expand and consolidate their sphere of influence? How were they able to win over neutral groups and neutralize hostile ones?

There are also other intriguing aspects to the NCPRI. In the early 1990s, no observer of the social movement scene in India would have identified the Right to Information as a significant political issue. The top contender would have been the campaign against displacement by development projects, spearheaded by the movement against the dams on the river Narmada, the Narmada Bachao Andolan (Save Narmada Movement) or NBA. When the NBA, together with groups such as the Kerala Fishworkers' Forum, started a coalition called the National Alliance of People's Movements, it seemed that the next decade of social movements organizing would focus on fighting for livelihood rights and control over natural resources, uniting farmers, fishworkers, forest-dwellers against a developmentalist state and private capitalist corporations. The pattern of development that displaced poor local communities by usurping their land and natural resources was the centre of critique. Within this campaign, the question of citizens' right to information did crop up repeatedly as social movements sought greater information on government projects. For instance, the Narmada Bachao Andolan had challenged the Official Secrets Act to demand access to dam-related documents and to assert the right to public protest in 1988. Yet, while the demand for greater public accountability was an intrinsic element of the social movements of the 1980s and early 1990s, they did not directly or explicitly focus on the right to information. From the vantage point of those years, no one could have predicted that the next major social mobilization, far more extensive and effective than the NAPM, would be the NCPRI. What has enabled the current campaign to act in a concerted fashion? How does it draw on the networks and political analyses created by the National Alliance of Peoples' Movements of the early 1990s? In what ways do its strategies diverge from those of previous campaigns?

Another curious aspect of the success of the NCPRI is the fact that it has occurred during a period when successive governments have firmly established the Indian economy on the path of economic liberalization. Neoliberal policies have resulted in the shrinking of poor people's access to basic subsistence and in the denial of government goods and services to them. Does this context make the RTI an anomaly? Should it be interpreted as a democratic sop, meant to create political legitimacy even as the economic ground is being cut from under people's feet? After all, what use is information if you cannot feed yourself? Left radicals may dismiss the RTI as liberal anodyne, and accuse the government of cold-blooded cynicism: If they don't have bread, let them eat paper.³ What does the unexpected success of the NCPRI tell us about the Indian polity and about the workings of democracy in an age of liberalization? Also, what has been the role of the international conjuncture in shaping the RTI movement in India? Is it mere coincidence that more than fifty nations around the world

³ Dunu Roy's article in *Seminar* (discusses the political context in which the US government passed the Freedom of Information Act and argues that the law was intended to divert more radical energies.

have passed RTI legislation since 1990? When the neo-liberal global order, led by the IMF and World Bank also claims to promote 'good governance,' what strategies does the NCPRI chart in order to escape being co-opted as part of this transnational project?

I shall examine these and other questions about what the NCPRI has accomplished and the challenges that it continues to face by (a) outlining a brief history of the campaign; (b) analyzing the reasons for its success; and (c) discussing its limitations. I have used detailed interviews with activists and scholars affiliated with the NCPRI to construct an oral history of the campaign and some of its constituent members, both organizations and individuals. Our conversations examined particular events that were critical to the campaign's organization and efficacy, as well as conjunctures that created significant breakthroughs in terms of ideology and mobilization. I have also focused on two organizations that have been central to the NCPRI: the Mazdoor Kisan Shakti Sangathan that started the RTI movement in rural Rajasthan and the Delhi-based Parivartan that went on to become the campaign's leading activist group on issues affecting the urban poor, to chart the changes in their practices and perspectives. I also draw upon interviews with activists and analysts not associated with the NCPRI who have a different view of its activities. Access to secondary sources – newspaper records, press statements, government orders – supplements fieldwork which involved attending RTI workshops, public meetings, and conventions.⁴

The National Campaign: A Brief History

The formal launch of the NCPRI in 1996 could not have happened without years of prior effort by its constituent members to secure the RTI on their own spheres of work.⁵ As stated above, many people's organizations struggled to gain access to information about government projects, especially their social and environmental impacts. As those campaigning against forestry projects, large dams and mining discovered, the government rarely volunteered such information. Activists had to rely on 'leaked' documents and information gleaned from government responses submitted to the courts and to donor organizations such as the World Bank which had a more liberal public disclosure policy.⁶ Ironically the Indian government granted the right to information of multilateral funding organizations first, before recognizing the same for its own citizens. The government's apprehensions that information made available to activists would be used to undermine development projects were well-founded. Through public interest litigation and by marshalling critical analyses from scientists and other technical experts sympathetic to their cause, people's organizations were able to mount comprehensive challenges to development projects. In many instances, they were able to stop or modify or, at least, stall projects. However, in the welter of claims and counter-claims about development projects, their benefits and losses, the debate grew increasingly polarized. The state's accusation that people's organizations were

⁴ The best online archive of reportage on the Right to Information can be found at <http://www.indiatogether.org/rti>. The official website of the NCPRI is <http://www.righttoinformation.info>. The international freedom of information campaign website is <http://www.freedominfo.org>. See also the special issue of *Seminar*.

⁵ An informative pre-history of the Right to Information campaign, especially early attempts to seek information on environmental hazards, can be found in Singh n. d.

⁶ Fox and Brown 1998.

not 'constructive' and that they did not want India to develop, was overwhelmingly supported by dominant groups in the country. As economic liberalization proceeded in the 1990s, to be met by opposition from the National Alliance of People's Movements, the charge that the 'anti-development lobby' was backward-looking was voiced even more loudly. As the debate on development became increasingly adversarial, the middle-ground for negotiation and compromise eroded.

During the 1980s and 1990s, while some people's organizations were concentrating on mobilizing against particular development projects or government decisions: the Narmada dams, displacement from national parks, the entry of corporate firms into agriculture and fisheries, others were engaged in more wide-ranging mobilization around rural development. Small localized *jan sangathans* (people's organizations) occupied the social action field along with the *jan andolans* (people's campaigns/movements). The sangathans were often members of andolans on particular issues. For instance, the Khedut Mazdoor Chetna Sangath in western Madhya Pradesh, which worked on the issue of adivasi (tribal) rights to land and forests, reviving an adivasi cultural identity, and on access to rural development works, was also a part of the Narmada Bachao Andolan because some of the villages where the Sangath worked were threatened by displacement due to the Narmada dam.⁷ In turn, the andolans could fairly quickly activate affected populations by drawing upon the long-term political mobilization effected by the sangathans. While the andolans caught the media eye, the sangathans were more low-key, building networks of solidarity with others in their region while, at the same time, through their participation in the andolans, gaining a wider political canvas and becoming more media-savvy and aware of the importance of cultivating links to the intelligentsia.

Mazdoor Kisan Shakti Sangathan

One such sangathan, the Mazdoor Kisan Shakti Sangathan (Workers' and Farmers' Power Union) or MKSS, was formed in 1987 in Devdungri village in southern Rajasthan in western India by Aruna Roy, Shankar Singh, and Nikhil Dey who began organizing poor farmers in this semi-arid region to secure access to land and state services.⁸ In a region marked by frequent droughts and extreme poverty, state services also include drought relief works that provide employment to those in distress. The MKSS activists found that corruption was rampant in these programmes with local officials and contractors pocketing money by adding fictitious names to the 'muster roll', the official

⁷ See Baviskar 1995, 2001, 2003 for analyses of sangathans working on the issue of tribal rights in Madhya Pradesh.

⁸ Aruna Roy and Nikhil Dey first worked with Khedut Mazdoor Chetna Sangath, the organization mentioned in the previous paragraph, before starting off independently in Devdungri, Rajasthan. Roy had resigned from the Indian Administrative Service to engage in grassroots social activism. Her spouse Bunker Roy had established an NGO called the Social Work and Research Centre (SWRC) in Tilonia, Rajasthan. SWRC Tilonia has pioneered techniques for rural self-reliance, innovating with traditional artisans, promoting appropriate technology, developing contextual education programmes, and supporting local theatre and music. The MKSS differs from the SWRC in its emphasis on political mobilization and empowerment and its focus on getting the government to deliver state services, rather than providing an alternative to the same. Shankar Singh is a specialist in rural communication whose genius for using local cultural resources for political mobilization draws upon his Rajasthani heritage. Nikhil Dey qualified in law in India and left his studies in the United States to pursue more meaningful rural activism. These and other details of MKSS' early life and its first campaigns for the right to information can be found in Harsh Mander's vivid account (Mander n.d.).

attendance register of workers employed on a relief work, while turning away those desperately in need of wages. In other cases, the stipulated minimum wages were not paid to workers. Drought relief had become such a lucrative business for government officers and those colluding with them that, in other parts of semi-arid India, it had cynically come to be called *teesri fasal* (third harvest).⁹ When MKSS activists demanded that they be shown the muster roll and other records, so that villagers could check whether the names on it were genuine and whether the record of employment tallied with the wages that they received, they met with flat rejection. Such documents were apparently covered under the Indian Official Secrets Act of 1923! Rallying with the slogans: '*Hamara paisa, hamara hisaab*' (Our money, our accounts), and '*Yeh sarkar hamaari hai, nahin kisi ke baap ki hai*' (This government belongs to us, it's not anyone's personal property), and holding *dharnas* (sit-ins) at the Block, tehsil and district headquarters, the MKSS would succeed in securing occasional access to records.

From corruption in drought relief works, the MKSS proceeded to investigate all development spending at the village level. In the early 1990s, there had been a nationwide decentralization of the *panchayats* (village-level elected government), with the smaller, more representative panchayats being vested with greater power to undertake development works. Decentralization did not automatically bring with it greater accountability. The funds sanctioned for development would disappear into the pockets of elected representatives and government officials. While the papers filed in government offices recorded community halls built, roads repaired and hand-pumps installed, there would be no trace of such public facilities in the villages. Instead, the *sarpanch* (panchayat leader), the panchayat secretary and the block development officer would come to acquire new motorcycles or fancy extensions to their houses.¹⁰ The MKSS then widened the scope of its mobilization to demand access to records of all development expenditure in the villages.

Using the information thus obtained, the MKSS began to organize *jan sunvais* (public hearings) in villages to compare official records with actual employment and work done, detecting fraud and demanding that corrupt officials reimburse the money that they had embezzled.¹¹ The *jan sunvais* proved to be a remarkably effective technique of organizing people for the right to information and demonstrating its effectiveness. Each public hearing was preceded by rigorous preparation. After getting government records about public works in a particular village, the MKSS verified its accuracy by physically inspecting the work done and by cross-checking with villagers. In the *jan sunvai*, the information is read out in front of all the gathered villagers and people present their testimony before the public. All claims can be challenged and verified during this process. A panel of independent observers, usually lawyers, academics and journalists, is invited to attend the *jan sunvai* and examine the evidence. The responsible government officials are also invited to respond to the findings and to take action.

⁹ See Sainath 1996.

¹⁰ And become fat. The new-found prosperity of panchayat leaders can often be directly gauged from changes in body weight, especially among adivasis and dalits who are almost always lean because of a lifetime of under-nutrition and hard labour.

¹¹ For a precise and evocative account of *jan sunvais*, see Mander n. d.

The jan sunvais brought to light the huge discrepancies between the official record and actual practice. Scams relating to fictitious works, forged muster rolls, over-billing, and under-payment of wages were uncovered, and the culprits identified. The effect was often dramatic. In 1998, for instance, the sarpanches of Kukarkheda (Rajsamand district), Rawatmal and Surajpura (Ajmer district) apologized for committing fraud and publicly returned money after being confronted with incontrovertible documentary evidence at a jan sunvai. The fear of public humiliation led some sarpanches to approach short-changed workers and pay them in full, to persuade them to not take their complaint to the hearing. Villagers who had been denied payment despite repeated visits to the sarpanch and who had given up the hope of ever receiving their dues, found that their accounts were speedily settled, when a jan sunvai was scheduled for their area. The jan sunvai also prompted action against officials found guilty of embezzlement.

By bringing public pressure to bear in order to stop the abuse of development funds meant for the poor, the jan sunvais contributed to political empowerment in a profound way. The authority of the state relies on maintaining its distance. The more opaque the workings of power, the less likely that it can be challenged. As Nikhil Dey explains, certain commonplace hegemonic ‘truths’ – for instance, the assertion that public works are a failure because workers are *chor* and *kaamchor* (thieves, dishonest, lazy, shirkers), can only be maintained so long as they emanate from an authority that is beyond scrutiny.¹² These claims are made on the basis of documents – bills, vouchers, muster rolls – to which workers had no access. As soon as the documents became available, it became apparent that it was not the workers but the sahibs who were *chor* (thieves). *They* were responsible for practices like including the names of long-dead people in the roll of workers employed on a project. It was officers like the Junior Engineer who gave certificates of completion to non-existent buildings. The collective examination of documents and their public analysis in the forum of jan sunvais punctured the hegemonic power of the state. From birth, the rural poor are compulsorily socialized to defer to those in power: upper-caste, upper-class men, especially government officials. As a political performance, where those of higher status are rendered accessible to investigation and critique, and where popular support gives courage to the poor to speak out against injustice, the jan sunvais are unparalleled. To enable the poor to literally speak truth to power is the jan sunvais’ great achievement.

Through the jan sunvais emerged the principles underlying the campaign for the right to information. They showed that the RTI was a fundamental enabling right, essential for the effective exercise of other rights. Access to employment and food, water, education and health, depended critically on people’s detailed knowledge about government programmes. As the MKSS slogan declared, ‘*jaanne ka adhikar, jeene ka adhikar*’ (the right to information was the right to live). Their ability to monitor these programmes and ensure effective implementation required the right to information. A working democracy demands public participation in decision-making. Greater transparency is not only

¹² Talk given at a public meeting against the dilution of the RTI, September 5, 2006, organized by Sajha Manch at the Indian Social Institute, New Delhi.

necessary as a check on corruption, but essential for planning programmes that respond to people's concerns. More broadly, the right to information fosters greater political discussion and debate, expanding political participation beyond the ritualized act of periodic voting to greater involvement in the public sphere from which the poor have so far been excluded. This realization led the MKSS to demand that the state provide the right to information more systematically, instead of its piecemeal approach thus far. A comprehensive law for RTI was essential.

This demand was strongly opposed by an administration apprehensive that public scrutiny would not only reveal corruption, but also enable the public to challenge the mismanagement of public funds by incompetent or careless decision-makers. Yet there was a certain degree of support for MKSS' initiative from within the bureaucracy, from that section which was motivated by the ideal of public service.¹³ Roy's background as an IAS officer familiar with the workings of bureaucracy, the credibility of MKSS as an uncompromising and disciplined upholder of poor people's rights, the momentum gained through the well-publicized jan sunvais and well-organized protest meetings, and the indisputable logic of its argument that people had a right to know what was being spent in their name, all combined to persuade some members of the administration that the MKSS' cause deserved support.

While gathering support from within, through discussions with senior officials, the MKSS also solicited the support of like-minded organizations in Rajasthan, Delhi and other parts of India, spearheading the formation of the National Campaign (NCPRI) in 1996. Their public demonstrations were joined by more than 400 groups over time. In April 1996, the MKSS organized the first decisive demonstration for the Right to Information. Peaceful protestors gathered outside the district headquarters in Beawar town, refusing to leave until the government made development records public. The *dharna* (sit-in), with songs and speeches to keep spirits high, elicited widespread support.¹⁴ It continued for forty days until the government issued an order stating that villagers could inspect records, but said nothing about allowing them to photocopy these. Dissatisfied with this limited access, the MKSS continued to protest. In May 1997, after a 52-day long dharna in Jaipur, the state capital, the government capitulated and said that it would amend the Panchayati Raj Act so that the public would have full access to village records. The MKSS then began to organize for a comprehensive RTI. In 1998, the Rajasthan government agreed to constitute a committee to draft a RTI law. The MKSS objected to this committee, a group composed exclusively of bureaucrats, asserting that public participation and debate was essential for drafting any law. After sustained agitation, they succeeded in participating in the process to a large extent. In 2000, the Rajasthan Right to Information Act was passed. The MKSS then worked to ensure that the administrative machinery to implement the Act was put in place.

¹³ Notable in the National Right to Information campaign is the presence of certain civil servants, in particular Harsh Mander who vigorously implemented the Right to Information when he was Commissioner of Jabalpur division in Madhya Pradesh state in central India. More on this later.

¹⁴ These events have been extensively reported in the media and elsewhere. Rather than reprise already published information, I would direct readers to the detailed and lucid accounts written by Mander n. d. and Singh n. d. Also see <http://www.indiatogether.org/rti>.

In the latter half of the 1990s, the RTI campaign of the MKSS was accompanied by mobilization for the right to food and employment. An inadequate, inefficient and corrupt drought relief programme and public distribution system for basic provisions, which were anyway being rolled back by the state as a part of its neoliberal agenda, made survival even harder for the rural poor. Without a source of livelihood, and deprived of affordable food, the poor were left with no choice but to migrate in ever-widening circles in search of work. The MKSS, together with other organizations, campaigned for the right to food, resulting in the Supreme Court of India appointing a committee to recommend an overhaul of state welfare policies to provide subsidized food grains across in the country, including a system of public monitoring to prevent pilferage and diversion. It has also led the national campaign on the right to work. A National Rural Employment Guarantee Act was passed in 2005 by the Indian parliament.¹⁵ The energies of key activists are now focused on putting in place systems of public oversight to ensure that employment funds are used effectively and honestly. MKSS' work seems to have come full circle – from attempting to enforce minimum wage legislation in public works, which led to the demand for RTI, the organization is again spearheading the struggle for remunerative employment for all, to be guaranteed by the state.

Parivartan

Parivartan was started by Arvind Kejriwal, an officer of the Indian Revenue Service, in the year 2000 in the working-class areas of east Delhi, to facilitate people's access to government offices.¹⁶ For about eight months, Kejriwal focused on assisting people at the Income Tax Office where he was employed. The response from his colleagues was first encouraging, then hostile. Yet Kejriwal's persistence did yield some systemic changes over the next eighteen months, due in part to a public interest petition on the issue. Feeling that assistance with income tax issues was a bit removed from his goal of helping the most deprived sections of the population, Kejriwal shifted his energies to the Delhi Vidyut (Electricity) Board (DVB), a public utility that touched the lives of most citizens. The experience of aiding people in getting electrical connections or sorting out their bills made Kejriwal realize that, while his efforts may have eliminated middlemen and touts and the chances of bribery, 'we too were acting as brokers, albeit honest brokers'. If people were not encouraged to exercise their own agency, 'they became dependent on Parivartan'. Now the organization insists that individuals or groups of citizens take action themselves, with Parivartan providing them with advice and information.

When the Delhi state government enacted the RTI Act in 2002, Parivartan decided to use it in its work in the lower middle-class localities of Lakshmi Nagar and Nand Nagri. The initial success was remarkable: When a consumer Ashok Gupta was denied an electrical connection, he filed a petition under the RTI Act to ask what action had been taken when and by whom on his application. He got an electric connection within 24 hours. However, the DVB was privatized soon after, so Parivartan had to shift its focus

¹⁵ See Roy and Dey 2005.

¹⁶ Interview with Arvind Kejriwal, 23 January 2006. See also Parivartan's website <http://www.parivartan.com>.

to other government departments.¹⁷ The organization used the Gandhian techniques of satyagraha, holding non-violent protests outside the offices of the Municipal Corporation of Delhi in March 2002 to ask it to set up mechanisms for meeting the requirements of the RTI Act. Over the next three years, Parivartan began monitoring the working of 'fair price shops' that supply basic provisions at subsidized prices to households below the poverty line. Those running the shops frequently divert supplies to the open market to sell them at higher prices, telling their legitimate customers that the sugar or rice ran out or never came. This failure of the public distribution system hits the poor hard, making it even more difficult for them to make ends meet. However, without being able to check the records of the food and civil supplies department and individual shops, it is impossible for them to challenge the shop-owner's claims and get their meagre yet essential due.

Parivartan activists had participated in a jan sunvai organized by the MKSS in Beawar in April 2002 and were deeply impressed by its effectiveness as a mode of public action for creating greater awareness and accountability. Kejriwal and MKSS activists discussed the possibility of using similar techniques of mobilizing public action in Delhi. In December 2002, Parivartan organized the first jan sunvai on the issue of ration shops in Sundar Nagri, a lower middle-class locality in Delhi, where a comparison of government records of supply with the records of the shops revealed massive fraud. As a result of the sunvai, the licences of several shops were taken away and the public distribution system in the area improved. The organization's activists have dealt with threats and physical attacks by goons hired by irate shop-owners. Subsequent jan sunvais and other public meetings have been disrupted by disgruntled local leaders and others who were threatened by Parivartan's activism. To pre-empt violence, the organization ensures that its meetings are attended by NCPRI notables whose presence lends legitimacy and decorum to the proceedings. Parivartan has now become one of the key constituents of the NCPRI. Although its initial work was facilitated by the Delhi state government's initiatives on RTI and on the decentralization of urban governance: the *bhagidaari* (partnership) scheme where Residents Welfare Associations play a more active role in supervising service provision, Parivartan has since pushed beyond the confines of the participatory role prescribed by the government for NGOs. A head-on confrontation with the Delhi state government led to the scuttling of a proposed World Bank-funded water project (called the 24X7 scheme) which would have increased water prices by several-fold and deprived the urban poor of this basic resource. In this campaign, Parivartan drew upon the skills of NCPRI allies¹⁸ and demanded that the Delhi government live up to its much-hyped image as a transparent and accountable administration.

Other organization and individuals

Through their struggles, MKSS and Parivartan have brought about the progressive widening and deepening of the Right to Information campaign. While these organizations democratize power by demanding information on behalf of marginalized

¹⁷ As I discuss later, the RTI Act is harder to use for eliciting information from private firms.

¹⁸ Aruna Roy intervened on the issue, as did academics from the Indian Institute of Management who provided a devastating critical analysis of the project.

groups, it must be noted that there have been other organizations and individuals that have also been active in pursuing the right to information, but from somewhat different perspectives. A brief discussion of a few RTI campaigners, not all affiliated with the NCPRI, will illustrate the diversity within this field of political action. In Maharashtra in the early 1990s, Anna Hazare gained widespread recognition thanks to his work in regenerating natural resources and the local economy in the drought-prone village of Ralegan Sidhi in Ahmednagar district.¹⁹ Hazare went on to lead a campaign against corruption in the state government, focusing on the issue of irrigation and rural development works. As a respected public figure whose protests relied upon a repertoire of satyagraha, Hazare received a great deal of media attention as a crusader against corruption. Hazare likened the RTI campaign in the country to a 'second freedom struggle' – 'the first was against the white sahib; this one is against the brown sahib' – the bureaucrat who lives off the poor.²⁰ His efforts were central in forcing the Maharashtra government to repeal an earlier ineffectual Act and replacing it with a stronger version.

Maharashtra has a history of crusading public-spirited individuals whose imprint can be found on the shape the RTI movement has taken in that state. While Hazare has attracted a large following, he has led more by example than by mobilizing others for a collective struggle in the manner of MKSS. Another campaign by an individual, as opposed to a sangathan, that also received much acclaim has been led by Shailesh Gandhi, an engineer and the owner of a successful manufacturing firm who left this career to become a full-time RTI activist. In September 2003, Gandhi used the RTI Act to ask the Mumbai police commissioner for the names of politicians who had requested the transfer of police officials.²¹ Persisting in the face of much stonewalling, Gandhi succeeded in getting this information, resulting in a government enquiry into the scandal of the politician-police nexus. In 2006, Gandhi hit the headlines again, exposing how the Bombay Municipal Corporation had leased large areas of prime land in the city to corporate firms at ridiculously low rates. This longstanding deal, which resulted not only in huge revenue losses to the exchequer but also the misuse of public land, was uncovered by using the RTI. While Gandhi holds frequent workshops to train others in using the RTI Act, like Hazare he has not directly engaged in grassroots mobilization.

Shailesh Gandhi is on the Working Committee of the NCPRI, as are several other individuals who have waged solitary struggles for information. Among the founding members of the NCPRI are senior journalists Ajit Bhattacharjea (director, Press Institute of India), Prabhash Joshi (editor, *Jansatta*), and Bharat Dogra.²² The founders include lawyer Prashant Bhushan who formed the Committee for Judicial Accountability,

¹⁹ See Pangare and Pangare 1992, Sharma 2006.

²⁰ Hazare interview with a documentary film-maker, December 4, 2004. <http://www.indiatogether.org/rti>.

²¹ Such 'requests' are a common form of political interference in administrative functioning, aimed at removing 'uncooperative' officials who fail to comply with the demands of elected functionaries and appointing more amenable ones in their stead. Demands can include participating in or turning a blind eye to illegal transactions involving the politician, using official influence for the politician's ends, and partisan treatment of those endorsed by the politician.

²² A more comprehensive history of the RTI and its use in exposing corruption would have to analyze the role of investigative journalism by the Indian media in creating a public interest in transparency and accountability.

highlighting corruption and other irregularities in judicial appointments and functioning. Along with K. G. Kannabiran of the People's Union of Civil Liberties, Bhushan has been active in campaigning for greater transparency in the elections.²³ The Election Commission of India has responded by making it mandatory for candidates contesting elections to disclose information about their finances and about their criminal record, if any. NCPRI's founder-members include former bureaucrats S. R. Sankaran who retired in 1992 as Secretary, Ministry of Rural Development, and Harsh Mander, who left the IAS in protest against state-sponsored communal violence in Gujarat in 2002.

Harsh Mander's involvement with the NCPRI is particularly important to note because it illustrates how the campaign has received crucial support from within a bureaucracy that, on the whole, has been hostile or indifferent to the cause. As an officer of the Indian Administrative Service, Mander was posted as Collector of Durg district in Madhya Pradesh in March 1987 at the height of one of the worst famines in decades.²⁴ As the chief administrator of the district, he had to oversee the government's Food for Work Programme that meant providing employment to one lakh workers every day. On reaching Durg, however, Mander found no sign of the money that had so far been spent on drought relief. Official documents showed that funds had been used for public works like ponds and tree plantation, yet there was nothing on the ground. As elsewhere, drought relief was a lucrative business for the powerful that left the poor to starve. Within fifteen days of his arrival, Mander instituted a full-scale inquiry and 'all hell broke loose'. Local politicians immediately pushed for his transfer; he was accused of 'insulting people's representatives'. MLAs (Members of the state Legislative Assembly) and sarpanchs held a rally against Mander and threatened to resign en masse unless the inquiry order was withdrawn. However, Mander was supported by Chief Minister Arjun Singh who appointed a senior administrator to investigate. The resulting report in 1989 found that, of the 18 crore rupees spent on drought relief, ten crores was missing. When Mander began arresting those involved in the scam, he was posted out within three months.

As a crusader against corruption and for greater public accountability, Mander's most important intervention was as Commissioner of Bilaspur division in MP in 1996. As with the Public Distribution System in Delhi, Bilaspur too had a flourishing black market in foodgrains, with subsidized rice supplied to the ration shops being diverted to the open market, denying the intended beneficiaries their due. Mander passed the first set of orders around the RTI, making it mandatory for the administration to provide copies of the 'distribution registers' recording the allotments made to each ration shop. Mander recalls that there was an enormous uproar against this order. His junior Collector colleagues were appalled, arguing that they were already over-worked and could not manage the additional burden of making information available. Mander arranged for loans to disabled persons, enabling them to set up photocopying shops to facilitate

²³ H. D. Shourie has also been a prominent crusader for transparency in elections. However, his conservative ideology puts him at odds with the NCPRI. As I discuss below, there can be conflicts in the use of the RTI by those safeguarding the interests of the 'public' or 'citizens', and those using it to empower and protect the rights of the poor.

²⁴ Interview with Harsh Mander, 15 May 2006.

making records public. Curiously, these steps resulted in the off-take of grain by PDS shops coming down by half – faced with the possibility of being penalized for siphoning off supplies to the black market, vendors took only as much as they delivered to real beneficiaries. Other public disclosure initiatives in MP related to recruitment into government jobs, an area where supposedly rational-legal rules were being systematically breached by patronage and the payment of bribes.

However, Mander recognized that RTI initiatives from within the government had limited impact unless they were seized by a mobilized public. In Bilaspur, the PDS distribution registers were made public, ‘but no one was exactly queuing up to take copies’. Empowerment could not be bestowed from above; changed consciousness and collective action had to emerge through political processes undertaken by the poor themselves. Unlike Bilaspur, this process of mobilization was already under way in Rajsamand, Rajasthan, the base of the MKSS. Mander was ‘old friends with Aruna and Bunker Roy’ and had visited SWRC Tilonia as a student looking for meaningful Gandhian social action in the 1970s, before he joined the IAS. In 1993, Mander spent the winter with MKSS and saw their social audit work at first hand. He immediately felt that MKSS has struck upon something of national and international importance. ‘Life’s greatest truths are often the simplest’ – *jaanne ka adhikar, jeene ka adhikar* (the right to information was the right to live). At that time, Mander was posted at the Lal Bahadur Shastri National Academy of Administration in Mussoorie, the premier training institute of the government.²⁵ Encouraged by Dr N. C. Saxena, the then Director, Mander organized a national workshop on the right to information at the Academy, bringing Aruna Roy and others together with government officials, which was a key step in the decision to draft a national law and form the NCPRI for that purpose.

Harsh Mander, Shailesh Gandhi and several of the founder-members exemplify an important facet of the NCPRI that is generally not at the forefront of the Campaign’s public persona: the movement includes not only mass organizations but also well-placed individual activists and members of the intelligentsia. While other grassroots groups such as the Narmada Bachao Andolan have also cultivated sympathetic members of the intelligentsia and use their expertise and legitimacy to bolster a subaltern movement, the NCPRI is unusual in the extent to which the support of key members of professional elites is constitutive of the movement.

The combined strength of the sangathans and individuals that made up the NCPRI gave it national spread and regional representation as well as access to opinion-making intelligentsia in the capital. Besides state and national-level meetings and conventions, the Campaign organized *yatras* (journeys), a caravan of activists, ordinary villagers and students travelling from place to place with the RTI message, communicated through songs, skits and speeches. Printed newsletters in Hindi and English, pamphlets and e-

²⁵ Incidentally, Arvind Kejriwal was a student of Mander’s at the Academy, illustrating the density of social and professional relations between key NCPRI activists.

bulletins kept news of RTI events and discussions circulating.²⁶ The movement has also received a fair amount of attention from the news media.

Analyzing Success

What accounts for the remarkable success of a campaign that started barely fifteen years ago in a cluster of villages in rural Rajasthan and managed to bring about a major piece of legislation at the national level? When participants and observers are asked this question, most reply: 'people's struggle'. Years of work, mobilizing collectively to enable very vulnerable people to join and stay in a protracted and arduous battle where success is uncertain, organizing public meetings and protests, persistently pursuing elusive government records, overcoming obdurate bureaucrats and hostile politicians, being harassed and attacked – without these there would be no national Right to Information Act. Yet, this explanation is not enough. There are other social movements, most notably against the Sardar Sarovar dam in the Narmada valley, where very poor people laboured long and hard against overwhelming odds to secure their lives and futures. But their fate was sealed by an adverse Supreme Court judgment. In an unjust world, there are no guarantees; success does not always come to those who strive with truth and justice on their side.²⁷ What other factors might then explain the achievements of the right to information movement?

An issue that concerns all

Many observers attribute the gains of the RTI movement to the very nature of the issue itself. The right to information is universally held to be a desirable right, to which each citizen is entitled. According to Arvind Kejriwal, it is uncontroversial; it is not ideologically divisive. No one can, at least publicly, oppose it. It is also an issue that affects everybody in some way or the other, regardless of their social location. Middle-class resident welfare associations can use it to investigate why their streets are not being cleaned by the municipality and a poor slum-dweller can use it to find out why her/his allotment of a ration card has been delayed. Shekhar Singh, the convenor of the NCPRI, who has held several workshops to explain its significance, describes how the Rotary Club of a small town listened with rapt attention to how the RTI would enable them to be effective citizens.²⁸

Yet it was not immediately obvious to all groups that the RTI would benefit them. According to Singh, the NCPRI built a broad constituency for the Act by approaching groups working in different sectors: education, health, maternal and child welfare, environment, and holding workshops where they would discuss the issues specific to each sector and the particular information needs that were a constraint on effective action in that sector. For instance, those monitoring the performance of schools need

²⁶ See *Aar-Paar* and *Transparency Bulletin* published by the Press Institute of India. Also *Apna Panna*. Bharat Dogra has written a number of booklets on the RTI. Since the notification of the National Act, many organizations across India have published booklets in local languages to aid people to use the Act in different fields, e.g. Hazards Centre has produced a booklet for slum-dwellers on how to get information from various government departments in Delhi.

²⁷ In the postscript to *Baviskar 2004* (second edition of *Baviskar 1995*), I reflect on what it means for a social movement to 'lose' the fight for justice, from the perspective of Bhilala adivasis facing submergence.

²⁸ Interview with Shekhar Singh, 26 January 2006.

information on the staff, equipment, and facilities sanctioned in order to be able to assess whether those actually existed or not. A teacher might be appointed and may draw a salary without ever showing up for work because s/he paid a cut from their salary to their supervisor and to the sarpanch. A social audit of education department accounts would reveal such instances of corruption. Those checking the performance of nutritional supplement programmes for infants and children, an area where food is often siphoned off by the programme staff, would gain from knowing the allotment officially made to each child-care centre. Such discussions would show how the RTI, as a basic right, could assist activists in different spheres of work. The NCPRI then helped these groups exercise the RTI, discuss their experiences, and devise further strategies. At the NCPRI convention, the range of issues included far more than rural and urban development, government programmes and civic amenities; there were peace activists who wanted to use the RTI to get information on India's nuclear programme, there were many who wanted to use it to target corruption in high places, including defence contracts, deals with multinational corporations, etc. The promise of the right to information seems limitless.

Organizational strategy

The organizational structure of the Campaign and its policy of inclusion are also noteworthy. From the start, the NCPRI sought to create a broad-based coalition of similar grassroots people's organizations who had been fighting bureaucratic corruption and apathy around the country. Individual activists, lawyers, academics, journalists, and many NGOs working on rights issues joined the campaign. Aruna Roy points out that these independent initiatives were linked together by the NCPRI but without eroding their autonomy.²⁹ Unlike the adversarial stance of most social movements vis-à-vis the state, the NCPRI has built alliances with key government officials, involving them in a policy dialogue. The working of the NCPRI, including its sources of funds, is kept as transparent as possible. The organizational structure consists of a 31-member working committee. Aruna Roy, the most visible face of the NCPRI, is not its convenor. The leadership of the NCPRI is committed to being democratic and participatory. Shekhar Singh attributes this to the fact that the key people in the campaign are 'fundamentally democratic', partly as a result of learning from the experience of other social movements that have tended to be more centred around one personality: 'Perhaps we have all reached that time in our lives when one's willing to not be a star'.

The NCPRI's approach to coalition-building draws upon the MKSS' strategy in Rajasthan which emphasizes inclusion: of state officials as well as all sections of society. In its public actions, the Sangathan has always maintained that it is not *against* the government, it embraces the government. The emphasis on *hamari sarkar* (our government), asserting ownership, is a key element of democratizing the state and reducing the distance between state and citizen.³⁰ The MKSS averred that it did not want to erode the state's authority; 'we want a powerful state, but one that is also open

²⁹ Personal communication, Aruna Roy, June 26, 2006.

³⁰ Nikhil Dey, speaking at a public meeting against the dilution of the RTI, organized by Sajha Manch at the Indian Social Institute, New Delhi, on September 5, 2006.

and accountable'.³¹ The Sangathan focuses on the blurred boundary between state and citizen – the fact that a sarpanch is also simultaneously a social being who inhabits the same world as other villagers.³² Addressing the state entailed addressing the concerns of its functionaries who were also citizens, albeit better-off ones. 'We had to make the *patvari* (revenue official), *thanedar* (policeman) and retired *javan* (soldier) realize that it was in their interest too. If workers could build better roads, their motorcycles would run better'.³³ Similarly, the Sangathan appealed across class lines: 'We got the town of Beawar on our side. People who wear nylon sarees, watch Hindi films – today, they think of RTI as *their* achievement'. It was this framing of the RTI issue as a universal good that encouraged alliances, incorporating a range of social groups under a common broad umbrella. Of course, while the discourse of 'hamari sarkar' claims to disavow the politics of opposition, in fact its power derives from the sustained public pressure mounted by a vigilant, mobilized citizenry. Similarly, while ostensibly welcoming all to the cause, the Campaign has been careful to ensure that its catholicism did not compromise its ideological integrity.³⁴ The Campaign's assertion that its stance is non-adversarial is a way of disarming opposition that harks back to Gandhi's maxim: 'hate the sin, not the sinner'.

The bureaucracy: reform from within?

Even though activists struggling for the RTI have throughout had to deal with hostile politicians and state functionaries, it would be misleading to represent the relationship as always oppositional. Individual officials supported the RTI, but from more than one perspective. Some bureaucrats turned to RTI as a way out of an impasse where the administration had ceased to perform any civil service and was only regarded with fear, contempt and resentment by the public. As mentioned above, a few senior bureaucrats like S. R. Sankaran and B. Yugandhar in the Rural Development Ministry were sympathetic to the RTI cause from the start and used their power to push through progressive orders even before the legislation came into effect. The Department of Personnel and Training of the government of India had long been concerned with administrative reforms and had suggested a series of changes to make officials more accountable.³⁵ Within the government, then, especially during the tenure of T. S. R. Subramanian as Cabinet Secretary,³⁶ effective governance was already a topic of discussion. The prevailing ideology of economic liberalization and its condemnation of the state's record played into these debates by prompting some soul-searching among officials about the failure of service delivery and governance and measures to improve these.³⁷ At the same time, some bureaucrats had participated in 'good governance'

³¹ Aruna Roy, speaking at a conference 'Towards a Theory of Law and Social Movements' at Bangalore, on June 26, 2006.

³² See Gupta 1995.

³³ Aruna Roy, speaking at a conference 'Towards a Theory of Law and Social Movements' at Bangalore, on June 26, 2006.

³⁴ Thus the NCPRI does not include groups like the Bangalore-based Janaagraha which works for transparency in urban governance, but from a perspective that supports the neoliberal reform agenda.

³⁵ Interview with N. C. Saxena, April 30, 2006.

³⁶ See Subramanian 2005.

³⁷ Saxena and Srivastava 2001. N. C. Saxena was Secretary, Planning Commission, at the time.

training programmes organized by the World Bank and the Asian Development Bank³⁸ and were keen to facilitate social audits of government schemes. One official went as far as to write a circular about a Citizens' Charter, asking government departments to be more transparent in their dealings with the public. However, a researcher investigating administrative reforms in Uttar Pradesh found that, far from being a document spurring civil servants to action, the Citizens' Charter had, like most other circulars, been efficiently filed away and forgotten.

*Dismantling the master's house: paper tools*³⁹

If particular bureaucrats facilitated the passage of an RTI Act, the actual implementation of such an Act is only possible thanks to a somewhat peculiar characteristic of the Indian bureaucracy – its passion for paper.⁴⁰ Despite innumerable and routine subversions, rational-legal record-keeping about its decision-making process remains the hallmark of Indian government. In a system created by the colonial government for internal transparency and oversight, the paper trail is painstakingly laid out. Every observation is noted and decision recorded with remarkable faithfulness in a file that travels through meticulously mandated channels, its movement marked in dispatch registers, its passage from one official to another identified by signatures and dates. It is this commitment to documentation that makes it possible for the state to now be legible to its citizens.⁴¹ While some files may conveniently 'disappear',⁴² most state records are now available for public scrutiny and the information they contain can be cross-checked against the situation on the ground. The increased risk of being caught is likely to be an effective deterrent for officials on the take. As I discuss below, the government clearly sees this penchant for paperwork as its Achilles heel, seeking to protect it through far-reaching amendments to the Act.

The national political conjuncture

In 2004, India went to the polls. The ruling coalition government led by the Hindu nationalist Bharatiya Janata Party (BJP) launched a triumphal election campaign on the theme of 'India Shining', asking to be voted back to power. Most electoral analysts agree that the unexpected defeat of the BJP was due to its total misjudgement of the public mood. Faced with rising unemployment, inflation and worsening economic disparities, the majority of Indians were clear that their India was not shining. The BJP's debacle allowed the Congress Party to form a coalition government if it could muster support from other political parties. Negotiations with the Communist Parties and other coalition members resulted in the formulation of a Common Minimum Programme, policies that the Congress would adhere to and implement in order to keep its coalition partners on board. Sonia Gandhi, the president of the Congress, thrust into the

³⁸ As I discuss below, multilateral banks imposed loan conditions making it mandatory for the government to undertake administrative restructuring.

³⁹ Audre Lorde, Black lesbian poet and activist, wrote: 'The master's tools will never dismantle the master's house'.

⁴⁰ I am grateful to Mark Robinson for encouraging me to develop this argument.

⁴¹ In saying this, I am inverting the argument about legibility and 'seeing like a state' which focuses on enumeration and documentation as modes of governmentality. As the RTI campaign shows, legibility can be a two-way street. See Scott 1998 and Rose 1999. Also see Tarlo 2000 for an analysis of such obsessive documentation of land and housing records in Delhi.

⁴² Kejriwal 2006.

leadership of this dynastic party by virtue of being the widow of Rajiv Gandhi, the former prime-minister who was assassinated by terrorists, was expected to stake a claim to the prime-ministership. Her candidature was loudly acclaimed by the Congress and equally loudly derided by the BJP (who harped on her foreign birth), when she shocked them all by gracefully declining to become PM. Gaining the moral high ground through this act of renunciation, Sonia Gandhi went on to form a National Advisory Council (which she headed) to implement the Common Minimum Programme. It included Aruna Roy of the MKSS and the economist Jean Dreze, key members of the NCPRI, and retired civil servant Naresh C. Saxena, who had supported the initiative throughout his career. The very first business of the NAC was to draft a national RTI Act, one of the promises of the Common Minimum Programme. This was then circulated around the world through Shekhar Singh's connections with the International Task Force on Transparency, initiated by Stiglitz as a part of the International Policy Dialogue, in order to get feedback.⁴³ Sonia Gandhi forwarded the final draft together with a strongly-worded letter to the PM, urging the Cabinet to present this Bill before parliament. And the rest is history.

But how did the RTI reach the Common Minimum Programme? According to then-convenor Shekhar Singh, before the elections, the NCPRI received a phone call from a Congress Party leader, saying that they wanted to include in their election manifesto the promise that they would enact and implement a comprehensive RTI Act. The NCPRI did not expect much to come out of this: election manifestos are notorious for being quickly forgotten after coming to power, and in any case, no one expected the Congress to win. But a couple of members sat down and drafted a short statement which was then included in the Congress manifesto. To their surprise, that statement found its way onto the CMP and thus to the NAC, where Sonia Gandhi together with NAC members who were associated with the NCPRI ensured that the RTI was finally presented in parliament to become a national law despite the quiet resistance of the bureaucracy (who tried to revive the ineffectual 2002 Act).⁴⁴ The NAC went on to draft the National Rural Employment Guarantee Act which, like the RTI, received major support from the Left parties supporting the Congress government and is now being implemented across the country.

The balance of political power within the ruling party, and between the ruling party and its allies, is somewhat delicate. Sonia Gandhi seems to be convinced that the Congress was voted to power on the issue of development and that it has to deliver on its election promises to the poor. This has caused much tension within the Congress, with PM Manmohan Singh, Finance Minister Chidambaram and others committed to economic liberalization and containing the fiscal deficit (which they say will balloon with measures like the Employment Guarantee Act, a claim that is challenged by Left economists).

⁴³ Comparing international experiences of RTI legislation, Shekhar Singh points out that the Indian Act had to be implemented in the relatively short time of six months. In contrast, the UK government was given five years to implement RTI legislation, during which period many sensitive documents 'disappeared'. Singh, speaking at a public meeting against the dilution of the RTI, organized by Sajha Manch at the Indian Social Institute, New Delhi, on September 5, 2006.

⁴⁴ Interview with Shekhar Singh, 26 January 2006.

However, the Left parties, whose support is essential to keep the Congress in power, back Sonia Gandhi's efforts to implement the CMP, the condition on which they decided to support a Congress government. The alliance has been a contentious one, with differences surfacing on several economic issues. But the unchallenged authority of Sonia Gandhi within the Congress, and the dependence of the Congress on the Left to stay in power, created a situation within which the progressive charter of the CMP could be pursued. The NAC is an advisory body and its efficacy is entirely dependent on these power equations continuing to prevail.⁴⁵ Recognizing that, in such a fluid situation, the efficacy of the NAC can be eclipsed at any time, Aruna Roy resigned from the Council in June 2006 in order to continue the campaigns for information and employment by mounting pressure from outside the government. For someone who left the civil service to become a rural activist, the move from the NAC back to the Campaign contains an echo of the past.

The international context: neoliberalism and good governance

It cannot be a coincidence that more than forty countries enacted RTI laws in the last decade. Is the Indian campaign part of a growing global trend? If it is, then how exactly did transnational institutions and processes affect the Indian movement? It is hard to answer this question because Campaign activists prefer to highlight the indigenous roots of RTI initiatives and emphasize that the process leading up to the Indian legislation was qualitatively different from that in other countries.⁴⁶ They point out that nowhere else in the world was there such a popular upsurge to enact and implement the law. While this is indeed true, there *were* some international inputs into the Campaign. Some affiliates of the NCPRI such as the Commonwealth Human Rights Initiative participated in international networks around RTI and brought in the experiences of rights-based organizations abroad, especially in South Africa.⁴⁷

The spread of RTI legislation across the world can also be traced to institutions radically different from the rights-based organizations discussed above. The right to information has been a key element of the World Bank and Asian Development Bank 'good governance' programmes.⁴⁸ Transparency in public decision-making is seen as critical to creating a climate conducive to capital investment, where transnational firms can transact business without having to pay bribes. The pressure to enact transparency laws is exerted by imposing conditionalities on Bank loans.⁴⁹ Less emphasis is placed on a notion of transparency and participation that works downwards, making the state

⁴⁵ At the time of writing, the NAC had also drafted a progressive National Rehabilitation Policy (n.b. not an Act); it would be interesting to see how that flies.

⁴⁶ Emphasizing grassroots and national origins is an enduring feature of social movement politics in India where international links, however minor, are all too often seized upon by opponents as signs of co-option and corruption. For instance, the Narmada Bachao Andolan was often falsely accused by its critics of being foreign-funded and an instrument of 'foreign powers' who did not want India to develop. While social movements have to constantly prove their patriotism and their indigenous authenticity, governments get away with being fully hand-in-glove with the transnational capitalist order.

⁴⁷ See <http://www.freedominfo.org> for coverage of RTI campaigns worldwide.

⁴⁸ As stated above, many Indian bureaucrats have participated in the Bank's 'good governance' training programmes.

⁴⁹ Goldman 2005.

accountable to its poorest citizens. The NCPRI leadership is careful to distance itself from the neoliberal demand for transparency. Nikhil Dey remarks, 'We need to deconstruct this language. Everyone's talking about participation, accountability, transparency, but what do they actually mean by it?'⁵⁰ While the Campaign uses a similar vocabulary of 'deepening democracy' through 'public accountability', it brings very different meanings to this discourse. As opposed to the neoliberal agenda of making the world safe for capitalism, the RTI Campaign yokes the issue of transparency to the effective implementation of state social security programmes for food and employment. Interestingly, in the case of the Bank-funded proposed water project in Delhi, the Parivartan and the NCPRI challenged the World Bank's stated commitment to the right to information by showing how partial and limited its notion of transparency was.

Yet, one can argue that the varied, even contradictory, meanings attached to the right to information create a fertile political field which indirectly assists the NCPRI's cause. Like the freedom struggle and other sprawling social movements, the NCPRI benefits from a rich and richly ambiguous set of understandings and aspirations.⁵¹ The support that it has attracted from some quarters probably wouldn't pass muster if carefully scrutinized for ideological coherence. The Campaign's ability to harness these diverse energies and contradictory trends to a common cause should be celebrated, with caution.

Limitations and challenges

While the NCPRI has charted a remarkably successful trajectory, its limitations and the challenges it faces also demand attention. Getting information can still be a time and spirit-sapping ordeal. Darshana, an activist with the Lok Shakti Manch in Bhalaswa, a resettlement colony in Delhi, describes how she was harassed and threatened by Delhi Development Authority officials for daring to file an RTI application.⁵² Activists from Bal Vikas Dhara, an NGO working with slum-dwellers in Delhi, were made to pay Rs 2,000 as photocopying charges and make several trips, only to receive a stack of irrelevant papers.⁵³ When the Bhalaswa Lok Shakti Manch asked for a test-sample of the material used to build their sub-standard road, they were told to pay Rs 14,000, ostensibly the amount that the road-building agency would have to pay to hire a core-cutting machine for extracting the sample. Instances of dilatory tactics, and even outright refusal, far outnumber the success stories of full and accurate information received and, even rarer, corrective action taken. Wajahat Habibullah, India's Chief Information Commissioner who emphasizes his autonomy by pointing out that, under the RTI Act, he is 'appointed not by the Indian government, but by India' admits that his office has taken up only a handful of complaints about information being denied.⁵⁴ In

⁵⁰ Nikhil Dey, speaking at a conference 'Towards a Theory of Law and Social Movements' at Bangalore, on June 26, 2006.

⁵¹ Amin 1988.

⁵² Hazards Centre public meeting on the RTI and the Delhi Master Plan, 1 December 2005.

⁵³ Public meeting against the dilution of the RTI, organized by Sajha Manch at the Indian Social Institute, New Delhi, on September 5, 2006.

⁵⁴ Hazards Centre public meeting on the RTI, 22 February 2006.

none of these cases has anyone been penalized either.⁵⁵ Activists express their frustration with situations when, even after uncovering conclusive information, they were still unable to prevail upon the state to take action. As Shanta Toofani, a veteran activist with Ankur, a Delhi NGO working with slum-dwellers, dismissively declares, '*Sarkar ne garibon ko jhunjhuna pakda diya. RTI se bhrashtachar aur ghotala kahin kam huye?*' (The government's handed the poor a child's rattle to distract them. Have corruption and scams reduced as a result of RTI?). So far, it is unclear what other forms of action will be mobilized by the NCPRI's constituent members when confronted with the dilatory tactics and cumbersome procedures that corrupt and incompetent officials hide behind.

Another challenge to the right to information came in July 2006, when the bureaucracy struck back. Just six months after the Act came into effect, the Union Cabinet approved a set of amendments, crucially diluting the scope and power of the Act. The proposed amendments exempted from public scrutiny (i) file notings; (ii) documents 'under process'; (iii) documents related to competitive processes such as examinations; and (iv) documents recording the material basis of Cabinet decisions. All of these exemptions restrict citizens' ability to monitor the process of state decision-making. The NCPRI was swift to respond. In a lead editorial in *The Hindu*, Roy and Dey explained the significance of file notings:

What is a government file, why this furore about not wanting to share file notings? To most lay persons the government file is a musty compilation of important papers... Anyone who has had anything to do with *babus* (clerks) knows the diabolical significance and power the file holds to control many people's destiny. The government file has two parts to it. The right side, has the papers under consideration, (PUCs) and the left side has the 'notings', the process through which opinions are written down, added to, and approved or disapproved. These 'notings' reflect the deliberations on the PUCs and through a series of comments arrives at decisions. As the Chief Information Commission explained in a ruling on file notings: 'Most of the discussions on the subject/matter are recorded in the note sheets and decisions are mostly based on the recording in the note sheets and even the decisions are recorded on the note sheets. These recordings are generally known as 'file notings'.' This trail of responsibility and accountability is what the *babus* do not want disclosed. The government now wants to amend the RTI Act, so that file notings related to most matters are under wrap. As ordinary citizens we will not have access to the reasons for decisions that affect our lives, *many of which will be irreversible*. The paper trail, vital to establish a chain of accountability will now be invisible. It will protect the dishonest manipulators but also give no support to honest officers whose forthright views are overruled, who have to suffer the ignominy of being party to a bad decision they disagreed with.⁵⁶

The Campaign followed up with a dharna in the heart of New Delhi, with jan sunvais, padyatras, public meetings and signature campaigns being organized every day.

⁵⁵ Indian government rules make it extraordinarily hard for government official to be prosecuted.

⁵⁶ Roy and Dey 2006.

Support for the dharna poured in, and the issue was extensively covered by the media. Ultimately, the Prime Minister withdrew the amendments from being placed before Parliament, stating that more consultations with stakeholders were required. Their victory notwithstanding, RTI activists remain very conscious of the entrenched hostility of the bureaucracy to the Act. When presenting this paper before an audience that included Aruna Roy and Nikhil Dey in June 2006, I had discussed how certain members of the civil service had facilitated the RTI. Taking issue with my analysis, Roy said firmly, 'The bureaucracy did not want the Act; they still don't want it'.⁵⁷ In the event, she was proven right. The very next month, the amendments came into view. Such attempts to take the teeth out of the Act will continue. Keeping the Act intact and implementing it will be a constant challenge.

There are some areas of social action where the Act has limited utility. The Right to Information campaign has thus far focused on *public* accountability as a legal guarantee. Some activists feel that a legal right that makes it incumbent on the government to share information is an important resource, but one that needs to be supplemented by a legal right to greater *private* accountability. Corporate practices that have become more and more consequential in public life thanks to structural adjustment policies still remain off the record. The NCPRI has held that corporate firms are actually required to submit a great deal of information to the government and, for a start, this could be made available to citizens. Information on labour and environmental practices, for instance, could thus be available for public scrutiny. RTI activists also point out that the RTI is only one weapon out of many in a social movement's armoury; one shouldn't expect it to be a magic bullet that destroys all ills at one go.

A more complex issue that has implications for the RTI is the gap between law and justice. The NCPRI seeks to enforce a rational-legal bureaucracy, where rules are strictly followed and erring officials penalized. While upholding the rule of law is generally a desirable public practice, what happens when the law is unjust? Harsh Mander observes that, in the current context of neoliberalism, laws are exercised to enforce contracts and uphold property rights, not to deliver social justice.⁵⁸ In an unequal society, the poor are often compelled to violate the law in order to survive. Poor adivasis cultivate illegal encroachments on land designated as under the control of the Forest Department. Poor urban migrants squat on public land to which they are not entitled. As Dunu Roy, a veteran radical environmental activist, points out, the RTI can be used by wildlife conservationists to evict forest-dwellers from national parks and by urban citizens' groups to evict slum-dwellers, who demand information on what action the government has taken against such 'criminals'. In the abstract, the Act empowers all citizens; in practice, it may do so in ways that further jeopardize the survival strategies of the poor.

⁵⁷ Workshop on 'Law and Social Movements'. Bangalore, June 26, 2006.

⁵⁸ Interview with Harsh Mander, 15 May 2006.

I conclude with a half-formed question that bothers me:⁵⁹ The relationship between knowledge and power is neither self-evident nor transparent. Power works most effectively when it is not readily available for analysis, when it seeps into consciousness to become 'common sense'. The NCPRI has focused its attention on information as the sole component of a strategy to unravel powerful state practices and create greater political knowledge/awareness. Does the Act's dominant understanding of knowledge (as something embodied in documentary information) constrain its critical scope and effectiveness? Reflecting on their experience with eliciting information from government agencies, many activists point out that the most crucial elements of knowledge that orient actions don't ever make it onto paper. Ingrained class, caste and gender prejudices and other implicit social understandings powerfully shape state practices but elude being pinned down, or traced through an analysis of government records. Without a paper trail to follow, can the NCPRI's focus on public transparency reckon with these tacit forms of knowledge to allow their power to be challenged?

And then there is the inverse: power that is blatantly, nakedly corrupt. Where knowledge is available, but to no avail. When the truth *doesn't* set you free. All over India, the assault on lands, natural resources and labouring people has achieved a frightening momentum. Governments openly declare that they will give gift corporate firms huge chunks of land at a discount, tax-free and exempt from labour laws, to set up Special Economic Zones. In the so-called public interest of earning foreign exchange and economic growth, numberless people will be displaced, their lives destroyed along with the landscapes they inhabit. This information is there for all to see. And yet it moves no one.⁶⁰ Faced every day with a surfeit of information about the abuse of power, most citizens simply shrug their shoulders and walk away. How does the Right to Information help in situations of entrenched and normalized inequality, where indifference and apathy prevail in the public sphere? Perhaps it doesn't help, and to expect it to address all the complexities of knowledge, consciousness and collective action is unrealistic and unfair. Perhaps all that one needs to remember is that, for bringing about a better world, the Act is an achievement for the present and the future: 'It's given us a here and now. And even when the revolution comes, we'll need the RTI to make power accountable'.⁶¹

⁵⁹ It is addressed not to the NCPRI alone but to the larger community of political activists for whom changing social consciousness is integral to the work of struggling for social change.

⁶⁰ Arvind Rajagopal makes a different but related argument when he points out that, despite media coverage clearly establishing the culpability of the state in of the Gujarat communal riots in 2002, Hindu television viewers remained unshaken in their belief that Muslims were aggressors, not victims. Where entrenched beliefs prevail, access to facts does not necessarily lead to more accurate analysis.

⁶¹ Nikhil Dey, speaking at a conference 'Towards a Theory of Law and Social Movements' at Bangalore, on June 26, 2006.

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