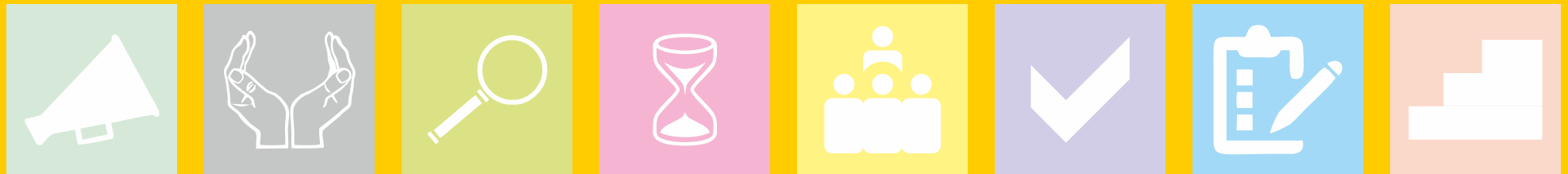


# Transparency and Accountability in the Social Sector

Pedagogy Theory of Change and Showcasing Key Success Stories

Conference Report





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Pedagogy Theory of Change and Showcasing Key Success Stories

## Conference Report

Compiled and Edited by:  
**Pratyasha Rath**

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### Conference Organized by

National Foundation of India



National Centre for Advocacy Studies



Centre for Budget and  
Governance Accountability





Globally, transparency and accountability of the public services has been a central theme in every governance debate since the turn of the century. Naturally, India too witnessed a spate of transparency and accountability related initiatives in the last ten years. Many ideas like social audit, citizens report cards, public hearings etc which germinated within the domain of social movements were institutionalized. Many actors involved in these processes- policy makers, academicians, practitioners' are keen to know more about the impact and effectiveness of Transparency and Accountability Initiatives.

We at NCAS, have also felt that there are serious gaps in our understanding of impacts and effectiveness of TAIs. These gaps are conceptual as well as empirical. In order to enhance the effectiveness of TAIs, there is an urgent need to facilitate an interface between different social experiments on Transparency and Accountability and also attempt to reach a conceptual consensus. To facilitate this much needed interface between diverse group of academicians, practitioners' and researchers on the issue of transparency and accountability, NCAS conducted a two day consultation in Pune, on 20th and 21st March 2014.

What has unfolded in these two days is written in a succinct way in this report.

This report effectively reflects convictions and dilemmas of TAI practitioners. Over these two days there were ample opportunities to challenge each other's convictions and reassess our collective knowledge on power, politics and social justice. In that churning, I am sure, many of us had an opportunity to enrich our learning and expand our understanding on transparency and accountability. Voices and inspiration of participants are reflected throughout the pages of this report. We thank them for their wisdom and commitment.

We would like to thank Centre for Budget and Governance Accountability (CBGA), New Delhi and National Foundation of India (NFI) for agreeing to be co-organizers of the event. We extend our gratitude to Amitabh Behar and Subrat Das for their persistence and patience in making this workshop a reality.

I would also like to thank my colleagues at NCAS for working very hard and ensuring that the workshop is successful. My colleague Pratyasha Rath deserves special mention. Without her sharp eye for documentation and editing this report would not be possible.

**Dhanajay Kakade**  
**Executive Director**  
**NCAS**





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## Executive Summary

The national conference on ***'Transparency and Accountability in the social sector: Pedagogy, Theory of change and showcasing key success stories'*** was conducted in Pune on March 20th-21st, 2014. This 2 day consultation organized by National Centre for Advocacy Studies (NCAS), Pune in collaboration with National Foundation of India (NFI), and Centre for Budget and Governance Accountability (CBGA) saw the participation of around 45 practitioners and researchers of Transparency and Accountability Initiatives (TAIs) from around India. The 2 day conference had highlighted three primary objectives with the broader agenda of working towards pro-people, participative governance and democratic decision making. The objectives were to work towards conceptual and idiomatic clarity regarding concepts, definitions and indicators of success used in Transparency and Accountability Initiatives (TAIs) while learning from successful interventions initiated by both governments and CSOs. This collective deliberation would then pave the way for a new theory of change where transparency and accountability measures don't remain as an addendum to public service and institutions but become an intrinsic, non-negotiable and institutionalized part of governance.

In his opening remarks, Dhananjay Kakade, Executive Director, NCAS pointed out the significance of strengthening the discourse on Transparency and Accountability in the country. He said that rights based agitation have through the years changed course and have gravitated towards deepening of community participation in seeking transparency and demanding accountability from the state. In the present day, this remains the most potent arena through which new spaces can be built for community engagement and community voices can be empowered. In a volatile political climate, with a regime change in order, NCAS wanted to take the opportunity to bring diverse voices on a common platform to engage, question and deliberate on the common path to be followed by like-minded organizations and institutions in the years to come.

The conference was divided into various thematic sessions based on the various forms, modes and conditionalities involved in TAIs in India. The sessions were:

- Impact of Transparency and Accountability Initiatives and participatory planning on public services - Settings and Sources of Evidence
- Participative Governance and Budget Accountability
- Spirit and Praxis of the Right to Information Act: The gap within
- Social Media and Advocacy
- Transparent and Accountable Governance: Institutional Mechanisms
- The Way Ahead

Apart from these sessions, the first day of the Conference also saw a Public Lecture delivered by eminent Ecologist and the chairman of the controversial Western Ghats Ecology Expert Panel, Prof. Madhav Gadgil. Prof. Gadgil spoke on the subject ***'Transparency and Accountability Initiatives to increase spaces for peoples' participation in governance'*** with a focus on environmental justice and community management of natural resources. The open lecture was attended by nearly 60 people and saw some great insights being shared on by Prof. Gadgil the predatory economic growth that is marring our country. He also talked about the urgency of empowering Gram sabhas and Zila parishads as well as strengthening local biodiversity councils to counter the stifling of community voices.

### **Impact of Transparency and Accountability Initiatives and participatory planning on public services - Settings and Sources of Evidence:**

The first session of the conference was dedicated to understanding existing interventions by CSO members in the field of TAIs and participatory planning. The purpose of this session was to bring together practitioners' from diverse fields using different methods and tools on a common platform. Dr. Abhay Shukla of SAATHI spoke on community monitoring of health services which have re-energized public health centres in many parts of Maharashtra. He narrated his experiences of working towards creating the idea of ownership among people towards government institutions and services. He said that though fraught with difficulties the process of community engagement in monitoring has led to the public investing their faith once again in public health centres and challenging its perceived apathy and nonchalance. Ambarish Rai, the national convener of the RTE

forum talked of the urgency of strengthening School Management Committees in order to keep public schools alive. He said that the RTE Act in its present form is an eye-wash but practitioners face the strange dilemma of supporting this act as it is the only way to protect government schools.

Mohan Hirabai Hiralal talked of his efforts in Mendhalekha to bring in participative planning. He said that political power can be countered by knowledge power. He also said that the complexities which are talked about when discussing Direct Democracy can be addressed in a gradual phased manner and by making way for a geographical division between direct and Representative democracy. Sowmya Kidambi talked of her work as the Director of the Society for Social Audit, Accountability and Transparency in Andhra Pradesh. She talked of the trust and involvement of the people along with the political and administrative will shown by the state government leading to the institutionalization of social audits in the state. Till now, around 21,000 GPs have been interviewed over 5 times and local communities have warmed up to the idea of social audits. The non-interference of the state government has added the process. Shripad Dharmadhikari of the Manthan Adhyayan Kendra shared the work of his organization in seeking transparency in water policies. He said that the core of water policy formulation in India is undemocratic and that leaves very little space for seeking accountability. Large hydroelectric projects are carried on over long periods of time with overlapping jurisdiction which also impedes accountability measures. Dr. Praveen Jha pitched his arguments at a slightly skeptical level when he questioned the interventions that had been discussed previously. He said that a lot of attention is being given to operationalizing TAI measures while not questioning the nature of the state enough. Dr. Jha said that the neo-liberal agenda defining the political-economy of the country is the primary impediment to participative democracy and CSOs should focus on changing this flawed base.

The sharing of ideas and experiences led to further engagement with not just the successes and opportunities thrown up by sector-specific interventions but also with the inherent contradictions and loop-holes that comes with it. The session was followed by an engaging open house interaction where the role of civil society in institutionalizing transparency and accountability measures was probed further. Cross-sectoral specificities aside, the possibility of coming up with new evaluation techniques for measuring transparency and accountability were discussed by the participants.

## **Participative Governance and Budget Accountability**

This session was moderated by Subrat Das, Director, CBGA, New Delhi. The panel comprised Ravi Duggal from the International Budget Partnerships and Naim Keruwala from Janwani, Pune. Mr. Duggal talked of the criticality of understanding and monitoring budgets and the role it plays in democratizing governance. He laid down the responsibilities of the legislature, executive and the judiciary on making budgets more pro-people, participative as well as disseminable. He said that the media also has the role of a watch-dog in making people aware of budgets by passing across the information to them in a demystified manner. Naim talked of the efforts of his organization Janwani in preparing Pune's first participative municipality budget. He outlined the dissemination of information, processes of advocacy and the sensitization among the people of Pune which ultimately led to them pitching in to create a budget suited to local concerns. In his presentation, he also highlighted the bureaucratic stranglehold which often leaves the final call with the Prabhag committee. But, the positive change inspite of such minor road-blocks can be noticed in the gradually increasing participation of people in Pune in the process of budgeting.

## **Spirit and Praxis of the Right to Information Act: The gap within**

The second day of the conference started by revisiting the RTI act and critically engaging with the promise, delivery and scope of change embedded in it. Often we notice a kind of reductionism where RTI is believed to be the 'be-all-end-all' of Transparency and Accountability initiatives. Though such conflation is far from the truth, one cannot disagree that the RTI continues to be one of the most potent tools in the hands of the people. Jagadananda, ex-Chief Information Commissioner, Odisha and Vivek Velhankar, a RTI activist from Pune talked about the strategies, successes and pitfalls observed in the praxis of the Act. Mr. Jagadanada pointed out the callous way in which the RTI is used to impede governance in many quarters. He said that people collect a wealth of information but are not aware of the way in which they could use it. He said that people have to be educated about follow-up strategies post information collection as information by itself is rarely an end. Mr. Velhankar talked of the criticality of knowing how to pose questions which is central to the RTI act. He also added that the heart of the Act lies in section 4 which talks of proactive disclosure. Suo-moto declaration of information should no longer be neglected and advocacy efforts should be strengthened to enforce it.

## Social Media and Advocacy

In the age of the digital media, advocacy efforts are evolving to suit new trends. The social media is no longer a site of personal networking but also for institutions to vocalize larger socio-economic concerns. Anshul Tewari, the young founder of Youth ki Awaaz argued that if you can make people relate to any issue through anger, sadness or responsibility, you can push the wheels of change. He shared the story of his popular blog which has a huge readership base and which has tried to fill in the gap left by mainstream media. They source stories from the field and disseminate it to a larger audience in a demystified, simple, reader friendly format. They also pitch in with advocacy efforts through crowd sourcing which has often led to solutions. Rucha Naware of CRY shared the experience of non-profit organizations taking their cause to a larger usually indifferent audience through the social media. She said that the sheer number of people connected to digital platforms cannot be avoided and advocacy efforts have to be created targeting this group. But, social media advocacy cannot happen if on-ground advocacy strategies are not chalked out with clarity.

## Transparent and Accountable Governance: Institutional Mechanisms

The conference had begun with discussions on CSO interventions in deepening transparency and accountability initiatives in India. But, it should not be assumed that the states have absolutely no role in creating the space for more pro-people governance. Many state led initiatives have been working to make a difference in the provision of services and entitlements as well functioning of institutions. Many have been able to make a difference while others have only camouflaged their real intent by talking of transparency. This interesting session saw Dr. R. Ramakumar of TISS, Mumbai make an impassioned case to move beyond an uncritical understanding of transparency and question it vis-à-vis individual privacy. He said that the idea that nothing is wrong with transparency can completely undermine personal privacy and help fester an invasive state. This will be no different than being under the constant scrutiny and surveillance of the state which can lead to many human rights violations. He added that it is not impossible for transparency and privacy to co-exist and lack of privacy should never be used as a compensation for more development and security. He talked of the eye-wash brought in by the Unique Identification cards or Aadhar cards in India and said that people should move towards less data invasive technologies.

B. Muralidharan, an independent consultant has worked in bringing in the Right to Public Services Act in Bihar. This act provides time bound service delivery to people and extends to a large bouquet of services. The Act also clearly fixes a chain of accountability and ear-marks the person who is responsible for the final delivery of the service. He stressed that it is not just the Bihar government but a number of state governments which have woken up to the need of being accountable to citizens. This Act has also given state governments the handle to make optimal use of ICTs and E-Governance tools.

## The Way Ahead

The last 2 sessions of the conference were dedicated to chalking a way ahead using the knowledge, observations, inputs and insights gathered from the conference. Dr. Abhay Shukla made a brief presentation about the way in which an integrated programme theory of Transparency and Accountability could be evolved. He talked of taking a dialectical approach by having a 'one foot in-one foot out' stand indicating engagement with the state without getting co-opted. It was decided that there needs to be thorough documentation and analysis of various TAI case stories. Avenues like RTI clinics should be set up as a one stop location for all queries, concerns and capacity building related to the RTI Act and its use. A net-portal can be created for transparency and accountability based initiatives and concerns and crowd sourcing of ideas can be done through the social media. A significant point which was raised pertained to NCAS strengthening its role as a convener and embarking on a plan of building alliances and networks to further efforts on transparency and accountability.

The role of CSOs in a politically charged environment needs to be assessed and revised continuously. Though small interventions pave the way for larger changes, the need for challenging the nature of the state also has to be debated. Rhetoric of pro-people governance has to be substituted by a protracted demand for an essential basket of services enshrined in the rights accorded to citizens. This has to be the goalpost in the days to come.



## Introduction

The past decade in India has been a period of flux for all the practitioners and activists in India, working relentlessly and persistently to secure the citizens of this country, their inalienable rights. On one hand, the state has made space for citizens through progressive, rights based legislations but on the other hand, the state has remained committed to the pervasive neo-liberal agenda which has defined its socio-political character since the past 3 decades. Spaces for engagement, for participation have been created to truly democratize governance but these spaces have not been operationalized. Situations have been created where lack of information and knowledge has impeded participation and has created a system where 'delivering development' has replaced the idea of 'deliberating development'. In such a situation, the focus has shifted to the capacity of governance and the way to make it more democratic and participative. Transparency and Accountability has become a non-negotiable feature of this governance and has been determined as not just a catalyst towards realizing good governance but an intrinsic and institutional part of governance. The discourse on transparency and accountability aims at talking about development deficit by putting enough pressure to keep the government on its toes regarding efficient service delivery. But, it also aims at engaging with the question of democratic deficit by allowing people to take charge of their public institutions and feel a sense of ownership. Infact, the only way to combat the neo-liberal onslaught is to reclaim and communitize public institutions and the starting point of this change is strengthening transparency and accountability measures.

The past decade has seen this realization getting crystallized through various Transparency and Accountability initiatives (TAIs) changing the way people interact and engage with the state. The Right to Information Act has aided and strengthened this process and various other means like school management committees, social audits, community monitoring, score cards have made a significant move towards participative governance. But, these means and tools are scattered and there is neither any noticeable interconnection nor a holistic theory drawn from these dispersed practices. Though a lot of practices have made it to the public domain, there is still a lack of meta-literature to add to the knowledge on transparency and accountability and its intrinsic involvement with governance.

Cursory engagements with the various TAIs reveal that, there are still many conceptual and empirical gaps in understanding. There is still no consensus on the effect, effectiveness and evaluation of TAIs and ambiguity about various terminologies associated with it. Therefore, there is an urgent need to create an interface between various practitioners of TAIs working in various sectors to cull out sectoral specificities as well as share dilemmas and impediments.

National Centre for Advocacy Studies (NCAS) has since the past 16 years been involved in working with the marginalized communities with a rights-based approach. The mandate of NCAS has been to use people-centered advocacy to not just secure the rights of these communities but also to work towards participative, pro-people, transparent and accountable governance. NCAS felt the need to take the agenda of developing a holistic understanding of TAIs further and arranged a 2 day national conference on the theme, 'Transparency and Accountability in the Social Sector – Pedagogy, Theory of Change and Showcasing Key Success Stories'. The conference was held in the YMCA International Centre at Pune on 20th and 21st March. The conference saw participation from nearly 40 practitioners, researchers and activists from across India. The broad objective of this exercise was to collectively deliberate on 'building spaces for peoples engagement and work towards empowering community voices'.

### **Conference Objectives**

The following objectives were articulated for the workshop

- Outlining outcomes of TAIs and contextualizing sector specificities
- Understanding the state and service providers' response to TAIs
- Understanding terminologies associated with TAIs and impacts in relation to Transparency and Accountability

During the plenary session, Dhananjay Kakde, Executive Director of NCAS welcomed the participants and spoke on the under theorization of citizens participation in governance and the knowledge vacuum created in that regard. He also elaborated the articulated goals of the Conference while adding a few more indicators and questions which the audience could use as a benchmark to reflect on. These questions are-

- How does one negotiate with a host of factors at play when coming up with a common strategy and how does one address the issue of attribution?
- Do service providers even care about the feedback generated through community monitoring in the form of score cards etc?
- Is a relationship of antagonism with the state absolutely essential to change power relations?
- How can the discourse of transparency and accountability move from answerability to enforceability?
- What are the risks and the possible negative impacts that could derail the process of deepening democracy?



## Reclaiming the public health system: community monitoring in Maharashtra

Dr. Abhay Shukla

Discussions on accountability measures in the heart of rural India rarely begin by invoking traditions of Ancient Rome. But, Abhay Shukla started his presentation to the surprise of most by talking about the construction of arches in Ancient Rome. He narrated the tradition followed by architects in Rome who used to stand under the constructed arches while an attempt was made to test the stability and the longevity of the construction. In an ultimate test of skill and responsibility, the architects used to take on the risk of standing under the arches while a consensual sabotage used to take place. This was done to test the accountability of the engineers. The core idea emerging from this ancient practice of Rome is that the key to a structure, an organization or an institution being useful and sustainable over a long period is accountability.

Mr. Shukla presented the problem in the current discourse of Transparency accountability initiatives in India by highlighting that the practice of TAIs has moved ahead of its theorization. Therefore, there is an urgent need to work up the pace of theorization to account for changes and evolution in practice which has happened in the past few decades. Using the example of Maligre village in the Ajara block of Kolhapur district in Maharashtra, he stressed on the fact that in the present day, communitization is the only available alternative to privatization. 3 private clinics in Maligre have shut down with the improvement in public health services indicating that contrary to popular belief, people are still ready to move from private to public health care. The key input in this case, was fixing up a chain of accountability for the functioning of public health centres and making sure that the monitoring was not conducted in an apolitical manner.

What is often forgotten in the discourse of accountability in India is the issue of Power. Accountability is not just a form of ensuring efficiency but a critical means of devolving power. It is therefore, not just to be viewed as fixing a framework for good service delivery but viewed in the larger framework of further democratization. It is essentially this power equation which is driving private healthcare to promote the language and the logic of the market. A part of this vehement propaganda of the private sector stems from the inability of the government to communicate to the people about their rights and entitlements






through the various structures in place. While the communication efforts and intent are under question, the spaces still exist and that is where the real battle has to take place. In order to defeat this market logic, the community has to take control of the power.

**DR. ABHAY SHUKLA** is the coordinator of the organization, SATHI-CEHAT based in Pune, Maharashtra. He is a member of the Advisory group for community action for the National Rural Health Mission, and member of the Core group of NGOs of the National Human Rights Commission (NHRC) in India

### One foot outside and one foot inside

The Jan Arogya Abhiyan has been working on devolving power to the people through the community based monitoring of the National Rural Health Mission in 13 districts of Maharashtra. Their current reach is about 800 villages wherein they have established a stringent line of accountability from village to state level with multiple stakeholder involvement. There are monitoring and planning committees set up at the village public health centre level, block level, district level and state level. Connecting village level implementation with state level implementing agencies is always given adequate importance. The committees comprise public health officials, elected representatives, members from NGOs/CSOs and also have some representation from the lower committees. 30% of the composition of the committees is made up of elected representatives. At the state level, the state Health Minister and 5 MLA's are part of the committee.

### Key Process in Community Based Monitoring

-  **Community Awareness**
-  **Capacity Building**
-  **Data Gathering**
-  **Report Cards**
-  **Jan Sunwai (Engine of Change)**

Report cards work as crucial indicators of identifying issues and devising strategies to change situations. The final stage is a Jan Sunwai (Public Hearing) which is called the Engine of Change. These hearings happen at various levels leading up to the district level. Over the years, 400 Jan Sunwais (Public Hearings) have been organized in the state of Maharashtra.

This entire operational framework highlights the importance of sticking to the motto of 'One foot inside and one foot outside'. Experience here, suggests that while undertaking community monitoring initiatives, one foot has to be firmly embedded in the state model while the other foot has to be within the community. If you completely move into the state mode of functioning, then in essence the effort gets co-opted to suit the state narrative. But, if you stay embedded in the community understanding, then the fact that these schemes work on public funds starts getting diluted and eventually gets reflected in your work.

Community based monitoring has thrown up some marvelous results in the areas where it has been implemented with rigor and integrity. The utilization of public health care has increased with the reduction in illegal charging and abusive behavior from government officials. The regular visits of government doctors have decreased the dependence on private practice. CBM has also enabled community planning at the district level. A recent success has been the provisioning of diabetes medication for 22 areas in Pune district out of Zila Parishad funds

***"CSO's can be enabled through the 4S principle which entails Selection, Support, Space and Sustained partnership."***

**Abhay Shukla**

### One Umbrella for Public Service Monitoring

The entire discussion on strategies and successes of community based monitoring efforts to put in place systems of transparency and accountability will prove to be futile if the goal is left ambiguous, vague and open to interpretation. The singular goal of strengthening TAIs is to allow the community to reclaim power by democratizing power. This is not an apolitical issue and needs proper theorization to come up with strong strategies for the future. Accountability can no longer be an issue of efficiency and has to be made a political governance based issue. And, if that is to be put in place, accountability measures for different sectors cannot continue to operate in silos. There has to be an organic integration between different accountability measures in different sectors.

The reclaiming of public services by the community can only be possible if the goal post of further democratization is used to strategize ahead. There are 4 aspects which need to be stressed on. Direct democracy cannot continue to exist as a Utopian idea and has to be made a reality. Planning, decisions and governance has to emerge from the people. People cannot remain relegated to be the beneficiaries of governance and development and have to be empowered to be its active agents and implementers. But, while saying this, it has to be kept in mind that operationalizing direct democracy is a long and arduous task and there have to be some short term and implementable strategies at work too. With this in mind, Mr. Shukla identified that the current system of representative democracy has to be made more democratic. This can be done in 2 ways. Firstly, representative bodies have to be expanded by increasing the number of multi-stakeholder bodies. The current system represented by political and bureaucratic representatives move out at regular intervals impeding the process of time bound accountability. Multi-stakeholder bodies will directly put more people in a position to be a part of decision making and monitoring. Secondly, the existing representative democracy has to be reclaimed and made more responsive to the needs of the people. This entails making sarpanches and other elected representatives more accountable. And the final step is to activate internal accountability measures through external accountability models.



## A Long run to Nowhere

The past few years have had a lot of progressive legislations taking shape in India. But, along with it a new problem has been identified. A lot of work is being done, a lot of huge strides are being taken, but we are not covering any more territory than we previously have. It is as if we are running at full speed but are not moving ahead. This dilemma needs to be addressed in detail. The more things appear to change, the more they appear to be the same. The reason is fairly simple. The race is not completed with the creation of new spaces of engagement. A lot more energy has to be put into maintaining these spaces. These are unstable and contested spaces and maintaining these spaces needs to be seen as a step ahead. Forming committees is thus, not enough. The focus has to be on keeping this committees critically functioning. So, the perspective with which we view change and movement has to be reanalyzed. But, along with this, the reasons for stalling of rapid change, also needs to be analyzed from the point of the state's involvement. To further democratize power, the state must partner and not just engage. This needs to be complemented by further autonomy to CSO's. The state should play a role of partnership but its dispensation is towards total control. This is an aspect which it is not ready to surrender with ease. So, here the role of CSOs to maintain these spaces becomes even more critical.

Finally, accountability cannot just be relegated to the village level. There has to be a circle of accountability established which functions without giving undue importance to accountability either at the lowest or at the highest level. Along with this, the complexity of setting up accountability mechanisms at the village level has to be given adequate attention. Awareness on transparency and accountability measures should not be limited just to the community members but also be made mandatory for the officials. Dialogue has to be facilitated not in a hierarchical manner but in an equitable power distribution framework.

## A move towards Peoples' Power

A distinction has to be made between state power and peoples' power while recognizing the complexity of the relationship between both. The way ahead to democratize power and make accountability a political issue is to create more spaces for peoples' power while redefining the reach and intensity of state power. This is a contested area which is constantly being negotiated and reclaimed.

***"Create a situation of unending disequilibrium because as long as conflicts take place, change takes place."***

**Abhay Shukla**

But, the way ahead lies in this contestation. The role of progressive forces in this situation will be 2 fold. Firstly, they have to work towards creating more participatory spaces for community engagement and secondly, they have to create countervailing forces to make optimal use of these spaces. A situation of unending disequilibrium between state power and people power has to be created and sustained. An essential tension in this relationship is what propels and fosters change. The state can only be transformed by gradually invading with increased peoples' power. Strong countervailing forces along with extended spaces for participation can certainly lead to participatory governance.

Direct democracy is not dichotomous to representative democracy. Spaces for direct Democracy have to be strengthened in order to make representative democracy much more efficient. If the intention is to make Accountability a political issue, then further fragmentation of initiatives will only be detrimental to the cause. There has to be an integrated system of monitoring and participatory planning for all essential public services like Health care, Nutrition, Education, Food security, Water and sanitation.

## **Public Service Councils for an Integrated schema of Accountability**

Initiate the formation of Public Service Councils at the block or district level instead of fragmented and multiple committees. These councils will work with the Panchayats and have a wider participation than sector specific committees. In order to democratize power, these councils have to be given some concrete authority and they should periodically organize Jan Sunwais and cajole the government officials to answer queries.

## Participatory planning in common resource management: A story of Mendhalekha

### Mohan Hirabai Hiralal

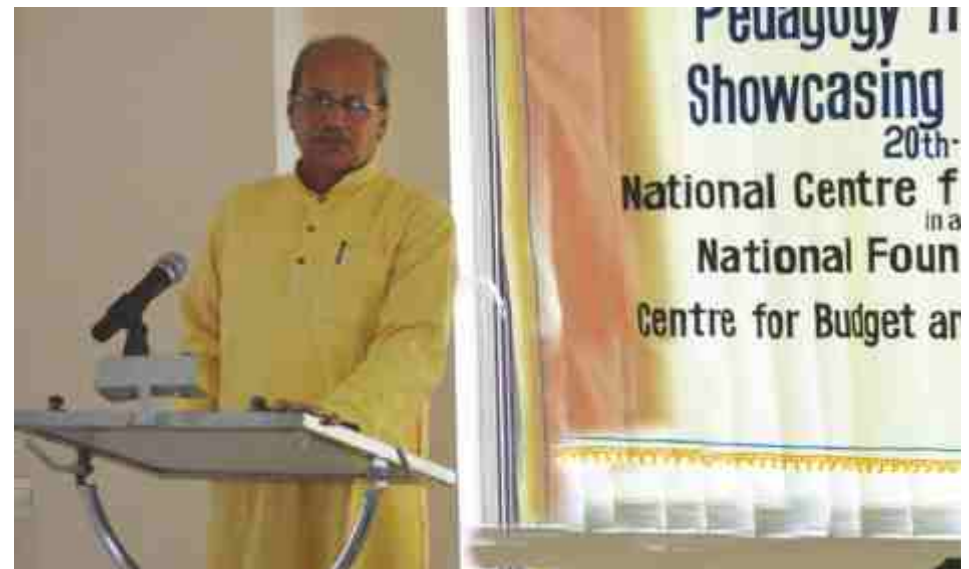
There is a common pattern which is usually followed when blame needs to be assigned for any kind of violation of rights. The state is almost always the antagonist, the villain who works in opposition to what is expected of it to wrest away power from the hands of the people. But, according to Mr. Mohan Hirabai Hiralal, there are situations when people put all their assigned rights on a platter and hand it over to the people who do not deserve that authority. And, then when the trust put in the state starts getting dissipated and the protector turns into the destroyer, then the blame is put on the ruthless state. But, in such situations, people should also take part of the blame on to themselves for not being able to gauge the importance of the rights and the powers which their constitution has guaranteed them. Because, once they understand the powers in their hand, they will not be as complacent in guarding and exercising them to chart their own destiny.

For long, representative democracy and its intrinsic alienating characteristics have escaped scrutiny and have not been questioned. In a country like India, with wide geographical and ethnic diversity, dispersed population acts as a tool in the hand of the state. Dispersed population impedes the formation of communities based on issues and often prevents a collective voicing of concerns and collaborative action for change. This dispersed population and lack of community based action is something that the current form of representative democracy exploits. While voting is considered to be the greatest power in the hands of the people, a slight change in perspective throws up a different picture. People are actually disempowered by the process of elections because they get to vote just once in 5 years and at all other times have absolutely no power to participate and influence decision making, implementation and monitoring. While the constitution has provisions for devolution of power through progressive interventions like the 73rd and 74th amendments and PESA, Governance in India is still extremely centralized. People are routinely alienated from decision making processes and this reflects in their involvement in the accountability and monitoring process. Decision making processes are still controlled by fear and power politics. To realize the true essence of democracy and make every individual's voice matter, the shift has to happen from representative democracy to participative democracy.

### Of Human Selfishness and Participative Democracy

The idea that every individual should be a part of decision making and be actively involved in governing the country can at the outset appear extremely unrealistic, impractical and even Utopian. Undoubtedly, the road to direct democracy is very difficult. It is with these doubts in mind, that Mr. Mohan Hirabai Hiralal started his work in Mendhalekha, a small tribal village in Maharashtra. He wanted to see and experience for himself if participative democracy is indeed Utopian or if there are ways to put it into action. And his experiences at Mendhalekha proved that, contrary to what is widely believed it is doable and achievable.

**MOHAN HIRABAI HIRALAL** is a renowned Forest Rights Activist who has worked towards securing Community forest rights in Mendhalekha



There is a strange catalyst as identified by Mr. Mohan which aids and fosters the process of participative democracy. That is the intrinsic and universal characteristic of human selfishness. While selfishness is often identified as the root of many human evils including the sustenance of greed fuelled capitalist order, if harnessed differently it can also lead to a more democratic order. Every person out of selfish motives and interests is genuinely concerned about her own welfare and personal growth. The sense of alienation promoted by the state impedes this personal growth and mostly acts contrary to what the person envisages for herself and her family. Also, majoritarian decisions are thrust upon people in the name of democracy which curtails selfish interests. Selfish interests can be channelized to force upon the right to negate majority decisions. People can be convinced that more participation in the process of governance and decision making, in the long run is for their personal gain and growth. And in this way, selfishness can be used to actually create a change in the fabric of society and democratize power.

### Power analysis and Participation

Mr. Mohan identified 3 kinds of power which changes the dynamics of participation in a democratic society. The first kind of power which is quite obvious in a neo-liberal order is Economic Power which emerges from ownership of natural resources. This is a power which is vested in the hands of a few but exerts the maximum amount of clout. While this may seem to be omnipotent with no counter, there is another kind of power which can offset the skewed balance. This can be termed as Knowledge Power. Knowledge should not be used synonymously with information because its ambit is much wider and more action oriented. When information is processed and moulded according to local situations and realities to find solutions to issues of life and livelihood, the outcome can be termed as knowledge. This emerging understanding which is arrived at collectively is what can prove to be empowering for the community and can act as a counter to Economic power.

In Mendhalekha, a unique attempt was made to add to the Knowledge Power of residents. A forum called 'Adhyayan Mandal' (equivalent to local study groups) was constituted in the village which included all the people who had an opinion on issues and liked to debate and deliberate. Initially, the discussions were extremely personalized and lacked any theme. But, gradually as the space started getting social sanction, the conversations veered to community concerns and issues. This

group did not have any monopoly on decisions but their role was to create and collate knowledge which would then be circulated to all the residents in the Gram Sabha. One of the critical observations was that the creation of this knowledge was in no way linked to the literacy level of people.

The Adhayayan Mandal was an effort to equip the people with Knowledge Power which would make them realize the importance of participating in Governance to realize the rights that are theirs to claim. But, the salience of stressing on local knowledge is that it ultimately leads to the third kind of power which is Political Power. Once, the confidence of being able to handle their own resources and determine the development that is suitable for them is instilled in the community, then the centralized decision making is not as easily tolerated. Then community power structures become much more tangible and vocal.

### Lessons from Mendhalekha

The experiments with Participative democracy in Mendhalekha reinforced the disconnect between the formation of laws and its implementation. But, what makes the Mendhalekha experimentation successful is the observation that once decisions are taken collectively, drawbacks in implementation are taken to task by the people. Mendhalekha is a disturbed village where the people are caught in the midst of Maoist violence on one side and state retaliation on the other. Though there are major concerns of safety and even life involved in being political in such a scenario, the people continue to challenge centralized decisions and are constantly reinforcing local participative democracy.

***"Gaon me hum sarkaar. Desh me hamara sarkaar."***

*(We are the government in our village. We form the government at the centre)*

The slogan followed in Mendhalkeha

While participation and community engagement in governance is redefining politics in Mendhalekha, the inefficacy of efforts in isolation is not being sidelined. The truth remains that India is a representative democracy and Mendhalekha cannot function as an island. Just the way state power without peoples' participation is ineffective, only community voices without engagement with the state also has very limited results. So, the effort is always to strike a balance between the two. So, for the time being, Mendhalekha continues to send representatives to the state and centre. But, at the local level, the essence of Direct Democracy has been truly realized. Hope, this inspiring story can reach out to more areas and further democratization can truly empower people.



## The scope and reach of Social Auditing

Sowmya Kidambi

### Social Auditing in Andhra Pradesh

It is difficult to ascertain what could have been the reason behind a state government endorsing social audits especially when even Panchayats are extremely critical about the process. Panchayats in Rajasthan had been very critical of Social audits and had even termed them as being against PRIs. So, for a state government to bring in social audits and to create an independent organization to conduct it can be quite a mysterious choice to decipher. But, in hind sight, Sowmya suggested a practical reason embedded in real politik which could have influenced this choice. No amount of advertisements or propaganda can elicit positive public opinion towards a CM and his government like people ascertaining the efficacy of service delivery themselves. And this can only be done through social audits involving the community members. But, irrespective of whatever the motivation could have been, by bringing in social audits into Andhra Pradesh, the CM handed over a potent tool of monitoring to the people.

**SOWMYA KIDAMBI** is the Director of Society for Social Audit, Accountability and Transparency (SSAAT), Andhra Pradesh.

In the past 6 years, 21000 Gram Panchayats have been interviewed 5 times over. This translates into a gold mine of data. A lot of young people have been identified from impoverished backgrounds and have been trained to do social audits. Public hearings are a regular feature now and Old age pensions, NREGA, Aam Admi Yojana schemes are part of these hearings. It is heartening to see project directors and high officials of the government sit through the entire length of these hearings and answer the questions posed by the people. The public hearings do not just focus on swindling of funds, but also focus on the source of decisions and the line of accountability. It is not about just issues of corruption but also about outlining the gaps in policy formulations.

Pyaarji Khotak is not a popular man. There must be a handful of people who have heard of him and there is a possibility that most of them would be active members of the Mazdoor Kisan Shakti Sangathana, the pioneers of Social Audits in India. So, when Sowmya Kidambi started narrating the story of an unknown sarpanch of a non-decrepit village called Umarwa in Rajasthan, the concept of Social Auditing was shorn of all complexity and was reduced to a personal tale of retribution. Pyaarji was forcibly made the Sarpanch of Umarwa to keep the Rajput clout intact in the village. The next 5 years for Pyaarji were a tale of indignity and indifference where he had absolutely no voice in the matters of the village and his presence was invoked only when signatures on official documents were needed. He silently saw numerous falsified documents, minor scams and misappropriation of funds take place while he quietly went about delivering signatures, helpless to bring about any change. Around that time, Rajasthan was witnessing Jan Sunwais organized by the MKSS which were taking to task corruption at the level of local governments. Pyaarji had attended a couple of such hearings before, he gathered courage to approach MKSS and share his story. He was scared that he would be doomed in the case of an enquiry and wanted to take to task the corrupt 'panchs' who had swindled funds. After almost a year, a Jan Sunwai was held in his village and the corrupt doings were revealed in public. Though the sarpanch could be indicted for the misappropriations, the hearing revealed the truth of Pyaarji's helplessness and he was saved from a jail term.

While Social Auditing comes across as a rather technical term with a connotation of intense number crunching and intensive labor inputs, in essence it is a summation of many personal trials, tribulations and successes like Pyaarji. It is a simple tool, which can be used by the community members to take charge of their situation, take to task their government and stop wallowing in their helplessness. Social Audits evolved as a tool when the battle for the Right to Information was being fought. It was realized that unless people themselves audit figures of development, there is no way to ascertain the truth. In a surprising turn of events, what started in Rajasthan and made massive strides has now been realized and gained strong roots in Andhra Pradesh. Social audits in Rajasthan never gained roots as there was neither political nor administrative will to take the process forward.

## Gaps in Social Audit Implementation

Social accountability is a basket with multiple tools like citizen reports, data collection, public hearings etc and each of these tools have their own significance. But, social audit frameworks in other states lack both intention and structure. There is an overt fixation that these governments have on large numbers in terms of numbers of people and villages reached out to. The qualitative data emerging is relegated to the background. In other states like Uttar Pradesh, social audits are conducted through district collectors who send 5 inadequately trained interviewers to the field. Unlike the processes followed in Andhra Pradesh, there is no clear pre-audit preparation, checking of documents, registrations and crowd mobilization through Gram Sabha meetings. There is a fear of the state government creating giant monstrosities by trying to influence social audits.

## The Way Ahead

The success of Social Audits in Andhra Pradesh can be attributed to two primary reasons. The first is the trust of the people and the second is the intent of the government reflected in swift action and lack of interference. People demand 4 things when engaging with Social Audits.

- Information
- Accountability
- Action on Verification
- Protection (from backlash due to participation)

In Andhra Pradesh, the process of both action on verification and providing protection to whistle blowers has been given utmost importance. A fast track court is in place to put to task erring officials and those removed from office do not just include contractual officers, but even BDOs. In cases of, violence against young auditors and whistle blowers, the state has taken swift action and within 24 hours put the accused behind bars reinforcing the faith that these young people have put in the empowering potential of Social Audits.

Sowmya summed up her presentation saying Social audits cannot be dismissed because the 'end-results' are not achieved. These end-results are often drawn up without taking into account the field of operation and the social-political context of operationalizing these audits. A future endeavor for NCAS could be to create an interface between researchers and practitioners of Social Audits to address this

disconnect between objectives and intentions. But, the larger goal should be to make information dissemination more convenient and help pass it across in demystified, usable forms. Unless, information is demystified most of the redressal mechanisms would work on hearsay defeating the purpose of transparency and accountability.

Finally, Social Audits are done using public funds and there should be no hesitation in being answerable to the public regarding its expenditure and services. While, operating within the framework of the state is necessary to address a lot of critical issues, the independence and autonomy of these agencies should remain non-negotiable. Transparency in its functioning should be imperative to prevent falling into the same trap that in the first place necessitated the creation of social audits. The enemy to defeat here is political power controlling democratic practices and that should never be let out of sight.

## Researcher and Practitioner disconnect

A critical issue identified during the course of the deliberation was the inability of research and praxis of Social Audits to operate at a common level. Sowmya raised the concern of a number of unsubstantiated research flowing around which discredits Social Audits as a potent anti-corruption tool.

A common agenda reflected in researches is the increasing number of complaints indicating the failure of Social audits. But, Sowmya countered the point by giving the example of better policing leading to increasing number of complaints. Such linear causations without taking into account the changes on the ground can only prove to be an impediment to increasing accountability measures triggered through Social Audits.

## Community advocacy and state accountability: Understanding School Management Committees

Amrish Rai

Can a state move towards rights based development while being deeply entrenched in Neo-Liberal policies? Is such a duality possible in a democracy or does it just serve to be an ornamental assertion of pro-people state? How is this clear dichotomy which continues to hoodwink people to be addressed and what could be the way ahead for making sure that rights are respected?

These are some of the pertinent and specific questions with which Mr. Amrish Rai proceeded to share his experience on negotiating through the trials and tribulations of the Right to Education Act. At the outset he mentioned that in spite of all its faults; the RTE is a progressive legislation and a step forward towards pro-people laws in the country. But, soon after the long drawn fight to get the Act in place concluded, the problems associated with its implementation started presenting themselves starkly necessitating impartial scrutiny and stringent monitoring. The RTE Forum was formed in the year 2010 to take up this critical role. The RTE had envisaged that all the progressive norms on infrastructure, teacher training, classroom transactions and assessment methods would be completed by March 2013. But, a year down the line, the answer is clear that this crucial deadline has been killed. The second major deadline is set for 2015 by which all para-teachers have to be trained and regularized. The purpose of Rights based development is to create institutional structures that will ensure that legal guarantees will not be violated. But, with one deadline gone by and another crawling up, the government has not yet woken up to the fact that the passing of a progressive legislation does not amount to its fulfillment. It is within this callous approach of the government towards RTE implementation, that Mr. Rai located the critical problem of an overarching neo-liberal structure. The need for civil society engagement to counter what he identified as a strong neo-liberal agenda is of utmost importance when the faith of people in public institutions is at an all time low.

The RTE Forum brings together civil society organizations working on the RTE agenda in many states. In the year 2013, 2200 schools were interviewed to get a clear picture of the implementation of RTE. Government figures have scaled the 90% mark when talking about schools which adhere to single provisions enlisted in

the act. But, RTE Forum debunked that logic and attempted a study to see the number of schools which present a 'good school model'. The model essentially is a school where all the diverse indicators like classroom ratio, good toilets, and infrastructure etc., mentioned in the RTE are to be found. The study revealed that only 8% of schools in India fulfill all the requisite norms. The best results were found in the state of Maharashtra but were only pegged at 14%.

### Critical importance of Data

A crucial monitoring based challenge which emerged from the presentation of Mr. Rai pertained to the lack of an accepted schema of collating data on education. The studies conducted by the RTE forum revealed that there is a huge difference between the data provided by the state and the reality as reflected on ground. What adds to this problem is the inability of CSOs to come up with proper data which impedes their work on policy formulations and amendments. A simple example can highlight the dubious nature of data collection done by the government. One of the primary objectives of RTE is to increase enrollment and make it universal. The figures collated by the state shows enrollment as high as 98.4%. But, this does not include the high rates of student drop outs. Also, the government data in some quarter show that 80 lakh students are still out of school. But, as the RTE forum had pointed out the number of children involved in child labor far exceeds this figure. Therefore, there is no consonance of the field reality with the data being circulated by the government. But, when the civil society also fails to provide any dependable data, its bargaining power and its credibility, both suffer.

**AMRISH RAI** is the national convener of the RTE forum and has been a crusader for inclusive education policies.

## Rethinking Education and the role of Schools

Education unlike a health scheme cannot be envisaged using outlay-outcome-output determinants. It is not a mere service, the efficient delivery of which is the key to empowerment. Education is a tool to build an egalitarian society and serve the federal character of the nation. The rich history of education in India has suddenly morphed into education catering to the demands of the market. Progressive documents like the National Curriculum Framework, 2005 has been forgotten. And, on the other hand, studies like ASAR by Pratham go on to promote the fact that government schools cannot even deliver on learning outcomes. The study does not focus on the indifference of the state towards government schools and the burden on teachers. Education cannot be imparted by just focusing on structural needs of schools. Also, the shift towards vocational and skill based education while ignoring fundamentals is not a healthy trend. All these cumulatively create the idea that public institutions of education are unable to deliver and the burden has to be passed on to private players. The role for CSOs is to highlight this policy shift in the domain of education.

Another reason for the public education sector failing in India is due to the large number of fragmented policies. Pre-primary education comes under the ambit of Integrated Child Development Scheme (ICDS). But, ICDS monitoring reveals that there is very little emphasis on education and primacy is given to nutrition. Education for children in the bracket of 6-14 years is under RTE and for children above 14 years of age, it is under Rashtriya Madhyamik Shiksha Abhiyan (RMSA). Such fragmentation leads to confusion amongst both implementing agencies and communities who attempt monitoring and end up being just half hearted attempts.

The final problem identified by Mr. Rai pertained to the lack of adequate public spending for education. The commitment for 6% GDP allocation for education was made by the Government of India way back in 1968. But, so many decades down the line the allocation is still limited to 3.3% of GDP. This cannot be a question of resource crunch but a question of prioritization and political intent and will. Apart from the resource crunch, there is a massive feeling of demotivation among the government school teachers. Increased pressure in completing curriculum, providing good results without adequate training and capacity building takes a toll on teachers. They are also forced to take part in a lot of non-academic activities like

election duties, census duties and sometimes even assisting local MLA's. This leaves them with very little time to dedicate to their schools and students.



### Demand for a Common Policy of Education

The RTE forum proposes that there should be a common policy of education of children in the age group of 3-18 years to do away with the confusion that comes with fragmented policies like ICDS, RTE and RMSA. Pre-primary education has to be linked with Right to Education. From the outset, differences are created when poor kids attend Anganwadis and rich kids attend nursery schools. The only way to do away with such disparity is to intrinsically link pre-primary education with the larger mandate of inclusive schooling.



## School Management Committees, Challenges and Emerging Spaces

Though a lot of problems identified with Public Education emanate in the policy sphere, the issues of implementation at the grass-root also act as road-blocks. A monitoring tool to address issues of implementation and make public schools more accountable are School Management Committees (SMCs). Secondary and Higher education in India is almost 75% privatized but primary education is an area where children are still largely dependent on public schools. Since, successive governments have failed to give adequate attention to government schools, the middle class over time has moved away from public education to private education. This withdrawal has to be stopped. The idea of SMCs was to remove the management of schools from bureaucratic control and give it to the community. SMCs are institutionalized mechanisms for monitoring and grievance redressal. But, public schools have already been earmarked just for the children of the poor and impoverished. Therefore, the SMCs are made up of members who are first generation learners in their families and have very little to contribute on the kind of education being imparted to their wards. Monitoring, planning, budget utilization and grievance redressal are also in the mandate of SMCs but often suffer because parents are not proactive. A recent suggestion of RTE forum is to link the many SMCs in one Gram Panchyat with PRIs and state level federations to strengthen them.

Though there are problems associated with the potential of SMCs, there are numerous cases where empowered SMCs have managed to challenge the status quo. Through agitations and complaints, they have ensured teachers are not deported for non-academic activities. Therefore, the role of SMCs should not be written off as they still continue to be a potent tool to make public schools accountable. But, inspite of giving this space to the community, the state is now allowing corporations and private players to invade the same space with the mandate of improving government schools. This in the long term will be detrimental to the purpose of making government schools function better and retain the importance of public institutions. This trend can be reversed only if communities take a more active role in school education. Schools in Naxal areas are taken over by para-military forces. Naxal affected districts like Sukma have 0.59% implementation of RTE. Political motives are driving the neo-liberal agenda into the education sector. And, the multi-track education system is creating problems of

access, equity and quality. The timing is critical to reclaim the public education system and the civil society should put on a united front to bring about a new policy regime.

***“If we want to radically transform education in India, then the change has to start from the pre-primary level”***

**Ambrish Rai**



# Transparency and Accountability in the formulation of Water Policy

## Sripad Dharmadhikary

Discussions on Transparency and Accountability are embedded in the political-economy of the country and they cannot be viewed in isolation of the existing power structures. Sripad began his session by locating the issue of transparency in water policy formulation in the larger context of who in the present day controls water and what is the political character of these entities. Water being a state subject is controlled by different states differently through varied policies. But, in essence the fundamental observation on a Pan-Indian basis is that policies on water are not pro-people and in many cases not even democratic. A crucial part of the problem emerges from the way water has been understood traditionally and the change in the way it is perceived in the present day. Traditionally water has been understood in a multi-dimensional manner with its multiple facets being given adequate attention. Water is an ecological element but also central to the maintenance of this ecological balance. Water is also a cultural entity and has a unique place in our social lives. But, inspite of all these facets, the major understanding of water centers on its economic and productive aspect. Economics is what colors our understanding of water in the present day and that can be identified as the inception point of the confrontations and power struggles related to water.

### Spatial-Temporal Accountability Concerns

The core of Water policies in India comprises large projects spearheaded by big dams and the nature of this core itself is neither transparent nor encourages accountability of any kind. To add to this, water policies revolving around big projects also involve spatial and temporal ambiguities which leave very little space for seeking accountability. For, example the Narmada project is spread across 3 states with responsibilities and jurisdictions divided over this large space. So, in case there are grievances to be made public or accountability questions to be raised, there are often confusions about the forum and the party to which it is to be addressed. A state can evade the questions saying that it is a multi-state project and providing answers from one source will be difficult. The centre on the other hand can say that its hands are tied since water is a state subject. The purpose behind such huge projects is also to create such vagueness and confusion that

accountability can be easily evaded. The second issue in seeking accountability arises from the projects remaining under construction for long periods of time. If a project goes on for 20-25 years, then not just officials but even entire governments change over many times. Therefore, it becomes difficult to point your questions at any one official or government and passing the buck becomes a matter of convenience. This large time lag leaves a lot to be desired between promise and delivery and in an ultimate defeat of democracy, responsibility and answerability keeps shifting hands. The final issue in seeking accountability is determining the position of decision makers and understanding the motivations and biases. The political, economical elite are usually the ones who take decisions and the local people whose concerns these projects are supposed to answer, are not even stakeholders in the entire process. There can be some superficial attempts at ensuring accountability and transparency, but fundamental changes will be difficult to come by till the entire system is made democratic.

**SRIPAD DHARMADHIKARY** is the founder of the Manthan Adhyayan Kendra. His work focuses on privatization and commercialization of drinking water and issues around large hydro-electric projects.

### Privatization of Water

To further add problems to this essentially undemocratic structure, there are now attempts to privatize water. The character of private corporations is essentially profit-making and they are accountable towards their shareholders and not towards the people. This does not boil down to the fact that corporations are corrupt but simply highlights the fact that their essential character gives no space to accountability. Privatization of water supplies is touted to improve service delivery and accountability but case studies from the world over show it to be false till date. Sripad talked about the long drawn struggle against privatization of water

in Tirrupur. A long, protracted agitation in Tirrupur was led by the local people to raise their voice against the privatization of water, but in the end culminated in a sad realization. It was understood that private companies do not even come under the ambit of RTI thus removing the very first step of seeking information about their activities. Common people have no way to know how these companies function and privatization serves as the last blow which completely alienates people from their water resources. Khandwa in Madhya Pradesh also saw strong resistance from the people. The company there was trying to get each user to sign an agreement where the user has to agree to various rules and regulations but the company does not promise anything or set any rules and regulations for themselves towards the users.

### From Privatization to Community Management

India, traditionally has had a rich history of community management of water resources even when caste and class equations have persistently created conflicts in ownership of water resources in villages. Gujarat and Rajasthan till date, have examples of community managed minor water bodies which give adequate autonomy of planning and diversion to the local people. But, of late in many quarters, people are becoming increasingly dependent on the state for provisioning of water and this is an unwelcome trend. In many towns of Madhya Pradesh community wells of yester-years have degenerated into garbage dumps. But, keeping in mind the agenda of accountability and transparency in water usage, the trend has to shift back to autonomy to the communities in the management of water resources. This is the only way to reverse the trend of privatization of water in small towns and villages.

### Information and Decentralization as the way ahead

Seeking transparency and accountability in the formulation and implementation of water policies can only come by if free and disseminable information is given primacy. RTI is a potent tool for getting information but we have to acknowledge and accept the fact that a lot of information does not come under its purview. Since,

water is a state subject and inter-state water disputes are common in India, most governments keep information related to water classified. The North eastern states in India have in the recent past become hot beds of large dams and water disputes which need civil society intervention. But, information in water is kept classified in these states because they are Border States and some of them are even disturbed states. In many cases, information obtained from various departments of the same government differs drastically. Information obtained through secondary, tertiary or indirect sources is mostly fabricated and its authenticity more than often is suspect. When data of big dams and hydro-projects are unavailable it becomes difficult to determine how much water has been stored, released and for what objective. The lack of data for research and investigation impedes all further efforts on seeking accountability.

The power structure in the water sector has to be decentralized and the understanding of water has to be changed from just an economic entity. Discussing further about increasing accountability in the water sector can only prove to be fruitful if this democratization takes place at the earliest.



## Confronting the neo-liberal state: Looking beyond engagement

### Praveen Jha

The social sector cannot be viewed as an appendage or an add-on to the larger political picture. Disassociating the broader politics of the state from the functioning of the social sector is often an impediment in coming up with an overarching vision for the society. At all stages of deliberating social change and pro-people governance, the political paradigm has to be explicitly stated for the change to be long term and sustainable. This was the unease and the contradiction, Praveen Jha picked up from the previous session and decided to engage the audience in probing further into this discourse of engagement and confrontation. While it is quite clear that questions on transparency and accountability are gaining ground in the current political system, it is also true that the neo-liberal order has made these ideas extremely privileged. There is an urgent need to unpack the ideas of transparency and ask ourselves some tough questions. Even Fascist orders in Germany kept their governance ideals extremely transparent. But, that in no way reflected on the nature of the state at that time. Therefore, the wider understanding should be to treat Transparency and accountability not as an end in itself. The focus should rather be on the kind of society we envisage for ourselves and whether our nature of engagement and confrontation is adequate to bring about that change.

In the neo-liberal era we have celebrated the death of the Karachi declaration and that vision of Economic Reforms. The Karachi resolution of 1931 spoke about nationalist decolonization and taking forward a community vision of development for the country. In the first 30-40 years after independence, our governments were still concerned about issues of equality and took it as a task to reduce the gap between the rich and the poor. For this reason, the Karachi resolution still occupied the mind-space of the decision makers. But, with the advent of the neo-liberal order, those issues were completely disregarded. The essence of the Karachi declaration has been confined to the pages of history and nothing has been done to actualize that vision. If we desire change for the people at this stage even in a rather minimalist way, we have to go back to the Karachi resolution.

### Universalization of policies and the question of Affordability

In order to challenge the basic nature of the state in order to make it pro-people, a social contract has to be designed. This contract should include the following basic policy prescriptions-

1. Universal Public distribution system
2. Free Universal health care through national health service
3. Employment Guarantee
4. Universal free primary education
5. Universal pensions to the old and help for the disabled

A key and non-negotiable feature of these measures should be their universal reach. Targeted schemes not only have inherent and detrimental exclusion errors, but they also directly challenge the federal setup of the nation. It is an indignity to the vision of universal and inalienable rights, if we turn it into targeted schemes and make the approach look charitable. Next comes the question of affordability. A critical question which needs to be asked is who are the people who the state is privileging at the cost of the larger impoverished mass? Simple arithmetic will reveal that the costs incurred by the state in universalizing all these schemes will be less than the costs the state incurs in providing tax cuts and concessions to large corporate houses. Even in terms of fiscal policies in India, there are many questions left unanswered. Indirect taxes are still more than direct taxes in India which indicate the regressive tax regime we are currently in. Indirect taxes hurt the poor more than the rich, yet there are more questions being raised on the level of taxation, rather than the way in which it is being raised. Tax justice and the nature of fiscal policies in India can truly determine whether we are a civil society or not. The debate can no longer be limited to whether we can afford it or not but should move to how badly we want it.

**PRAVEEN JHA** is a Professor at the centre for Economic Studies and Planning, JNU.

## Revitalizing public institutions: Spaces and Dilemmas for CSOs

After 5 presentations which invoked hope and intrigue, revealed persistence yet complacency and talked of change and inertia, the house was full of an audience with queries, concerns and opinions. The presentations had revealed some workable models initiated by CSOs and some which had even been endorsed by enthusiastic state governments. All these initiatives and models went a long way in putting the vigor back in public institutions and giving the community the immense responsibility of ensuring that these institutions keep functioning. While these spaces had been identified and operationalized to bring in more pro-people governance and planning, there were some contradictions and roadblocks observed. It was necessary to initiate a spirited discussion to not just address the gaps to make the models more holistic but also to dwell more deeply on the reasons for their success to make the ideas replicable.

### SPACES

The wilting of public institutions in the fields of health and education drew some sharp insights and comments from the audience. The withdrawal of the middle class from public services was identified as a crucial issue which has led to its subsequent deterioration. If the system and its institutions remain an avenue just for the poor and the impoverished, then the treatment and attention meted out to these institutions also remain mired in poverty. The public sector has not been sacrosanct in its operation and involvement with the communities, but the biggest blow against it was brought in by the onset of the neo-liberal regime. Since, the 90s the neglect of the public sector magnified and in the subsequent decades, the withdrawal of the middle class has become almost absolute. But, even with the growing disenchantment and neglect of the public sector, there are examples where administrative will and good governance has kept these institutions smoothly functioning.

The second issue identified which presented a lot of scope for improvement was in the use and dissemination of information. Information had become increasingly decentralized but the issue of fake data and unreliable sources of information was proving to be a major hindrance. If there could be systems to address the issue of

### Open house interaction

lack of availability of data and to substantiate its validity, then the efforts towards seeking accountability could get more momentum. Simplified, demystified information lies at the heart of transparency and accountability initiatives and efforts to improve access to such information should be given immediate attention by CSOs. There are examples of data integration to counteract circulation of contradictory and fake data in many countries which could be attempted in India. There are gaps in RTI which are purposely keeping people away from getting critical information. Ravi Duggal expressed his concerns of private companies staying away from the ambit of RTI. He said that there are many public companies which have parked their funds with these companies and people deserve to know the financial dealings of these public companies. If public concerns have invested in corporations, then it should be mandatory for them to reveal that information through the RTI. Sowmya Kidambi used the example of social audits to highlight the singular importance of information. She said that irrespective of whether social audits are state sponsored or not, they are a source of unadulterated data and should be strengthened for knowledge based advocacy. A broad set of guidelines should be drawn up by respective governments regarding the kind of information that should be made accessible to the public in a simplified format and provision of such information should become non-negotiable.

**Ravi Duggal** shared the story of public health institutions in Mizoram functioning smoothly due to the sheer diligence and responsibility of government doctors. Narrating an anecdote, he said that though doctors in Mizoram are primarily Catholic and are anti-abortion by faith, they never let it interfere in their duty towards patients.

But, both information and accountability seeking can become more legitimized if social audits are recognized by government departments and find adequate space in government systems. A new way of doing this can be by attempting to link social audit data with the CAGs data so as to grant the information more sanctity. The accountant General's office in every state has an advisory cell which encourages all CSOs to apply. It might be a good exercise to try this alternate CAG route and try to get the government involved in some way or the other.

The largest space identified from the presentations was the potential to come up with an integrated framework of ownership of public services and institutions which could come together inspite of diversity in access to and ownership of resources. There were queries about how such an integrated framework with a multitude of stakeholders look like and how would the agenda be strengthened. Abhay Shukla took the example of Venezuela to expand on the idea of a more vibrant participative democracy. In Venezuela, there are different committees/boards for different services provided by the Government which include water, electricity etc. Every month, these government boards interact with peoples committees and officials have the responsibility of answering all questions and queries posed by these collectives of people. This makes sure that the people remain involved in the process of governance through both collective planning and decision making and active accountability seeking.

## DILEMMAS

A question which bothered many in the audience was pertaining to the rise of accountability, the centralized structure and economic nature of which was not moving towards drastic change. If decentralization is to be realized, should the change not start with the economic structure of the state? In the absence of these elementary requisites, local planning and decision making can have a very limited impact. The wider question was in the absence of conducive conditions, should the focus be on direct democracy or should efforts be concentrated on making representative democracy more accountable?

It is not hidden from anyone that the larger economic policy in India functions on a consensus between the largest political parties. The spaces for people to enter the system and attempt to change its very nature are decreasing by the day. The strategy of the state is to compensate for this shrinking space by coming up with

***“Equitable opportunity is crucial to quality enhancement. When there is partial treatment being meted out to government schools, then it is not fair to take them to task on quality of education”***

**Ambrish Rai**

some progressive, rights based legislations which work more as a problem solving tool than as a genuine attempt at devolving power. Even within these legislations, there are gaps and loopholes which make sure that transfer of power to the people remains a mere stated fact and does not actually get realized. It is within this space of shrinking dissent and eyewash policies that the fight for decentralization is being played out. Ambrish Rai used his experiences of working with the RTE to highlight the many contradictions and transitional stands that an activist has to negotiate with throughout his mission. He stated that the initial fight was against the RTE because the people working in the field of education had realized that this is a token rights based act and in essence it stands compromised. But, with time, they have come to realize the fact that proper implementation of the RTE, even in its compromised form, is actually the only way to save public schools and public education. In the absence of RTE, these schools will soon be taken over by the private sector and will serve as a tool of the market. Therefore, the unflinching nature of the state and the all pervasiveness of the neo-liberal order have made the activists stand in support of the act which they had earlier deemed as mere tokenism.

Abhay Shukla presented a slightly more optimistic perspective to this dilemma by not treating increasing centralization as a given. He said that in the past few decades information has become increasingly decentralized which has acted as a counter for some powers of the state. Identifying such trends of decentralization can lead to identification of further spaces of engagement. Policy making can easily help and aid decentralization of management of existing public services which is a huge potential space for CSOs.

***“Protagonist democracy is a strategy to both promote direct democracy while strengthening representative democracy. At the local level, the focus should be on making decision making and planning more direct. And in situations, where it is not possible representative democracy has to be made more participatory and inclusive. Political will can go a long way in making this transition possible. Liberal democracy is based on individualism but in a radical sense of democracy, there will always be space for collectives, Venezuela has a system of such collective committees where democracy from below is practiced by taking into account, views from large collectives of people.”***

**Abhay Shukla**

The second critical issue identified was the visible disconnect between research and practice which was also reflecting in advocacy efforts. When one tries to objectively study anything, there has to be a clinical distance between the practitioner and the researcher in order to ensure value neutrality. But, at the same time, this disconnect cannot be so massive that one has to talk of research and practice in mutually exclusive terms. Practitioners have to take in some amount of criticality with them into the field and researchers have to draw inductively from on field experiences to theorize. Research has to stem from experiences of involvement because often lack of involvement is also lack of insight. So, the disconnect will only lead to a microscopic version of reality and in the interest of better engagement, this issue has to be addressed at the earliest. The need of the hour is ‘engaged researchers and reflexive practitioners’.

The third issue which was reflected in the dilemmas expressed pertained to the linkage between social audits and CSOs/NGOs. Does the success of social audits and public hearings in any way depend on keeping a healthy distance from both NGOs and Funding agencies? Sowmya Kidambi used the example of the success of social audits and public hearings conducted by MKSS in Rajasthan and said that MKSS was in no way tied to either a CSO or any funding agency and did not depend for monetary help on anyone. Even in Andhra Pradesh, where the state has

institutionalized social audits, there is complete transparency regarding funding. The state has set aside an undeterred 0.5% of MGNREGA funds for the audit society set up in the state and exercises no authority in dictating how those funds should be used by the audit society. The problem arises when many NGOs act as implementing agencies of social audits but are not open and transparent about their funding. This leads to consequences where accountability takes a major hit. Even in case of Saathi in Maharashtra, funding for community monitoring is entirely done by the state. But, organization funds are subject to strict auditing. Abhay Shukla pointed out the fact that governments institutionalizing social audits are more sustainable for the long run than resorting to funding agencies. But, a significant problem can also be located in such an approach. For example in states like Tamilnadu and Rajasthan, there have been many cases where the state has held back funds for social audits and community monitoring leaving the hands of the CSOs tied.

#### **Small interventions or systemic change: Debating a million mutinies**

A lot of views and counterviews were expressed on the role of activists getting mired in a status-quoist position. While activists and practitioners expressed the contradictions and complexities, they work with while negotiating with the system, they also faced the criticism that they were not adequately vocal about the nature of the state. Praveen’s lecture threw open a Pandora’s Box of questions, queries and comments from the many practitioners’ and theoreticians assembled. While some agreed with his analysis of the CSO space not being politically confrontational and leaving the essential unequal nature of the state unchallenged, some talked of the cumulative aspect of these small practices and interventions in bringing about a larger change. The problem of advocacy groups engaging in macro-politics was an aspect brought to the forefront and debated.

***“We do not have decentralized power. We have only decentralized delivery. Therefore, when we celebrate our democracy, we should also question what facet are we exactly celebrating?”***

**Shirish Kavadi**



John Samuel talked of the 'small is beautiful' thought process dominating the mind-space of NGOs in India. When most of the work of NGOs gets limited to or dependent on villages and grass-root concerns, identifying and addressing 'small' issues becomes their specialization and gradually morphs into their cocoon of comfort. While, CSOs get caught up in micro-politics, there is a clear and comfortable division of power between them on the one hand and the state and the corporations on the other. CSOs handle villages and 'small' politics in the villages and grassroots, while the larger agenda is dictated and decided by the state and corporations. Ambarish Rai talked of the state being both the solution and the problem and the unique dilemma of the practitioner in choosing whether to engage or to confront. He said that while they understand the significance of confronting the neo-liberal order, it is imperative to expand the power base of the common man before attempting so. It is in these situations, that small efforts of giving back power to the people through community based monitoring or planning play a major role.

***"These million mutinies have to coalesce into a process which will transform the political structure of the state. That is the need of the hour"***

**Praveen Jha**

There is a critical dilemma being faced by the activists who are engaged in the grass-roots. When confronted with emergencies, they are compelled to engage with the system and are pushed to work in a problem solving mode. Though this gives them less time and energy to directly confront the state, it is mostly their work which is addressing existential concerns of people on a day to day basis. But, viewing their work as microscopic is doing injustice to a historical view of the state and its transition. While institutional pressures may have proved to be a roadblock in macro-theorization which should also be a goal of the civil society, the cumulative effects of their work should not be forgotten. It has to be remembered while criticizing activists and practitioners of not pushing the boundaries of status quo, that most of the progressive, rights based legislations in this country are a product of the persistent efforts of these activists.

Sowmya Kidambi agreed to the fact that there is less than required confrontation and challenges to the state from the CSOs. But, if they stop using the tools that they have at their disposal, there would be no pressure on the state and all consultative ideas and participatory processes could easily stand negated. Abhay Shukla added to Sowmya's point by bringing in the issue of ownership and agency. He said that these small steps go a long way in pressurizing the state to act on behalf of the people and not on behalf of the corporate sector. But, they have an additional role of creating an agenda for change and driving people to rally around a common cause. This cause can be the protection and maintenance of public institutions. If efforts are put to make people feel a sense of ownership about public institutions and services, then they will challenge the state and fight it out of self and collective interest. These interventions may not be at a macro level but will be a key tool in transforming the relationship between people and the government. We can learn more about the ways and means of doing so from Latin American countries who have taken some crucial steps in this regard.



Amitabh Behar summed up the debate saying that there is no doubt that the nature of the state has to be challenged. There are 2 ways of doing it. One is by fundamentally transforming the nature of the state, the methods of which are open for deliberation. The other is to make incremental changes, step by step, brick by brick, the way practitioners and activists are attempting to do it. But, having said that, the time has also come for the sector as a whole to ponder on questions of its role and relevance. With the state trying its level best to come up with new ways to legitimize itself, the civil society also needs to critically examine the extent to which it has become an agent of the neo-liberal order. In the quest of short term goals, has the challenge being posed by the civil society to the state weakened leaving the state more powerful? The sector now has to deliberate and identify the position they visualize for themselves in the next 20 years to come and the vision which they think the country should adhere to. The time for a new discourse has come and the deliberation should start with some self-reflection and critical examination of intent and methods. .

Praveen Jha had the last word when he stressed on the fact that without a deeper engagement with the political economy, discussions on pro-people, participative governance will prove to be superficial. The number of NGOs is multiplying in India and so are the number of discussions and deliberations. But, the key question is how all this is changing the structure of the Indian state. There is certainly the importance of all kinds of micro-politics and interventions but the time has come to think of multiple trajectories keeping in mind an ultimate goal. Immediate action should not be at the cost of giving up long term goals. The questions posed in the debate were all critical and did not have clearly cut out answers. Looks like the social sector has a lot more to grapple and deliberate on what Praveen termed as the 'optimism of will' and the 'pessimism of analysis'.



## Budget Accountability and the Health Sector

### Ravi Duggal

A cursory look at the health sector in India will reveal to us the fragmented natures of its policies. There are schemes to target specific groups and communities, there are schemes to target specific illnesses and even schemes to target specific geographies. But, there is no integrated and holistic framework of health-care in India and in the present day that is the single largest problem, activists in this area have to face.

Budget as it is widely believed is not a onetime process which starts and ends with legislation. Budget is a continuous process and can be broadly divided into 4 stages.

1. Formulation – This stage happens 8-9 months before the legislation and determines the indicators of expenditure and target goals.
2. Legislation – This is the stage where the bill is tabled in front of the state legislature or the Parliament is put through rigorous debates
3. The third stage consists of the allocation of funds and the time period and outlay parameters
4. Accounting and Auditing process

The significant part of budget accountability is that, it can be demanded at each of these stages. But, there are two critical stages where CSO and peoples' intervention can prove to be more fruitful. The first stage is right at the inception of the programme i.e. at the scheme planning and formulation stage. This is the stage where there is ample space for research and feedback and ideas can be inductively incorporated into the draft. Changes attempted once the bill reaches the legislature are difficult to come by. Ideally, the legislature is the forum in which debates and deliberations have to take place making it more conducive for various opinions to be heard. But, the data we have at our disposal shows otherwise. Parliament and the state legislatures barely function and even if they do, the quality of debates and deliberations are dismal. The entire budget session sees just around 12 hours of debates. Budget debates usually see the feeblest response from legislators unless there are political motives involved. In such a scenario, expecting a balanced feedback mechanism at this stage will lead to much dismay. The second

stage where CSOs can step in is at the final stage of accounting and auditing where the gap between outlay and outcome parameters can be gauged and the responsible department or authority can be deemed accountable.



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## Fixing Accountability

There are 5 crucial entities that we can fall back on while seeking accountability for our budgets. These entities have a defined role and responsibility and also have adequate checks and balances for each other's power. If they work in tandem, the process of seeking accountability for budgets can be a much easier process. These entities are-

- Legislature
- Executive
- Civil Society
- Media
- Judiciary

In the absence of legislators doing their duty of reviewing and refining budget documents, the larger question of who is to be held accountable looms large. Who is responsible for efficient service delivery? Is the onus just on the bureaucracy or do MPs also have a role of monitoring the functions of the bureaucracy? Most of the times, government auditors do a good job but their reports are not given any importance. A logical step of the auditing process should be for the legislators to take cognizance of the reports and follow it up with relevant action. But, that is a gap which has not been bridged till date. On the other hand, not all is perfect with the processes and methods followed by government appointed social auditors.

There is a lot of space for them to improve their work and make their conclusions more usable and action oriented. Involving civil society in the auditing processes like it is followed in countries like Nepal can make the process more fruitful and can enrich the audit reports.

The media also has a significant role in highlighting stories about budgets and letting people know the reality about lack of implementation of budget items. Budget stories are considered to be drab and do not fit in to the mould of sensational news that the media industry is now used to. But, it cannot be forgotten that budget accountability are major public interest stories and disseminating information about these items in a simple, consumable manner is a critical responsibility of the media. There have been stories of media activism in the recent past which have highlighted budget stories and have managed to strike a chord with the nation. The judiciary also has a major role to play especially in times when it

is acting as a conscience keeper and resorting to judicial activism to take suo-moto cognizance of issues. The role of the judiciary in the Melghat malnutrition case is one example which has managed to make the nation sit up and take notice.

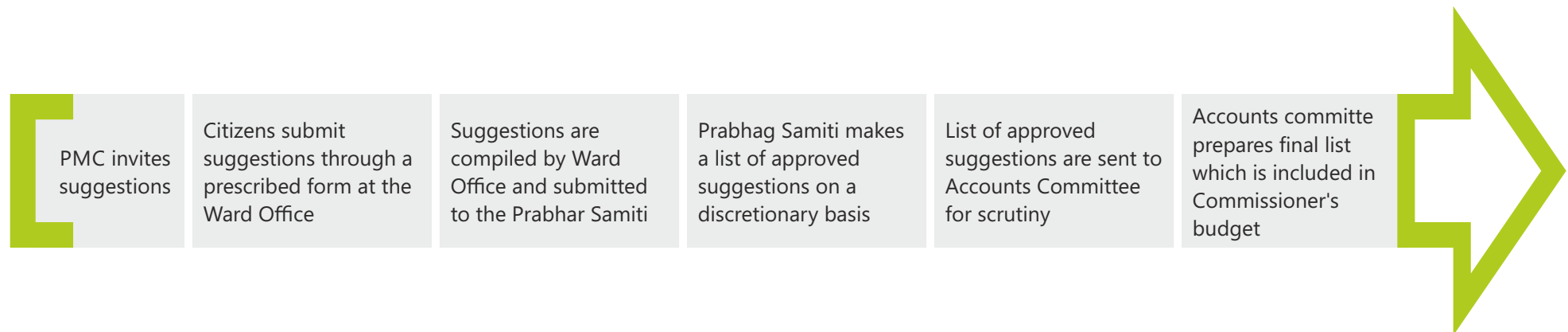


## Budget Analysis and Citizen's Participation: A case study of Pune

### Naim Keruwala

The true realization of democratic processes in budget formulation will come by if citizens play a direct role in determining how to allocate and spend a part of the public budget. But, budgets are not simple documents and involve a large amount of complexities, technicalities and jargon. It becomes very difficult for common people to comprehend the process behind budgets and try to not just get involved but feel an ownership over the process of budgeting. Budget analysis becomes that critical tool which tries to bridge the gap between information and people and makes budgets simple, usable, relatable documents. Participatory budgeting started in the city of Porte Alegre in Brazil in the year 1989 and currently there are 300 cities all the over the world who have initiated this process. Pune remains the only major city in India, where the process of participatory budget analysis has been introduced since the past 3 years by Janwani.

Before Janwani initiated this process in the year 2005, there was no mechanism for people to give their feedback to the Pune Municipal Corporation (PMC) about projects, civic service enhancements and developmental work. In the year 2005, on the request of 2 NGOs, Nagrik Chetna Manch and National society for clean cities, the PMC described the process of budget formulation and asked the citizens for suggestions. But, the real action started in the year 2007 with the active involvement of the then Municipal Commissioner and Janwani. The process was initially sidelined and even termed as 'death of democracy' by the standing committee members. Even corporators took to the idea with a lot of unease as it could dent their autonomy and power if people would get a say in budgets. But, after elections and the formation of a new general body, the deliberations moved beyond the initial skepticism and were finally institutionalized. The process of participatory budgeting followed in Pune is as follows-



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## Groundwork for Participatory Budgeting process

The PMC informs the citizens about the exercise through an advertisement in local newspapers but the rest of the groundwork including information dissemination and awareness generation is carried on by NGOs like Centre for Environment Education (CEE) and Janwani. CEE has not only prepared a menu card highlighting items which are open for feedback but also conducts Mohalla sabhas to provide for an open forum to discuss and come to a consensus on ideas. Web and mobile based applications as well as posters publicizing the process are a major part of disseminating information about the process and ensuring a good turnout. The media has also played a huge role in publicizing this exercise and regular articles as well as radio interviews have helped in making the people more aware.

Janwani has played an active role in promoting this idea since its inception. Apart from contributing in the publicizing of the process, Janwani has conducted nearly 20 participatory budgeting workshops, many of them just for women from Self help groups. This has helped in demystifying budgets and helping the people understand the procedure of budget formulation and allocation.

## The way ahead

It has been observed that the amount allocated by the PMC for participative budgeting has been increasing every year since 2012. While 23.28 crores were allocated for the exercise in the year 2012-13, it has increased to 37.52 crores in the year 2014-15. But much more significant is the number of suggestions sent in by people which has increased from a mere 600 in 2012-13 to 4645 in 2014-15. The effort of the PMC has been recognized through many awards and has in return inspired many other municipalities to take up and implement the idea of participatory budgeting. The simple and user friendly process as well as the increasing amount of allocation has drawn the attention of people of Pune and both participation as well as actual suggestions have increased in the time period of 3 years.

But, there are some gaps identified in the entire process which cannot be wished away. While participation has increased and more so in areas where Mohalla sabhas are strong, it has been limited to the middle class. Also, the Prabhag Samiti has been given the discretion of deciding which suggestions are to be accepted and

which are to be rejected. The Prabhag Samiti meetings are closed door meetings. Ironically, the process to bring about more participative democracy is being troubled by lack of transparency in the most crucial stage.

But, in spite of these shortcomings, the experimentation of participative budgeting in Pune facilitated by Janwani has thrown open a galore of opportunities where this model could be replicated. The core idea which can be culled out from this exercise is the significance of simple and usable information. Unless information is demystified, expecting more democratic participation will be a hard task to complete. Challenges of exclusion will be critical in the way this process moves ahead but it is certainly a step towards making budgets more simplified and people friendly.



## Transparency and Accountability Initiatives to increase spaces for peoples' participation

### Prof. Madhav Gadgil

There are very few occasions when issues of transparency and accountability move out of the realm of thinkers and activists and become an agenda for the common people. There are even fewer occasions when Environmental justice becomes not just a political agenda for affected people but transcends into an election agenda for communities. The Western Ghats Ecology Expert Panel report has combined the aspects of Environmental Justice and transparency-accountability initiatives and has created a storm like never before. From contentions, to controversies and now even an election agenda on which political parties are forced to take a stand, this report prepared by a panel headed by the eminent ecologist Prof. Madhav Gadgil has braved all kinds of rough weather to further the cause of democratic decision making and pro-people governance. The report of the committee was stalled by the MoEF and not made public for a long time. The contents of the report were not made public in the local languages and a vicious campaign was led against it by various governments to spread misinformation and false views. The report which had stressed on handing over decision on eco-system management in the fragile Western Ghats to the local communities through empowerment of the Gram Sabhas was deemed anti-development and even anti-people. But, inspite of all odds, Prof. Gadgil has been working as a lone warrior trying to carry across the true essence of the report to the people and clearing the air about the false propaganda. But, Prof. Gadgil's opinions in the report are a reflection of his long held views on bringing about more participative governance and management of the environment where communities would stand to be empowered. He has long been a proponent of more transparency and stringent accountability in forest policies and development activities. In this public lecture, he highlighted his views on the topic.

Independent India made its choice regarding the kind of development path it wanted to take by rejecting the Gandhian model on one hand and extolling the European and American capitalist model on the other. While the Gandhian model was deemed as rejecting science and the modern industrial growth, the imperial tendencies as well as history of genocide against native Indians and slavery was forgotten while talking of the virtues of the capitalist order. An economy which is highly capital intensive as well as highly wasteful of natural resources was taken up

as an ideal. But, J.C Kumarappa had suggested an alternate form of development which was forgotten in the din. 'Human Centered Development' could have been what India needed most at that juncture. This model of development would have empowered local communities to take control of and sustainably manage and safeguard natural resources. But, as India embarked on Capital intensive development, all concerns of Morality were laid to rest.

### Market Worship and Predatory Growth

It was considered that free market will ensure economic efficiency and wealth will flow down to all segments. But, the agenda in the present day has been reduced to private appropriation of public resources. One of the biggest promises of market led growth was employment generation. But, even rate of creation of jobs has reduced since the neo-liberal onset. When India had the slow and cumbersome Hindu rate of growth of 2%, jobs grew at a faster pace than that in periods of high GDP growth. This jobless growth has an antagonistic relationship with natural resources. The transition has to happen towards an economy of mutualism. Such an economy will be marked by a non-predatory relationship between the organized, technology based industry and services sector and natural resource based, labor

**PROF. MADHAV GADGIL** is a renowned Ecologist and the chairperson of the much controversial Western Ghats Ecology Expert Committee. A Padma Vibhushan awardee, Prof. Gadgil is the founder of the Centre for Ecological Studies, Bangalore. He is the author of many renowned books like 'This Fissured Land' and 'Ecology and Equity'. Prof Gadgil has been a pioneering voice in the drafting of the Biodiversity Act of India and is a strong and vocal proponent of participative planning in the use of common natural resources. Prof. Gadgil's views on devolution of power to the Gram Sabha have been the heart of the WGEEP report.

intensive sectors. This mutualism can be created if the victims of the predatory economics are given their rightful position in realizing their democratic rights. It is for this reason that a number of progressive legislations have been put in place to not just empower the people but also safeguard the natural resources which are critical for their economic and social well being.

### **Realization of new spaces of engagement**

While the state has been putting in place some effort to move towards an economy of mutualism, the realization of these efforts throw up more sinister plans. On one hand while the state has been opening up new spaces, on the other it has been sabotaging these very people and nature friendly acts in order to sustain its predatory nature. But, irrespective of this, there are some counter balances available in the hands of the people and these very tools can help in balancing this skewed division of power between the people and the state. The primary tool in the hands of the people is the RTI which inspite of its limitations remains a critical act to bridge the information divide. Improvements in science and technology and an unhinged access to the internet have helped in keeping the spirit of free flow of information alive. This has in turn given the RTI more relevance than ever and shifted the focus to more transparency in information and improved accountability. But, just having strong pro-people laws are not enough, if the implementing agencies remain powerless. Therefore, the spaces identified for the true realization of these progressive laws, need to be rejuvenated, empowered and made more inclusive and participative. Only this will ensure strict enforcement of environmental laws.

Prof. Gadgil said that the first task to be taken up should be to empower Gram Sabhas, Zila Parishads and Nagarpalikas to take decisions on environmental issues. But, this can only be done if free dissemination of information is enabled for people to facilitate deliberations on environmental concerns without trampling on their freedom of expression and assembly. Free information is crucial to counter propaganda which is intended to defeat progressive laws. Prof. Gadgil gave the example of the vicious campaign which took place when the message of the Forest Rights Act was being put across to the people. A malicious propaganda was spread to make people feel that FRA is actually anti-forest and would destroy peoples' livelihoods. But, information proved to be crucial in doing away with such fear mongering and the legislation has gone a long way in changing the mindsets of

### **Tasks at Hand towards participative Governance**

- Put in place biodiversity management committees in local bodies
- Initiate registration of crop cultivators
- Reinstate the system of empowering citizens to monitor status of environment under the Paryavaran Vahini scheme
- Promote full access to all pertinent information, for instance, through freely making available the currently suppressed Zonal Atlas for Siting of Industries (ZASI).
- Take action on organizing an Indian Biodiversity Information System (IBIS) in line with the proposals before the National Biodiversity Authority since 2004.

people. In Gadchiroli, Maharashtra, the tribal communities have decided to set aside 10% of their forest land to be preserved as sacred forests. The same kind of propaganda against the WGEEP report is being observed now. The WGEEP report suggested people should be given free and critical information on the 'development' earmarked for them. In the absence of this information and choice, development can very well be considered as imposed. But, many state governments have termed it anti-development thus, coloring the opinions of people.

Another critical point shared by Prof. Gadgil was regarding the importance of including environmental schemes in regional development plans. Goa had an exercise called the Goa regional plan 2021 where all the Panchayats were given information on their areas and were asked for feedback about the way in which they want their land to be used. Prof. Gadgil talked about the importance of such practices and said that all states should take initiative in this regard. There should be these kinds of exercises in all states.

## Decoding the politicization of the WGEEP report

Taking many questions from the audience, Prof. Gadgil spent some time elaborating on the controversies around the critical WGEEP report. At the outset, he clarified that the report is not anti-industrialization but promotes the idea of participative and inclusive development. People of the ecologically sensitive areas should have a say in the kind of development they want for themselves and should also have control over the revenue. Ultimately it is the local communities who will have to take cognizance of the environmental and livelihood issues which affect them and take a stand for or against it. While that does not mean that the civil society should remain detached from these issues, there is a limitation to which outsiders can both impose development and resist it. External vocalization of critical issues cannot happen endlessly and hence, the report stresses on involving the locals at every step of deliberation and making it a non-negotiable issue.

An important question was posed regarding the dilution in the spirit of an important tool like public hearing which has been in many quarters has been reduced to a sale contract process. The only way to stem such fraudulent practices is through the expansion of public knowledge but NGOs by themselves have a limited outreach. In such a juncture, what could be the way ahead? Prof. Gadgil answered saying that the solution is not in one time public hearings on a situational basis, but institutionalizing the practice of information sharing, deliberation and opinion creation. This can be done by activating biodiversity committees at the local levels and strengthened to maintain the biodiversity of the area. These committees can then be empowered to contribute to EIA's in their area. Subsequently, these committees can be linked with environmental education departments and activities of awareness generation and monitoring can be routinely conducted. This will be the most sustainable way of knowledge generation.

The current election season has seen the WGEEP report emerge as a major political issue in Kerala. The common understanding of the report as being fuelled through agenda driven politics has combined with local caste equations to create a political turmoil in certain belts of Kerala. In Wayanad district of Kerala, forest burning is a crucial issue and is not concealed from anyone. The fear has been put in people through concerted propaganda that inspite of the history of environmental conservation followed by the people, the Gadgil committee will make the state

## Reforming Environmental Clearances

- a. Assign preparation of EIA statements to a neutral competent body that does not depend on payment by project proponents.
- b. Make involvement of local BMCs mandatory in the process of EIA preparation.
- c. Make, taking on board all information submitted and suggestions made during Public Hearings mandatory.
- d. Make periodic environmental clearance requirement, preferably every five years, mandatory.
- e. Make involvement of BMCs in the process of monitoring of implementation of conditions laid down while granting Environmental Clearances, mandatory.
- f. Make preparation of regional Cumulative Environmental Impact Analyses, mandatory.





evacuate them from their forest land. As a result aimed at revenge, there have been incidences of forest fires which could very well be man-made and passed off as sabotage. A question bothering many, in the case of such opposition is whether the people had been consulted on such contentious issues during the formulation of the report.

Prof. Gadgil clarified his stand saying that the recommendations in the report are not absolute unless the people express their consensus. The mandate for the Central Government was to set up a Western Ghats authority to look into these contested claims. The report even mentioned that translated copies had to be made available to all the people through the Gram Sabhas and the community members should be asked to express their views. The Western Ghats Authority should take a final call based on these views. But, the procedure has not reached even this far, before being tarnished by a malicious campaign against the report.

John Samuel, in his concluding remarks as the moderator of the session talked about the state and media collusion in sabotaging the report. The state machinery has ensured that all means are used to spread false propaganda. Many politicians have shares in these mining companies and quarries which are threatened by the report and it is these vested interests that are fuelling such a campaign. But, in the end the question boils down to what kind of development, we want to see. If development has to be about the ethics espoused by Prof. Gadgil in the report and in this presentation, then the CSOs should work towards disseminating the contents of the report to the people without diluting its essence.



## Spirit and Praxis of the RTI Act: The gap within

**Vivek Velhankar and Jagadananda**

The fact that every common individual is a financier of this country and has a responsibility to know about the way his finances are used, has been lost in translation since a long time. The importance of a common man or woman was realized once in 5 years when votes were to be cast but forgotten after that. In 2005, the long drawn struggle to establish the link between common citizens and the state culminated with the passing of the RTI act. The link between information seekers and providers was finally created. Vivek Velhankar and Mr. Jagadananda in crisp narrations highlighted the spirit with which the RTI act came into being. But, their involvement with the act as practitioners revealed that there is much lacking in the practice of RTI which needs to be addressed urgently.

### The promise of RTI and Suo-Moto Disclosures

Mr. Jagadananda said that the RTI had come to people not just as a means of hope but as a realization of their own significance and power. Citizens had never thought that simple, naïve applications and questions can create larger ripples and force the state to take corrective measures. Just getting the minutes of Palli sabha meetings, asking simple questions on mid-day meals, sanitation etc, are major weapons in the hands of the people and directly influence their day to day lives. Another right guaranteed by the RTI is the inspection opportunity. Samples of roads, buildings, bunds, mid-day meals can be inspected by people and help them demand accountability for lack of provision of services. Outlay-Outcome gaps can be gauged through budget tracking using RTI as a tool and that can lay bare vacuous claims of development. He gave the example of one such simple question opening the gate to larger deliberations which he had observed during his tenure as the Information Commissioner of Odisha. There was a question posed about the amount of land taken by the state for the construction of the Hirakud dam and the subsequent amount of land lying unused. By the time, the final report came out post an enquiry ordered by him, it had stirred a state-wide debate on patterns of land allocation in such huge projects. But, if you look closely, it all boiled down to one pertinent question asked by one conscientious individual.

Section 4 of the RTI specifies directives on suo-moto disclosures by public

institutions. This proactive disclosure in essence, is the soul of the act which is the way forward to a society based on free information and deliberative knowledge. The suo-moto clause specifies that duties of employees, procedures of decision making, rules-regulations and manuals, details of subsidy programs, all sorts of concessions provided by any public institution has to be made public without any prodding by an information seeker. But, the major gap between the spirit and the praxis of the RTI act lies in the way in which this suo-moto component has been sidelined from the entire discourse.

The lack of will shown by public institutions and the inability of the state to enforce suo-moto disclosure of information has led to a massive slowdown in the process. The idea of suo-moto disclosure was also to reduce the burden of the people from asking questions and the staff in trying to collate and disseminate information. But, in the absence of proactive disclosure, the number of questions has bogged down the staff which has resulted in procedural delays. In order to reverse this trend, more attention has to be diverted to pressurizing public institutions to reveal information proactively in a simple and usable manner. Procedures on decision making, allotments and expenditure should be put on the walls of public offices and displayed prominently. Mr. Velhankar gave some simple urban concerns where proactive disclosure is not done to benefit the organizations. In case of failed ATM transactions, the bank is entitled to pay the complainant Rs.100 till the issue is resolved. Even in case of nationalized telecom companies, there are rent rebates to be given in case of landline connections remaining dead. But, there are no ways through which the institutions try to make ordinary consumers aware of their rights.

**VIVEK VELHANKAR** is an RTI activist based in Pune. He works with Sajag Nagrik Manch.

**JAGADANANDA** is the ex-Information Commissioner of Odisha and a founder member of CYSID, Bhubaneswar

Mr. Jagadananda talked of the digital divide observed in suo-moto disclosures which is alienating people. Public institutions say that all the information is in the public domain but mostly it is in digital form. This information in digitized form, usually uploaded on the internet cannot be easily accessed by people in the remote areas and automatically excludes those who are uneducated or of a particular social class. So, an important area of work has to be processing and disseminating information in simple, usable and accessible forms.

### The art of asking questions

Mr. Velhankar spoke about the centrality of the art of asking good questions to get the best of the RTI act. Good, specific questions rather than broad, vague ones often lead to the best answers. But, this art can only be cultivated through trial and error and practitioner's need to keep sending in questions till they perfect the art. Jagadananda apprised the audience about the futility of ambiguous questions and persistent agenda driven questioning. While the RTI empowers each individual to ask innumerable questions, one has to exercise some discretion and responsibility while posing questions. There are many cases where panchayats have been engaged by activists for months together on trivial topics and as a consequence the work of the panchayat suffers. Sometimes, there is no clarity as to why questions are being posed and once the required information is gathered there is no follow up mechanism in mind. At other times, people almost form a library of information through RTI but lack the remotest idea about how this information can be used.

Participatory governance can be a reality if people attack the internalized passivity that makes them believe that someone else will do their work and fight their battles. The only way to tackle this passivity is to orchestrate a social mobilization around issues of transparency and accountability. It should not be believed that the passing of a progressive legislation can put to rest attempts of orchestration. Even in such cases, mobilization is needed to make these laws operational. But in the end, every practitioner striving towards a more transparent and accountable state has to remember that RTI is a tool and comes with its contradictions and loopholes. It can only be useful to a certain extent and state still has powers to curtail information using courts in case it finds its interests compromised. Therefore, every practitioner has to be ready to use other tools beyond RTI in their quest.



### Recommendations and outlining future inputs

- A running thread throughout this session was the role of questions in RTI and certain vexatious, repetitive questions which bog down public institutions. These questions need not be answered at all times at the cost of stopping other work, if a simple format is adopted. All regular questions can be identified and posted in a FAQ format in the website of the organization and in places where people can access it easily. This will also address the problem of the government sitting on information and not revealing it.
- The second issue identified was the inability of people in rural areas and from marginalized communities to be able to understand the functioning of RTIs. Even practitioners from both urban and rural belts often face many problems while drafting questions and compiling information, for which they get no assistance. There is also no unitary site where one can access information obtained through various applications on a cross-section of issues. A solution to this could be through the formation of dedicated RTI clinics or Citizen Assistance Forums which will be a one stop site for all queries pertaining to RTI and information gathered through various applications. Even if 20 states take up such an initiative, collate and disseminate information in a regular and proactive manner, then it would lead to major information dissemination.

- The next critical issue pertained to the role of the CSOs in bringing about proactive disclosure and enforcing the suo-moto directive in section 4 of the RTI. In order to work towards this end, preparing templates needs to be given utmost attention and have to be developed with the intent of gauging the needs of the people. Though some national templates are already in place, the state governments with the assistance of CSOs need to come up with more templates. Along with this outdated and poor data management systems have to be revamped in the country.
- The scope, reach and significance of RTI have been limited in relation to the immense potential the legislation holds. Till now its use has primarily been in the individual domain and there are very few examples of information being collected on a collective basis on systemic issues. So, networks should be encouraged to use RTI to pose questions on critical, fundamental issues.
- Not much has been articulated on the use of RTI for corporate accountability. Information on money allocated for CSR, peripheral development schemes etc and its implementation, needs to be out in the public domain. More thought needs to be given into how the information commission can be used to get answers on corporate accountability.



## Youth and the Social Media

Anshul Tewari

With around 1.5 million readers a month and around 25000 active bloggers to boot, Youth ki Awaaz is a force to reckon with, not just in the social media but in the entire domain of opinion making. And so is Anshul Tewari, its young and visionary founder and editor-in-chief. Anshul started this extremely popular youth blogging site in the year 2008 when the idea of social media had not yet gained ground and like any Luddite assumption was being laughed at. Today, talking of the youth without the social media featuring in the lexicon can only mean a grave disconnect with reality. 'Youth ki Awaaz' as a tangible reality took shape when Anshul noticed a glaring gap in the way the mainstream media represents issues and the perceptions of youth on the very same stories. He felt that the media in its present form was strengthening a discourse which was not quite reflective of the reality on the ground. He decided to create and launch 'Youth ki Awaaz' as a platform where each one could be a reporter and freely share their opinions and points of view. In a culture where dialogue and questioning the elders and more experienced has been looked down upon, this was an attempt to bridge the divide on nonchalance and start questioning accepted norms.

### The rise of the Digital Media

The sheer number of people who have embraced the digital media cannot make anyone scorn at its reach or potential. 150 million Indians in the present day have access to the internet with around 78 million being active users. 900 million people have mobile connections and 731 million use it actively. Even social networking sites like Facebook and Twitter have participation to the tune of 50 million on an average. 'Youth ki Awaaz' recognized the strength of these numbers and realized that a substantial chunk of it comprises the youth. The web and the mobile are breaking down the hold of the mainstream media on people as well as bridging the divide between an erstwhile distant traditional media and opinions on the ground. In the same breath, platforms like Facebook and Twitter are enabling people to react to issues differently in a more emotive and empathetic manner. In many cases, the social media has doubled up as the primary source of information. Youth Ki Awaaz was set up to cash in on these reactions and changes in perceiving information and ultimately translating it into awareness and action.

In order to make a common youngster capable of sharing stories that concern her, a training programme was launched in the initial stages where journalism training was provided in a participatory manner through the social media. Now, Youth Ki Awaaz has tied up with news channels which help provide more professional training on reporting methods. In 2012, a tie up with development organizations was sealed which expanded the gamut of issues and also the criticality with which these issues are to be analysed. This led to the beginning of strategic campaigns for these development organizations with the purpose of awareness, engagement and mobilization. The core idea at 'Youth ki Awaaz' is to make issues concerning common people viral, so that it forces the decision makers to take action. The social media where nothing dies and nothing remains hidden makes sure that international as well as hyper local issues are debated and publicized with the same fervor and persistence. The organization has been receiving outstanding feedback through its internship programmes and the youth volunteers have taken to innovative reporting mechanisms to bring to light issues, which have been sidelined or forgotten by the mainstream media.

A lot of readers of the blog are from Kashmir and the 8 states of the North-east and routinely provide feedback on issues which concern them on a day to day basis. These issues are rarely picked up and given the importance that they deserve by the mainstream media. When a dialogue was facilitated between students of these groups, they spoke out strongly against the AFSPA. Anshul also gave the example of a campaign started by 'Youth ki Awaaz' to highlight the delays in the provisioning of birth certificates to the members of the Chakma community in Arunachal Pradesh. The organization used an innovative IVR method to record the grievances of the people which consequently led to the increase in the provision of birth certificates in the area.

**ANSHUL TEWARI** is the founder and editor-in-chief of the popular youth blog, 'Youth ki Awaaz'

## A shift in Power

Since the year 2012, 'Youth ki Awaaz' started tracking the interns who had worked with them in reporting stories and came across a fascinating observation. They realized that most of the ex-interns had continued working with the non-mainstream media reporting issues of development or had got involved directly with development organizations. A social media platform which is blamed to bring about just superficial dialogue was resulting in long-term changes and was pushing youngsters towards a career with a pro-people political perspective. There is a power shift in the digital media where it has become much easier to reach out to decision makers. There is an influential base on the social media to push things through and try to make things change. Sharing stories, views and opinion can go a long way in transforming mindsets and perceptions. Crowd-sourcing information, content, data and volunteers can be a move towards more participative deliberations. Along with this, the internet is the most democratic entity today where views and opinions are always public and constantly accessible to all. This internet democracy has to be cherished and protected at any cost.

***"If we talk about ensuring government accountability and timely implementation of schemes by engaging with governance, it is important to create 'DEMAND' for internet at the grassroots level."***

**Anshul Tewari**



## Information and Advocacy in the age of the Social Media

**Rucha Naware**

Non-profits across the world have warmed up to the idea of using the social media to scale up their advocacy efforts and reach out to certain sections who have traditionally been indifferent to issues not concerning them. Rucha Naware of CRY put across this idea as 'Putting the Social in the Social Media'. The role of the television and newspapers, in many quarters has been replaced by the digital media in the 21st century. The rising number of people on internet through social networking sites has shrunk the world and streamlined the pathway of information. Every update, tweet or post has the possibility of reaching thousands through just one click. Though it is not the only tool of mobilization or advocacy, it cannot be denied that it is one of the most cost-effective and fast tools at the disposal of development practitioners'. It is thus, an important part to involve the digitally connected community into the fold of larger issues which concern the marginalized in the country.

### Non-profit campaigns in the Social Media

Many NGOs, Development organizations have run innovative and bold campaigns on the social media to mobilize support for issues which earlier had been considered taboo in the digital media. UNICEF ran an immensely successful campaign against open defecation in India, called the 'poo to the loo' project. The CRY campaign on Social Media aims at highlighting the 'You' component embodied in the name of their organization, 'Child Relief and You'. The social media has played an important role in helping CRY decode the role of its initiatives and activities while breaking down many myths related to child rights. It has also played a role in demystifying the policies of child rights and highlighting the changes which needs to be brought in through legislation.

The social media has changed the deliberations from a monologue to a dialogue. Earlier only a few people spoke on certain issues and those were the only opinions ever expressed. But, the new digital media being social in character allows for the free expression and dissemination of views and ideas and facilitates dialogue and deliberation. Internet polls, twitter chat sessions, real-time questions and answers have made accessibility to information much easier. Organizations, trusts and

institutions have also come closer to the people and have permanently turned more approachable. But, more than mere participation, the focus is on increasing engagement and making a by-stander, a crusader for a cause.

Keeping the election in mind, CRY launched a campaign to ensure the issues of child rights translate into an election agenda. As a part of creating a child rights manifesto, they received nearly 1.5 million pledges which added a lot of strength to their advocacy efforts. The lines of online and offline activism are rapidly getting blurred and there is no need to confine the agitations to just streets anymore. A virtual connection can lead to real, long-term and serious engagement and the skepticism has to be toned down in the present day. These networks formulated through online engagement can be an equally important part of advocacy.

But, in the end it has to be remembered that the social media cannot account for the entire outreach plan. There are limitations and even drawbacks to the social media and in many counts it cannot compensate for the lack of direct contact and engagement. So, the online activism has to be at all points in consonance with offline activities to back it up. Ground level action combined with social media outreach together can drastically change the way information has been perceived and advocacy has been practiced in India.

**RUCHA NAWARE** handles the Social Media campaigns for CRY, India

## Decoding Transparency and Privacy

**Dr. R. Ramakumar**

If we glance through most of the ensuing discourse of Transparency and Accountability in the country, then we will notice that both these terms are used together. It is undoubtedly true, that all kinds of accountability seeking is possible only in a transparent system, but there are other uncomfortable and uncritical assumptions underlined in this kind of usage. An understanding has been created that transparency at all points and in all situations leads to accountability and this understanding is rarely contested or challenged. This fuels the demand for more open systems and absolute transparency without going into assessing any loopholes or drawbacks that might emerge from it. Dr. R. Ramakumar presented a contrarian and fresh perspective regarding the problematic essentialization of transparency which often leads to an uncritical view of how the idea is put to practice. The aspect of privacy needs to be taken into account as a reference point while talking of transparency.

### Are privacy and transparency dichotomous?

Are maintaining the sanctity and integrity of the private domain always antagonistic to the public cause? The common understanding without dwelling deeper into this question is that personal privacy cannot co-exist with state transparency and accountability. This is why Nandan Nilekani, the proponent of the Unique Identification card, Aadhar stated that personal privacy can be sacrificed for the larger goal of transparent service delivery and security. This trade off is not only unnecessary but dangerous and sets a bad precedent for the future. Privacy is a subjective term and the notion of what is private and what is public differs from person to person. But, this diversity of perception, does not make the idea undefinable. Historically, the concept of privacy has been spoken about abundantly by both economists and sociologists while contemplating on the nature of the state. The Harvard law review in the year 1890 talked of privacy as the right to be left alone. In the present day, the concept of privacy entails more of personal information. In a nutshell, privacy can be defined as the control of an individual over what she wants others to know about her and what she wants to keep private.

Though culturally, the significance of privacy and its violation might differ, it is still

an important individual freedom. It is difficult to understand the concept of individual autonomy without giving adequate importance to the concept of privacy. But, questions again arise if there can be a trade-off between privacy and transparency leading to more security. If privacy is treated as an individual freedom, then it has to be both intrinsic and instrumental which leaves no space for such a trade-off. The second opposition against privacy and privacy laws in particular, is that the demand for privacy comes if one has something to hide. This idea stems from conflating the idea of privacy and secrecy. This conflation is terminologically wrong and the argument stands no ground. The final opposition to privacy is tracing its roots to Western societies and claiming that it is redundant and unnecessary in India. What the detractors forget is that, the Supreme Court has upheld the right to privacy under article 21. So privacy is a legally protected right under our constitution.

**PROF. R. RAMAKUMAR** is a faculty member of TISS, Mumbai and a vocal crusader against the Aadhar card launched by the UPA2 government.

### Threats to privacy in India

Privacy in India is under threat and the onslaught by the state is something that cannot be missed. The state is demanding more transparency and justifying it using development and security as the twin objectives. But, in this process, it is not only becoming more invasive, it is also directly impinging on personal freedoms of individuals. National Population register, CCSR, Crime and criminal tracking system, NCTC and Aadhar are some of the current threats to privacy in India. Huge centralized data bases serve the purpose of keeping power centralized. In the spirit of devolution of this power, it is necessary to invest energy in coming up with more decentralized data storage systems. The threat to privacy can be mitigated if there is adequate pressure on the state as well as individual discretion to move towards using less privacy invasive technologies.



The threats to privacy in India should not be conflated with the idea that Open Governance is undesirable. Open governance is desirable but what is crucial is to select the model best suited to preserve personal privacy. In India, the problem with UID was that Information of other service provisions was linked to this one major database which compromised the sanctity of the information by making it so readily shared. The mainstream media did not talk much about the perils of such an act and the implications of enrolling in Aadhar was lost on the people. But, the motive should be to spread more public awareness on information sharing so as to prevent threats to personal privacy, dignity and integrity.



## State Initiated TAI: Right to Public Services in Bihar

### B. Muralidharan

The discussion of transparency and accountability initiatives in India includes both CSO initiated practices and state initiated practices. Often the underlined assumption while engaging in such idea is to place the state in an antagonistic position which the citizens led by CSOs have to confront. The state is taken to be an impediment which has no positive role to play in making the system more transparent and accountable. Therefore, most of the discussion is around citizen centric TAIs. But, the repository of state initiated TAIs in the form of guarantees and rights based legislations are vast and need to be highlighted. B. Muralidharan has been actively involved in the formulation of the Right to Public Services in Bihar and shared his experiences with the audience on state initiated TAIs.

Mr. Muralidharan said that there is a lot of rhetoric floating around which is always invoked while discussing how the state can be made more accountable. But, instead of the rhetoric, the whole discussion can be more enriching if three pertinent points are taken up. The following check list has to be kept in mind to see if information and systems on the points mentioned are in place.



#### Transparency

- Is it clear about who is eligible for a service and how they should apply?
- Is all information pertaining to a service out in public and clearly accessible?



#### Accountability

- Is it clear about who is finally accountable to the applicant for the delivery of the service?
- Is the procedure an accountable public servant should follow in case of delay or denial in service clear?
- Are procedure for complaints/grievances laid out clearly?



#### Time Limit

- Are time limits provided for delivery of services?
- Are timelines followed in case of appeals or reviews?

### Right to Public Services-Bihar

The right to public services act in Bihar has been modeled on the RTI act and aims at transcending rhetoric to actually make the government accountable. The number of services notified under this act in the 19 states where it is in effect ranges from a maximum of 470 to a minimum of 50. The most popular services for under the RTPS are provision of caste, domicile and income certificates. The act assigns one person responsible for time-bound service delivery and in case of delays or denial, this person is to be held accountable. There is absolute clarity about the number of days within which a particular service is to be delivered and this time bound service delivery is the heart of the act. The success of this act in Bihar can be gauged both from the reception it has received from the people and also from the fact that 18 states have brought it into effect in just a period of two years. The governments of Nepal, Pakistan and Bangladesh have also shown keen interest in understanding and replicating this act in their respective countries. This act has also given state governments a lot of space to legislate on issues which need not have been formulated by the centre.

There are some states which have indulged in a vexatious exercise when implementing this right but if viewed in entirety, this act has been a major success in areas of implementation. Atleast 17 crore applications have been dispensed till date in just the states of Bihar, Madhya Pradesh, Punjab, Karnataka and Rajasthan. About 95% of these dispensations have been done well within the time limit. Many states have picked up the best learnings' from the state of Bihar. This particular act has given an interesting handle to state governments to use ICTs and new software systems have ensured that the designated systems inform the people in charge about delays. One of the biggest changes which has been brought about through this act is acknowledgment in the form of a slip that has to be provided for all notified services. This acknowledgement slip carries details of the time limit of service delivery as well as the point of contact in case the delivery is delayed. Applicants are informed over sms regarding the time when they can pick up their forms. Bihar has been the first state to introduce radical changes in the front desk management like introducing web surveillance to counter the menace of touts.

Appeals and reviews have not been a major part of the RTPS in Bihar which has prompted the government to take suo-moto cognizance of delays and denials. Penalties in Bihar have cumulatively come up to 74 lakhs till now.

### Observations and Queries

There were some doubts raised by members on the kinds of services being provided under this Act. Many felt that the RTPS Act provided limited services and there is an urgent need to extend it to other services. Mr. Muralidaran clarified by specifying that this act in Bihar is broad based and different from theme-specific acts giving it a lot of space to keep adding services. The first draft of the services included issues like electricity connections and hand-pumps. But, a lot of these specificities depend on notifications rather than separate legislations. New items can just be notified into the act which can help the government address many problems with one shot. In that way, this Act gives you a handle to talk about a multitude of connected issues.

He went on to add that other states have also been trying to extend the definition of services. The Jammu and Kashmir government has defined the flow of water from taps as the actual and intended service delivery under Water Supply. But, its time the public takes the matter into its own hands and puts pressure on governments to include more and more essential services. A bottom-up demand mechanism has to be put in place. This has to be complemented by stronger appeals by people who at many points move back to the old ways of bribery and using internal contacts for service delivery.

**B.MURALIDHARAN** is the Proprietor of Feinbroth Consulting and has been actively involved in the Right to Public Services Act in Bihar. He is also a freelance consultant on Governance, Public Policy and Public Service Delivery.



# The Way Ahead: A dialectical approach towards evaluating Accountability Interventions

## Dr. Abhay Shukla

The two day conference saw practitioners, activists and researchers share their experiences, ideas and opinions about transparency and accountability initiatives. The core agenda decided at the beginning of the workshop was to cull out commonalities from all these diverse approaches and move towards attempting a common theorization of a cross-sectoral measure for evaluating accountability interventions. Before, the conference ended with recommendations and suggestions that could be pursued through the networks established, it was important to go back to this critical agenda once again and spend some more time on attempting theorization. Abhay Shukla spoke at length at the critical juncture at which transparency and accountability initiatives rest today and the urgent need to transcend the logjam and move ahead with a new and dialectical theorization. Existing evaluation practices are mechanical and extremely simplistic. Unless social sector organizations develop their own evaluation processes they will continue to suffer under external evaluations which sometimes may be damaging.

### Elaborating Key Concepts

The first key concept in a new theoretical framework will be that of 'fuzzy concepts'. Certain concepts need to be kept ambiguous deliberately so as to allow diverse actors to come together and act on a common platform. Just like democracy is a fuzzy concept, community monitoring and even social audit is a fuzzy concept. Our concept of these terms may differ according to our location in NGOs, the state or the community. Though fuzzy concepts help us to act together with a core accepted set of minimum outcomes, during times of evaluation, objectives seem to be divergent. Thus, the fuzzy concepts which allow convergence of action also end up being contested concepts.

The second key aspect which is often ignored is gauging the change in power relationships between the state and the people through community monitoring. Undoubtedly, objectively evaluating such a change is difficult and because of this many do not even recognize it as an objective worth following up on. Therefore, there is an urgent requirement to devise indicators to measure this change.

The third factor while attempting theorization is to take into account causation in accountability initiatives. This causation can be both predictable and casual. It is therefore, critical to interrogate the concept of causation and question its definition in diverse situations. Causation is rarely straightforward and linear and often multiple actors and influences lead to unexpected results. Backlash and negative consequences need to be taken into consideration. Multiple levels of power and interlinked causations have made systems in accountability extremely complex. In order to navigate through these complex systems, feedback loops need to be understood

### Moving towards a Programme Theory

There are 4 dimensions which need be given importance to create a theory of change. The first dimension is Empowerment. Regular and repeated assessment is needed to gauge what empowers people. Is it knowledge, entitlements, realization of rights or something that has been camouflaged in the ensuing discourse? The second aspect is strengthening accountability mechanisms. These mechanisms have to operationalized by the means of strengthening processes like Jan Sunwais and Social Audits. These mechanisms should be aimed at bringing about positive changes from the phase of planning to the entire implementation. The third aspect is a change in power relations which will lead to the fourth dimension which is the impact on delivery systems. But, the greater idea in this programme theory is to deepen democracy. It is important to understand, if through the changes in the 4 processes outlined above, there have been lasting changes in the democratic spaces for people. The key factor to be assessed through the new theory is therefore, a change in the entire working of a village with a move towards more participation and democratization.

While there is consensus about a new theory for change which will be dialectical and account for complexities, there are some uncomfortable questions which might come up in the future. One of them was about fuzzy concepts and multiple causations giving social agencies a lot of leeway in evaluation. Would social agencies grant the same space to government agencies? If not, then how can they

embed such ambiguity in theory? Abhay Shukla responded to this by saying that it is essential to draw a distinction between institutional and social agencies. There are common objectives and a line of predictability associated with their functioning. This structural harmony is not something that social agencies have and the systems often are extremely complex and not to mention much wider. These differences have to be kept in mind while planning evaluation.

John Samuel summed up the discussion by taking back the participants to the centrality of power in such discussions. He said that apart from assumptions and baseline, the concept of agency is what differentiates institutional assessments from processual assessments. Democracy can be deepened through redefining indicators of evaluation of accountability initiatives, undoubtedly. But, what will still determine the way this proceeds will depend on who decides the indicators of monitoring and who decides the purpose and objectives of monitoring and

evaluation. Determining the location, ownership and the baseline of the monitoring will ultimately depend on who has agency. Therefore, the process of seeking and measuring accountability boils down to agency and agency is about power.



## The Way Ahead: Recommendations and future course of Action

### Open House Interaction

The final session of the 2 day conference was moderated by Moutushi Sengupta of the McArthur foundation. This session was to collectively cull out strategies of action and collaboration from the gamut of rich ideas and experiences shared. Another objective was to link the strategies of action with the goal of new theorization highlighted in the previous session by Abhay Shukla.

Moutushi highlighted the questions which were posed at the beginning of the conference by Dhanajay to serve as a reference point for the participants to come up with their suggestions and action points. The 5 crucial questions were-

- How does one negotiate with a host of factors at play when coming up with a common strategy and how does one address the issue of attribution
- Do service providers even care about the feedback generated through community monitoring in the form of score cards etc?
- Is a relationship of antagonism with the state absolutely essential to change power relations?
- How can the discourse of transparency and accountability move from answerability to enforceability?
- What are the risks and the possible negative impacts that could derail the process of deepening democracy?

### Building on the convening power

The conference brought together various stakeholders involved in various issues all united with the common goal of working towards a more participative democracy marked by pro-people governance. Convening such a diverse group to come together has to be taken to its logical conclusion and NCAS can step up its historical capacity as a facilitating and convening agency to keep this network alive and active. These suggestions and recommendations are not just for NCAS but for the group as a whole but the attempt should be to take up a collective role while strategizing for the future.

John Samuel offered the following action points for NCAS and all other assembled actors and stakeholders:

- There are a host of rich case studies and other resource materials in India on successful transparency and accountability initiatives. The attempt should be to collate all this material and come up with documentation on methods and tools of TAIs. It will include information about methods like social audits, report cards, right to service, right to information, innovative use of the social media etc. it will be an extremely critical addition to the existing knowledge on TAIs.
- NCAS should play a role in connecting the micro, state and national level discourse in TAIs which will help in addressing the missing link. That bridging of micro level activism with national level policies needs to be reclaimed immediately. Action and knowledge alliances based on advocacy for Right to Information and Right to Services has to be created and operationalized. Many people still do not know about all the facets of RTI. These alliances through RTI Clinics<sup>1</sup> could help in substantively unpacking the ideas as well as the 'how' of doing things and present this knowledge in a simplified manner.
- The work done by various states on issues of TAIs should be studied and connected to learn from examples. This will create a more holistic understanding of TAIs in India. If this knowledge base is created and followed up in even 5 states, it will lead to a rich repository of knowledge.
- It is important to develop a national portal which will do the work of crowd sourcing on issues of transparency and accountability. This will be in tune with the rising importance of the social media and will tap into the potential of the youth
- All the gathered stakeholders should contribute to new campaigns and alliances which are working on issues of accountability. A new campaign called 'Jan Awaaz' is about to be floated. This campaign is non-electoral but is a political formation which aims to intervene at the grass-root level. The 'World alliance for Democratic Accountability (WADA)' is bringing together people from the global south to deliberate on issues of transparency and accountability.

<sup>1</sup>: Discussed in the chapter 'The spirit and praxis of RTI: The gaps within'

Amitabh Behar also stressed on the convening role played by NCAS and said that it becomes all the more important in the face of an impending regime change. There is a possibility of direct confrontation in the coming future if the spaces for rights based work shrinks with the new government. In such a scenario, alliances and networks need to collaborate much more strongly and put up a collective front to resist the state.

There is still a struggle to find new ways of building power either through knowledge or through other tools. In this context, it is necessary to evaluate how adequately have we been able to build power and which tools have been the most helpful? Is it just information which acts as the most potent tool or is it some other participative model? Transparency and participation are seen as methods to attain accountability. What is the additional focus that needs to be added to these components of transparency and participation to create more accountable systems? Can we create common ground based on the idea that accountability cuts across sectors? These questions should serve as a starting point for deciding the agenda that would run through the activities of the alliances and networks set up. But, some activities which can be started off immediately include-

- A mapping of different kinds of TAIs followed across India to understand trends of both social and institutional accountability measures.
- It is necessary to understand the nature of systemic questions which need to be posed to challenge the political economy. An experiment has to be tried out pertaining to these questions in various sectors, after which attempts can be made to institutionalize them.

***“Minimum government translates into the government will not deliver essential services to the people and will demolish the entire realm of public services. The expectation is that the market will deliver transparent and accountable governance to the people. With a regime change, the society will stand divided and there needs to be a clear consensus regarding which section we are fighting for. The trends against privatization need to be challenged and the idea of a welfare state needs to be kept alive.”***

**Ambrish Rai**

### **Addressing issues of Governance capacity**

While larger generalization has a purpose and theorizing around the idea of TAIs is a critical gap, not much can be achieved till the more glaring gap of participation in governance is addressed. Participative planning and participative decision making are still distant goals and focus needs to be given to practical strategies to address these issues. 4 issues that should be promoted in order to push for more participative planning and decision making.

1. Work towards instilling ethical responsibility in government officials
2. Building pressure on oversight organizations like the legislature and judiciary to make sure that goals prescribed in legislations see their logical end.
3. A culture of reporting (naming and shaming) people after seeking accountability should be promoted by CSOs.
4. Resource commitments are in shambles with huge central sponsored schemes and the human resource allocation is top-heavy. This is often at the cost of lack of human resources at the level of implementation. (*Ex.: There are too many commissioners and secretaries and not many doctors and ASHA workers on the field.*) Pressure should be mounted on the government to look into these issues.

According to Subrat Das, Director of CBGA, Delhi the capacity of Governance is a question which had not been addressed enough in the conference. India's government is understaffed though there are more people in positions of support staff. But shortage of staff is acute at the programme level and the level of provision of services. There is shift from long term, institutionalized staff provisioning to short-term, goal based provisioning. Contractual staffing and expectation of community members to hold these contractual staff accountable is a new trend. The question to be asked is are these contractual staff qualified enough for their positions and is seeking accountability from them going to serve any purpose. Questions of transparency and accountability can only be answered with precision if it is tandem with the requisite questioning of the erosion of governance being widely noticed in India.

***“A cross-sectoral analysis of methods and strategies of TAIs should be attempted to get fresh insight into specificities of different sectors. This will provide a base which can be used for generalizing and coming out a common praxis”***

**Abhay Shukla**

### **Layered Political Challenges: The role of CSOs**

At the outset it must be drilled into our consciousness that the discourse surrounding transparency and accountability initiatives is a political challenge. The idea is to change the relationship between the state and the people and balance skewed power distribution. Therefore, like any other political challenge, this too needs to be approached through a multi-layered process. NGOs have to play a part in this but the assumption cannot be that only NGOs will be held responsible for all the desired change. There is a need for significant and critical dialogue on the limitations of accountability measures, to assess the work done by CSOs. The objective behind that analysis should be to transcend these limitations and devise a new strategy. There has to be a conceptual framework about how public systems can change and how actors within the system can work even outside the system. There are some common principles which have overcome pessimistic views about public systems and have actually led to change. The need is to look at these changes critically, analyze them and document the results for future use.

The issue of pro-people governance has to be located within the larger political system of today. A section of the ruling class is trying to bring in more democratic reforms into governance. So, an analysis needs to be done on political perceptions regarding more pro-people governance. Is there a vision for changes in the social realm which can gradually be morphed into a political demand? The role of CSOs will be in conceptualizing the question, putting it out in the socio-political domain. There is a real danger of CSOs getting caught up in implementation related accountability and forget the larger socio-political picture. Social sector policy issues can only be addressed through a social movement. This movement will take in cross-cutting issues and not be limited to specific sectors. This movement will be broad based and involve the political as well as social organizations including research and advocacy groups. There needs to be a discussion on provisioning of

an entire basket of social services and not just endless rhetorical talk on pro-people governance which ultimately leads to just piecemeal measures. The neo-liberal framework can only be tackled if there is a powerful social sector. These broad campaigns cannot be done by NGOs alone and needs greater political mobilization. There is a fertile political environment for the social sector to come to the forefront and push these issues.

***“Whatever changes are supposed to take place in the realm of participative governance is destined to be a collective effort. There is simply no other way out”***

**Dhananjay Kakde**





## List of participants

### Speakers

|                       |  |
|-----------------------|--|
| Abhay Shukla          | Saathi, Pune   |
| Ambarish Rai          | RTE Forum, New Delhi   |
| Anshul Tewari         | Youth ki Awaaz, New Delhi  |
| B. Muralidharan       | Feinbroth Consulting   |
| Mohan Hirabai Hiralal | Vrikshamitra, Chandrapur   |
| Naim Keruwala         | Janwani, Pune  |
| Praveen Jha           | Jawaharlal Nehru University, New Delhi                               |
| Prof. Madhav Gadgil   | -  |
| R. Ramakumar          | Tata Institute of Social Sciences. Mumbai                            |
| Ravi Duggal           | International Budget Partnerships                                    |
| Rucha Naware          | Child Rights and You, Pune   |
| Shripad Dharmadhikary | Manthan, Pune  |
| Sowmya Kidambi        | Society for Social Audit, Accountability and Transparency, Hyderabad |
| Vivek Velhankar       | Sajag Nagrik Manch, Pune   |

### Moderators

|                   |  |
|-------------------|--|
| Amitabh Behar     | National Foundation of India. New Delhi                          |
| Jagadananda       | Centre for Youth and Social Development, Bhubaneswar             |
| John Samuel       | Institute for Sustainable Development and Governance, Trivandrum |
| Moutushi Sengupta | MacArthur Foundation, New Delhi                                  |
| Subrat Das        | Centre for Budget and Governance Accountability, New Delhi       |

### Audience

|                      |  |
|----------------------|--|
| Akansha Yadav        | Society for Social Audit, Accountability and Transparency, Hyderabad |
| Amrapalli Biradar    | Indian Institute of Education, Pune                                  |
| Amruta Mudholkar     | Janwani, Pune  |
| Anant Phadke         | Saathi, Pune   |
| Ashwini Devane       | Saathi, Pune   |
| Dipak Abnave         | Jawaharlal Nehru University, New Delhi                               |
| Dipanwita Sengupta   | -  |
| Dr. Abhijit More     | Saathi, Pune   |
| Dr. Nitin Jadhav     | Saathi, Pune   |
| Dr. Sanjay Dabhade   | Adivasi Adhikar Manch, Pune  |
| Dr. Shirish N Kavadi | Centre for Communication and Development Studies, Pune               |
| Dr. Vidya Rao        | SNDT college, Pune   |
| Harshad Borde        | Tata Institute of Social Sciences, Mumbai                            |
| Jaya Goyal           | Manthan, Pune  |
| Jinda Sandbhor       | Centre for Budget and Governance Accountability, New Delhi           |
| Kanika Kaul          | Janwani, Pune  |
| Monika Sweety        | Zindabad trust, Mulshi   |
| Nandini Oza          | Gates Foundation, New Delhi  |
| Navneet Miglani      | Centre for Budget and Governance Accountability, New Delhi           |
| Nilachal Acharya     | Indian Institute of Education, Pune                                  |
| Razia Patel          | -  |
| Renuka Mukadam       | Tata Institute of Social Sciences, Tuljapur                          |
| Sampat Kale          | University of Pune   |
| Shailesh Dalvi       | Prayas, Pune   |
| Shantanu Dixit       | The Ecological Solutions, Pune                                       |
| Shirish Kanitkar     |  |

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The **National Centre for Advocacy Studies (NCAS)** is a social change resource centre that aims to strengthen people centred and rights based advocacy in order to empower social advocates and facilitate the creation of a just and humane society. Though the focus of its activities is in India and the rest of South Asia, NCAS is emerging as a premier centre for people centred advocacy throughout the Global South. NCAS works to support and strengthen people-centred advocacy through capacity development programmes, research and documentation, and campaign support and networking



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