Social Accountability in the Indian Context

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When the World Bank Institute offered YASHADA an opportunity to develop training materials in the important area of Social Accountability, it was an entirely new field of work and one which presented immense challenges. Social accountability by its very nature operates within a particular social, political and legal milieu and is delimited, prescribed and proscribed by the prevailing socio-historical realities. The main challenge was to somehow pick lessons from across the world, de-contextualise these good practices, and weave them into a larger global praxis. Consequently, the two reports/products of this project are a very important, albeit rudimentary, effort in defining social accountability in more universal and trans-cultural terms.

The Textbook on Social Accountability for use in training of government officials begins with a conceptual framework and a survey of Social Accountability mechanisms from across the world, which clearly brings out the role of history in determining civic engagement in governance. For this text, we have received very useful inputs from a variety of sources, and especially commissioned papers from Mr Bipin Mallick, IAS, Mr Prabodh Saxena, IAS and Adv (Dr) Anil Dange. These disparate inputs have been woven into a book with a lot of original writing by the Project Leader, Ms Nasrin Siddiqui, ably assisted by Ms Smita Chatterjee.

The sub-project on ‘Enhanced Transparency in Procurement through Voluntary Disclosure under the RTI Act (2005)’ has been an entirely new and refreshing addition to the vast body of literature on this subject and the credit for a meticulous piece of research and analysis goes entirely to Mrs Kishori Gadre, Director Research and Documentation Centre, Indira Institute of Management – and her team of associates.

The World Bank Institute has not only funded this project (with generous help from the Norwegian aid agency) but also provided guidance and support through its South Asia Regional Coordinator, Ms Mohini Malhotra and Senior Consultant, Mr Benjamin Powis. We are indeed grateful to them for their forbearance and support in this phase, and hope to enjoy the same in future endeavours as well.

To all these and a myriad others, YASHADA extends its profound thanks and good wishes.

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(V Ramani)

Director-General
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Chapter I: Social Accountability – the Conceptual Framework

After the end of World War II, a lot of newly independent former colonies came into existence, reeling from the ravages of history and eager to build new nation states, overcoming ethnic divisions of caste, class, tribe and language. Therefore it is not surprising that centralised planning and a strong role for the State was the norm for development in these new democracies, like India.

These governments and administrations had the societal mandate as they went about their tasks of nation-building – strengthening the base for physical capital through infrastructure; human capital through food security, education and health services; social capital through democratic elections, better connectivity, communications and mobilisation; natural capital through better husbanding of natural resources; and financial capital through industrialisation, trade and commerce.

Strengthened by institutional and constitutional legitimacy, these governments had a ‘social compact’ with the people of the land, who gave them the power and authority in return for security of national sovereignty, maintenance of law and order, guarantee of human rights, and development which would help every citizen in a sovereign state to live to their full potential – or at least obtain a sustainable means of livelihood. Unfortunately, with centralised planning came huge and monopolistic public enterprises run by powerful bureaucracies who exercised discretion as the norm rather than the exception in decision-making, and Robert Klitgaard’s axiomatic formula was found to be increasingly true in these countries:

Monopoly + Discretion - Accountability = Corruption

Centrally planned ‘top-down’ development was in vogue until the 1980s which was a time of global stock-taking on a massive scale. It soon emerged on the public conscience that the mandate they had given to those in power had been grossly violated, and the levels of insecurity, lawlessness, poverty, deprivation, were steadily increasing rather than reducing – as was the distance between the public and those tasked to serve them. The growing disparities within nations and between nations, was also causing alarm and dismay among the lay citizens, development experts and donor agencies. Something had to be done.

Although several ‘good governance’ campaigns were launched from time to time, they met with limited success because there were no mechanisms to force the will of the people on the power holders, who had everything to gain from maintaining status quo. It was at this stage that sporadic movements for greater accountability from those in power sprung up across the world. Over time, these movements were documented, analysed and given a conceptual framework – largely by agencies like the World Bank and OECD – and in this Chapter, we look at the various ideas, concepts, and actors that go to make Social Accountability.

The 3 Cs
It is now universally acknowledged that in most developing countries, the hard-earned resources invested in welfare and development programmes had leached away, mainly because of the curse of the three Cs: Corruption, Clientelism, and Capture.

**Corruption:** Corruption is present in every organisation to some extent, and commonly understood as the use and abuse of legal authority to benefit oneself (say, embezzlement), or kith and kin (nepotism), or another (expediency, bribery). The underlying assumption is that a corrupt act or practice is always at the cost of the rights of another individual, group or organisation. Compounded over its entirety, corruption results in huge financial losses and social cost to any country.

Organisations like Transparency International (TI) have highlighted the relative corruption on a global scale, and like the Human Development Index, their Corruption Perceptions Index (CPI) is becoming an important indicator and benchmark for governance. Governments that are serious about reducing corruption in public systems need to look earnestly at 5 key issues:

- Building objective criteria and **benchmarks** for decision-making, thus reducing individual discretion and arbitrariness;
- De-bureaucratisation or **simplification** of procedures so that expediency does not become a reason for corruption;
- Enunciating clearly the **role** of various agencies, provisions, conditionalities, benefits, monitoring and evaluation mechanisms of Government schemes;
- Putting in place mechanisms for social, financial, legal and political **accountability** at every level – local, regional and national; and
- Creating public awareness of the mechanisms of **redressal** available to citizens when faced with corruption

Corruption and fraud it seems, is no longer a monopoly of the government machinery, but is growing with alarming rapidity in the private, non-government and professional sectors as well. Perhaps the time has come for better regulation of all transactions in the public domain.

**Clientelism:** Early definitions of clientelism were confined to the exchange of votes for favours returned over a long period of time. However this rather simplistic ‘sale of votes for future favours’ is now recognised simply as corruption. The growing cost of fighting and winning an election – especially one as long-playing and complex as that of the President of the United States, say – has given clientelism a whole new meaning. According to Federico Varese in the Oxford Political Dictionary, clientelism today usually involves rewarding clients with public office, contracts, appointments and the like not because of merit or qualifications, but because of their **prior** support. Given the nature of this exchange, the relationship between a politician and client tends to be both clandestine and long-term. Clientelism does not become ‘corruption’ if it remains on the right side of law and is socially acceptable. In fact according to Varese, if the exchange goes counter to public sentiments, it still qualifies as clientelism and not corruption (although the public frowns upon it) because no **laws** have been contravened. As most clientelist transactions take place away from the public gaze, their vitiating influence is best countered with open public debate on the subject and bringing these transactions out into the light of public scrutiny.
**Capture:** The concept of state capture came into prominence with the break-up of the Soviet Union, and the emergence of powerful ‘oligarchs’ who shaped and controlled the economy and policy in most ‘transition’ states. ‘Capture’ is understood as firms shaping and affecting formulation of the rules of the game through private payments to public officials and politicians. In the capture economy, public officials and politicians privately sell permits, rights, concessions, contracts, monopolies to individual firms, while circumventing potential competition. There are similar allegations of State capture by the ‘military-industrial’ complexes in many developed countries, and how they have dragged their own and other countries into unnecessary wars in search of greater profits. In fact, President Eisenhower had warned about the dangers posed by the growing power of the military-industrial complex, as far back as 1961. One way to counteract ‘capture’ is through more openly competitive and transparent systems of governance in the government, non-government, professional and private sectors.

**Enter Social Accountability**

As the disparities between rich and poor kept increasing despite the initial promise of globalisation, the dissatisfaction with the government’s ability to deliver on its promise was vociferously articulated by individuals, tax-payers, civil society organisations, non-government organisations, and community-based organisations culminating in that great counter to the World Economic Forum – the World Social Forum. It was argued that if those in power governed by social mandate, then they were answerable for their decisions, action, and inaction to society at large – hence social accountability.

Social accountability is:

- An approach towards building accountability that relies on civic engagement in which ordinary citizens and civil society organisations participate directly or indirectly in exacting accountability.
- Perceived as making services work for the poor.
- A means of ensuring better governance, increased development effectiveness and empowerment.

**Who is accountable?**

The simple answer to that is ‘those who govern, and have the power and authority to do so.’

There are a thousand nuances to power and authority, but for the purpose of this discussion, suffice it to say that power is defined as the personal or social ability to get things done. **Legitimacy**, on the other hand is a widely accepted social construct that gives the right to exercise power. A person can have legitimacy but no actual power, or a person can have actual power but not legitimacy. But a precondition to authority is that a person must have both – power and legitimacy.
By this definition, the elected representative wins legitimacy by getting the political mandate in an election, and then the law of the land confers **power** and **authority** upon her/him. This constitutes **political authority**, which is in turn delegated to the bureaucracy as **administrative authority**. In this way are policies, programmes and decisions implemented, through a well understood and well regulated delegation of power and authority. The regulation of power and authority in government may lead to greater ‘red tapism’ but it is also a system of checks and balances, within which governance takes place. Through regulation, governments are both mandated and made **accountable** to society at large, putting all governance in an essentially **social** context.

**Accountability in Government**

The meaning of audit can be traced back to the Latin verb *audire* meaning ‘to hear’. An *auditus* or hearing in the Roman era was a public examination of accounts with verification by reference to witnesses and vouchers. Given that many parties at an audit were illiterate, audits were presented orally. This established the obligation of public officials to report their actions to citizens, as well as the citizens’ right to take action against those officials whose conduct was judged inadequate. Accountability, therefore, is about holding people to account for the impact of their actions, and ensuring that those people who are impacted have the right to be heard and their views taken into account, that those in power have the obligation to listen and respond, and that a system of sanctions is in place to enforce these rights and obligations.

Accountability is an essential component of a democratic system. Accountability systems are based on periodic elections and different types of vertical and horizontal accountability arrangements that hold executive branches accountable to legislatures, civil servants to politicians and businesses to their shareholders. Such systems comprise of a range of independent regulatory agencies, such as superior audit institutions and corruption commissions that scrutinise the actions and decisions of businesses, politicians and bureaucrats. As accounting and auditing have evolved, technical and professional disciplines have emerged describing the level of compliance of an entity’s annual financial statements with accounting standards. The contexts supporting these rules and modalities can change, system imperfections might arise resulting in what have been termed as “accountability deficits”, that are a stimulus for innovating new forms and modalities of accountability.

**Social Role of Government**

The social role of government – both its elected deliberative wing; and the administrative wing – has been well understood from the earliest days of political discourse. **Social Justice** as a concept was discussed by Plato in his *Republic* and by other philosophers down the ages. It was John Rawls, however, who after several modifications to his own earlier work, articulated in his 1993 opus *Political Liberalism*, the following principles of justice (with the first principle having priority over the second, and the first half of the second having priority over the latter half):
1. Each person has an equal claim to a fully adequate scheme of basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value.

2. Social and economic inequalities are to satisfy two conditions: first they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second they are to be to the greatest benefit of the least advantaged members of society. These principles have been translated by modern governments as a guarantee of basic human rights, equality of opportunity, affirmative action, delivery of service, and welfare policies and programmes.

A related concept is that of Social Responsibility. It postulates that an entity (government, business, organisation or individual) has a responsibility to society. This responsibility can be negative (refraining from certain actions) or positive (proactive action). Social Responsibility is held to be entirely voluntary (though irresponsible behaviour may be justiciable), whereas Social Accountability may be enforceable by law. Because of this difference perhaps, we hear of Corporate Social Responsibility (because corporate capital is privately generated), and Public Social Accountability (because the public sector deals in public finances, raised through taxation).

Who is Government accountable to?

As seen above, in the currently operative development paradigm, governments are accountable to citizens i.e. civil society. “Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated.” (Centre for Civil Society: LSE)

Thus civil society is characterised by:

- a diversity of spaces, actors and institutional forms;
- varying degrees of formality, autonomy and power;
- a manifestation of both social cohesion and social participation;
- moral authority which flows from the immutable rights of citizenship in a sovereign nation-state; and
- inclusion of every form of social self-organisation, social movements, and initiatives of citizens.

This is the perception of civil society widely accepted all over the world, and in the socio-political discourse of the day. This is the civil society which exercises its moral authority to hold those in power answerable. This is what we understand by ‘demand-side’ social accountability.

Demand-side Social Accountability
World Bank and others take Social Accountability to be an approach towards building accountability that relies on civic engagement. It has come to mean the constant vigilance by civil society to hold government bodies for their decisions, action, and inaction; as well as proactive self-vigilance and action by governments. There is also the implied threat of sanctions and punishments for wrongful conduct, disobedience to the law and abuse of power; and for poor performance by power holders, authorised by legal, political and societal mandate to wield these powers and authority.

Social accountability is demanded from both the deliberative (political) as well the administrative wings of government. Political accountability implies free and fair competition between different points of view, which are put before the electorate so that it can make a free choice, assured by a transparent and accountable electoral system. The concept of political accountability extends to the legislative process, policy formulation and decision-making as well. While in a working democracy it is accepted that the political class is held accountable, judged and rewarded/punished at the time of elections, the concept of social accountability goes beyond – to civic engagement that extends beyond the casting of one’s vote.

Administrative accountability covers a whole gamut of issues: it includes administrative structures that are transparent, responsive and accountable; proper and equitable service delivery; administrators who are well-informed and impartial; systems that facilitate civic engagement (like decentralisation, consumer protection, and participatory governance); and regulatory mechanisms to provide the checks and balances. All this presumes the rule of law, which is guaranteed by an independent judiciary and legal and legislative oversight.

Thus Social Accountability has interacting political, legal and administrative dimensions, as summarised in the diagram below:
The most widely documented examples of Social Accountability across the world list mechanisms which can be initiated and supported by the state, the citizens, or both, but are mostly demand-driven and operate from the bottom up. Some mechanisms common across the world are:

- **Citizens’ Charter**: Citizens’ Charter is a document focusing on the government’s commitment towards citizens in respect of service standards; information; choice and consultation; non-discrimination and accessibility; grievance redressal; and value for money. It is not legally enforceable and is thus non-justiciable. However, once a charter has been ratified, civic groups hold regular meetings with the government organisation and commit themselves to monitoring how the public services comply with the charter’s standards.

- **Citizens’ Jury or People’s Verdict**: It is composed of randomly selected citizens and representatives of local civil society (associations, companies). Any resident or association can submit a project to the jury, which decides whether or not to finance the project according to its usefulness and overall quality.

- **Community Score Cards or Performance Score Cards**: The community scorecard process is a community-based monitoring tool to grade public services, engage citizens in participatory planning and budgeting sessions and ensures information to be transparent. Since the process of Community Score Cards is attended by service providers along with community members, immediate feedback is received and it also has a strong element of empowerment.

- **E-Seva**: It is a network of computerised kiosk handling services ranging from utilities such as electricity, transport, water, and birth / death certificates. This system has been started in various municipal corporations in India.

- **Independent Budget Analysis**: It refers to research, advocacy and dissemination of information on issues related to official budgets by civil society and other actors independent of the government. It demystifies technical budget jargon by disseminating information in simplified formats.

- **Municipal Transparency Councils (MTCs)**: These councils emerged as a result of low public credibility over poor municipal management particularly those concerning property tax appraisals. The first MTC was created in Santa Rosa de Copan, Honduras in 2001 and it met its objective to reduce corruption and optimise public resource management by central, local governments and all institutions that deal with financial resources.

- **Municipal Participatory Budgeting and Planning (MPP)**: Participatory budgeting has a three tier set of inter-related exercises: (i) establishment of preferences; (ii) resolution of competing demands; and (iii) participation in impact evaluation. MPP has strengthened
transparency and built local accountability by providing a framework for local actor participation in a process of transparent investment decision-making. However where MPP is not mandatory, its replicability rests heavily on the willingness of mayors and municipal authorities to act.

- **Participatory Budgeting (PB):** Participatory Budgeting (PB) is an innovative mechanism, which aims to involve citizens in the decision-making process of public budgeting. It is an instrument to make the allocation of public resources more inclusive and equitable. By promoting public access to revenue and expenditure information, PB effectively increases transparency in fiscal policy and public expenditure management, reducing scope for clientelistic practices, elite capture and corruption, thereby enhancing the government's credibility and the citizens' trust.

- **Participatory Public Expenditure Tracking (PPET):** Participatory public budget and expenditure tracking involves the use of civil society to track how the public sector spends the money that was allocated to it.

- **Participatory Performance Monitoring (PPM):** This involves citizens or civil society organisations monitoring and supervising the delivery of public services either by the government or by private individuals using monitoring and evaluation tools. Tools to assess welfare impacts or gains under this social accountability initiative include citizen report cards, community scorecards and service delivery satisfaction surveys.

- **Report Cards:** Report Cards are used in situations where demand-side data, such as users’ perceptions of quality and satisfaction with public services are unavailable. Citizen Report Cards serve as a surrogate for competition for state-owned monopolies that lack the incentive to be responsive to their clients’ needs. Such report cards provide an opportunity to grade the agencies that provide the services and collectively evaluate their performance to exert pressure for change.

- **Sectoral Expenditure Tracking:** It is the expenditure tracking for allocations and expenditures on different sectors like health, education, food security, drinking water and tribal development. This tracking helps in understanding the priority that is being given to these sectors, and hence creating strategies of advocacy and lobbying with the government.

- **Social Audit:** Social audits involve the community in scrutinising public projects and the amounts actually spent on them. They are also a tool that government departments can use to plan, manage, measure non-financial activities and monitor both internal and external consequences of their social and commercial operations.

Summarising, Demand-side Social Accountability is characterised by:

- An engagement with civil society where citizens and CSOs act directly or indirectly to hold public bodies to account
- Focus on the tools used to ensure Social Accountability – independent budgetary analysis, participatory expenditure tracking, and so on...
- Emphasis on vigilance by CSOs and scrutiny of public bodies and their actions and decisions
- Citizens/CSOs seeking **information** under laws like the Indian RTI
- Sufficient **awareness** among the citizenry (and the media) of their rights to transparency in government and the **capacity** to exercise these rights

**Supply-side Social Accountability**

All the above mechanisms of Social Accountability are **demand-driven**, from the bottom-up and essentially pivot around civic engagement. They presume an enlightened, empowered and enabled civil society, both willing and able to demand accountability from those in power, and bring the recalcitrant ones to book.

Unfortunately, as will become clear in a later chapter, the concept of an empowered sovereign civil society exacting accountability is fraught with impossibilities in a post-colonial developing country like India. Therefore it makes sense to look at the other side of the social accountability coin viz. government-driven or **supply side** mechanisms, and how these can be effectively strengthened.

As documented extensively by the **Organisation for Economic Cooperation and Development (OECD)**, Supply-side Social Accountability provides for:

- Open Government which proactively seeks greater civic participation through **information and consultation**
- **Proximity** initiatives aimed at reducing the “distance” between the governed and government by identifying citizen needs and preferences
- **Involvement** of citizens in making decisions which directly affect them
- Emphasis on voluntary disclosure under freedom of information laws
- Commitment to **transparency** on the part of public bodies

Strengthening the ‘supply-side’ mechanisms has brought about much greater transparency in former colonies like Australia and New Zealand, and although India’s social disparities and complexities make this an uphill task, it may be well worth the effort. Signs of such an awakening are already visible as almost every Central scheme now provides for some form of social accountability, and the changes though slow in coming, are beginning to happen, as we see from the various government-led initiatives documented in a later Chapter.
When governments attempt to improve the quality of their governance by becoming more transparent, proximate and accountable, using mechanisms like greater decentralisation and participation, the effect on civil society can be both liberating and empowering. However, as the above diagram clearly shows, while decentralised development makes society *inclusive*, and a sound judicial system makes it *equitable*, it is only *open* and *accountable* government that truly empowers the citizens, so that they can enjoy the full rights of citizenship in a sovereign nation-state.

* * * * *

In conclusion, one may say that an empowered, diverse, tolerant and all inclusive civil society in the western sense is only now beginning to take root across the developing world, and it will take a generation or two to achieve the moral and legal authority required to hold government to account. In the meantime, the fairly strong legal and institutional structure can be put to work to bring about the desired answerability and openness in government. This would imply a changing of the bureaucratic mind-set, the formulation of new laws, and relentless advocacy and capacity building. But the benefits of such a change would be far-reaching and enduring.
Chapter II: Social Accountability – The Global Scenario

The credit for focusing world attention on the negative impact of corruption on a country’s development and governance goes to organisations like Transparency International, whose Corruption Perception Index (CPI) has become as important a performance benchmark for national governments as the UNDP’s Human Development Index (HDI). The CPI ranks 180 countries by their perceived levels of corruption, as determined by expert assessments and opinion surveys (e.g. the CPI 2008 is calculated using data from 13 sources originated from 11 independent institutions.)

All sources measure the overall extent of corruption (frequency and/or size of bribes) in the public and political sectors and all sources provide a ranking of countries, i.e. include an assessment of multiple countries. Evaluation of the extent of corruption in countries is done by country experts, non-resident and residents. To determine the mean value for a country, standardisation is carried out via a matching percentiles technique. All of the standardised values for a country are then averaged, to determine a country's score. The confidence range is determined which allows inferences to be drawn on the underlying precision of the results. A 90 per cent confidence range is then established, where there is 5 per cent probability that the value is below and 5 per cent probability that the value is above this confidence range.

The global findings of Transparency International for 2008 have been pictorially depicted as follows on their website:

The picture above is indeed worth a thousand words – the hotter the colour, the greater the corruption. As simple as that! It is no coincidence that the ‘cooler’ regions are the world’s most highly developed economies, most of them member-states of the Organisation for
Economic Development and Cooperation (OECD). And the perceived corruption is highest either in former colonies or the transition economies making the switch from communism to capitalism after the break-up of the Soviet Union.

There is also an interesting bifurcation in the Social Accountability mechanisms between the ‘cold’ and ‘hot’ regions. While the OECD region has emphasised Supply-Side Social Accountability mechanisms through more open, transparent government striving for greater proximity to the citizens and more open to their scrutiny; the developing and transition economies have encouraged greater civic engagement in the ‘demand-side’ of accountability, often at the behest of donor agencies, headquartered in the OECD region.

The Socio-Historical Context

The genesis of these varying preferences may probably be found in the way these countries, their governments and their civil societies have evolved down the ages. The OECD represents the most highly developed economies of the world, and most of these nations were either colonisers (like Britain, Holland, France, Portugal, Spain) or settlements in resource-rich areas with massive displacement and annihilation of indigenous populations like Australia, New Zealand, USA and Canada. As a consequence, their government technologies have sprung from their own milieu (orthogenetic), with the needs of the citizens centrestage (the immigrants and settlers, and not the indigenous populations, of course.) A typical example is the formalisation of land ownership in America’s ‘wild west’ in the late 19th century, as documented by Hernando de Soto in his 2000 classic – ‘The Mystery of Capital’.

Over 150 years ago, conditions in the United States were not very different from those found in the developing countries and transition economies today: “... massive migrations, explosions of extralegal activity, political unrest and general discontent with an antiquated legal system that refused to acknowledge that its doctrines and formulas had little relevance to the real world...” Even the celebrated Homestead Act of 1862, which entitled settlers to 160 acres of free land simply for agreeing to live on it and develop it, was less an act of official generosity than the recognition of a fait accompli: Americans had been settling and improving the land extra-legally for decades. Their politicians gradually modified the law to integrate this reality into the official legal system, and won some political points in the bargain. Having thus changed their laws to accommodate existing paralegal arrangements, United States officials left the assets of the American settlers and miners primed to be converted into capital. The US law gradually integrated extralegal arrangements to bring about a peaceful order ... thereby demonstrating that the law must be compatible with how people arrange their lives. The way law stays alive is by remaining in touch with social contracts pieced together among real people on the ground.” [p111-112]

Even today, it is much easier for the citizens of these countries to mobilise opinion for and against a prevailing law and have it changed to suit the social mores. A contemporary example is that of Proposition 8 in California.

The Case of Proposition 8 in California

On November 4, 2008, over 52% of California’s voters approved Proposition 8 and made same-sex marriage illegal in the state. Before it passed, same-sex marriage was a constitutionally-protected right
there and in May 2008, a majority of the justices of the California Supreme Court affirmed this understanding of the constitution. The campaign over Proposition 8 was fiercely contested. In the aftermath of the vote, an intense focus on Proposition 8 has continued with rallies and protests around the country with litigation focusing on many aspects of the initiative and campaign finance. (Social accountability *within* CSOs.) Three lawsuits seeking to invalidate Proposition 8 were filed soon after the election and the matter is *sub judice*. (Legal recourse available to civil society.) The verdict is not as important to us as the *process* by which a social concern (against same-sex marriages) was voiced: support mobilised on either side, and a mechanism for revision/amendment in the state constitution was brought about by the pressure of public opinion/civil society. The defeated side also had full recourse to the law to once again bring its concerns before the public and law-makers.

As these examples clearly demonstrate, in the developed regions of the world, citizenship and government have become so inseparably intertwined, that the increased accountability and openness of the one (government) automatically satisfies the need for accountability of the other (citizen).

Another development during the 1980s, was the election of conservative governments in OECD countries, whose pledge for ‘less government’ had brought them to power in the first place. So in Reagan’s USA and Thatcher’s Britain, the public sector was downsized and organised civil society (like Trade Unions) largely disempowered – all of which resulted in less citizen-initiated accountability in public life.

Further, the downsized public sector was encouraged to ‘corporatise’ and devices like the Citizens’ Charter date back to this time, viewing the citizen primarily as a consumer of public services – hence the surge in supply-side Social Accountability, still much in evidence in the OECD. The expansion of the European Union to include the transition economies of Eastern Europe has increased the EU’s ambit of regulation and governance, and individual national governments have been divested of their earlier all-encompassing powers. This has led to a concomitant withering away of demand driven social accountability.

**Citizens or Populations**

In the case of developing economies, the case was reversed: most of them being former colonies, these countries were reluctant importers of the government technologies of their colonial masters (heterogenetic) which reduced the people to mere ‘populations’ which could be enumerated and labelled to fit the ever-changing policy whims of the colonial rulers (refer the work of Michel Foucault and Partha Chatterjee). After gaining sovereignty, most of these former colonies (including India) continued on the same path and ended up disempowering vast swathes of their own ‘populations’ who were rightful citizens only in name, even though they may now constitute the civil society of their countries.

With a lack of ‘habits of governance’, the extinction of indigenous institutions, and the continuance of colonial government technologies, civil society (governed) and government are often put in an adversarial role, and therefore the citizens of post-colonial developing countries have to ‘demand’ accountability, because it does not come to them as a matter of right as empowered citizens. A region-wise survey of the emergence of Social Accountability
mechanisms and concomitant movements towards greater freedom of information through access legislation, may perhaps better illustrate the above hypothesis...

**South and Southeast Asia**

Community driven development and decentralisation programmes in South East Asia have laid the foundation for demand side accountability approaches and the formulation of governance and anti-corruption plans. Asian countries like Japan, South Korea, Indonesia, Malaysia, Philippines, Sri Lanka, Bangladesh, Nepal have had several initiatives of demand-led accountability programmes, many of which were sponsored pilot projects. However, these initiatives are sporadic in nature and are driven by either indigenous urge or external pressure and have an unsustainable approach. Most are pilot projects yet to be scaled up, although they have managed to cover everything from Health to Education, Public Works, Social Welfare, Post and Telegraph services, Bureau of Customs, Neighbourhood safety, Police, Judiciary, Environment, Power, Agriculture and so on.

Most of these initiatives were implemented as a means to **uphold citizens’ rights**, to enhance trust and effectiveness, to react to public service delivery, or to innovate boldly through the use of **information and communication technology**. This necessitated the tools of social accountability to be in the form of **participatory performance monitoring** like Citizen Report Cards, Community Score Cards, Project Monitoring Formats and Participatory Budget Expenditure Tracking. This region has also seen extensive use of Information and Communication Technology, such as the News Database for scanning news articles about corruption cases, a valuable tool for investigative work on expenditure tracking (Bangladesh), website for Congress to monitor ‘pork barrel’ spending by legislators (Philippines), posting of blacklisted contractors on the website of Department of Budget and Management (Philippines), E-procurement by providing information on bids, comparing prices of different suppliers (South Korea), On-Line Grievance Redressal Tracking System to facilitate the lodging and monitoring of grievances online, providing information to Municipal Corporations to enforce time frame and quality for service delivery (India) and computerised kiosk handling services ranging from utilities such as electricity, transport, water, to getting birth certificates etc (India).

One of the **important driving forces of SA in Asian countries** is the all-pervasive corruption, and the tangle that it created in the region drove many civic groups in the Asia and Pacific region to initiate anti-corruption programmes. Government officials in Bangladesh use their discretion to slow down the release of papers to deny licenses and impose arbitrary fees on transactions, so that they can solicit bribes. Dynamic anti-corruption groups have come up to track the extent of corruption in the country. The city government of Seoul in South Korea has set up a special website called Online Procedures Enhancement for Civil Applications (OPEN) to handle various transactions to minimise bribery – when dealings are through an electronic medium, administrative personnel cannot demand bribes. In the case of the city of Sendai, Japan, a handful of attorneys in mid-1990s established an independent civil ombudsman with the purpose of examining payments made for official entertainment purposes as well as payments to officials for business expenses. An association of civil ombudsmen was also established subsequently when it became apparent that the problems were widespread and that additional public exposure was justified.
Looking at the Global Corruption Perception Index (CPI) 2008, it is clear that countries like Bangladesh and Philippines feature at the lowest with a ranking of 147 and 141 respectively. Evidently, such nations have corruption inbuilt into all their mechanisms. Nations such as Bangladesh, India, Indonesia, Nepal, Pakistan and Philippines have employed social accountability mechanisms to improve local governance.

The Bangladesh Local Government Development Fund Project uses Performance Score Cards or Community Score Cards to grade public services, engage in participatory budgeting, and hold community participatory planning and budgeting sessions, and ensuring that information is transparent via notice boards and complaint books. Community Information and Epidemiological Technologies International in Pakistan has undertaken social audits for governance along with National Reconstruction Bureau, a government agency and the main architect of decentralisation.

Other tools of Social Accountability used in this region include the Participatory Budget Expenditure Tracking were initiatives like sectoral expenditure tracking (allocations and expenditures on the health, education, food security, drinking water and tribal development) are dealt with. Lifestyle Checks for unexplained bank deposits, excessive spending and grand displays of wealth are scrutinised; Integrity Pacts for not taking bribes make decision-making simple and transparent, while realistic construction budgets and Citizens’ Charters spell out and monitor the responsibilities of local governments, hospitals etc. In some countries, procedures are in place, which allow citizens and stakeholders to monitor procurement by deploying observers armed with checklists at official biddings.

One of the more powerful tools for realisation of accountability is greater access to information. In Japan, citizens came together to push for and succeeded in establishing the Right to Information Act. In the Philippines, Social Weather Station fought with members of Congress and the judiciary for the right to publish survey information and the Philippine
Centre for Investigative Journalism specialised in publishing information on corruption. Similarly, Transparency International-Bangladesh compiled information about corruption cases and brought them to the public’s attention.

**Central Asian Region Including Caucasus and Western Balkans**

So far as the Central Asian belt comprising the Caucasus Mountains and the western Balkan region is concerned, Social Accountability in terms of local level participatory budgeting and broad participatory initiatives are more common. Independent Budget Analysis (IBA) is prevalent at the national level. The challenge in this regard is building the capacity of local CSOs to perform more demanding tasks of Independent Budget Analysis (IBA) and Citizen Reports Cards. Local NGOs and public associations are clearly leading the process of institutionalising citizens’ voice and promoting good governance in the region. While local NGOs are the primary implementing agencies, international NGOs and international development organisations also have a sizable share in overall social accountability programme implementation.

Some of the initiatives undertaken in the region include the City Budget Monitoring, Revenue Watch, Open Budget, all belonging to Kazakhstan; Extractive Agency Transparency Initiative (EITI) Kazakhstan; Comparative budget analysis, Azerbaijan; Monitoring of Local Authorities, Macedonia; Tirana Municipality Transparency Programme of Albania, and Implementation of the Decentralisation Process in Albania. The Social Accountability initiatives of Georgia include the Public Expenditure Monitoring for Economic Governance and Public Finance while the SA initiatives of Albania deal with Revenue and Expenditure Analysis.

Given the prominence of administrative, political and fiscal decentralisation, majority of civic engagement aimed at strengthening government accountability is from the fiscal and revenue point of view. Further, of all the initiatives undertaken, a fourth is implemented at the sub-national/local level and about half of the local level initiatives are carried out at the city/town level.

### 2008 CORRUPTION PERCEPTIONS INDEX

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<td>72</td>
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Looking at Asia as a whole, there has been a spurt in access legislation, with the Indian Right to Information Act (2005) being something of an exemplar. The other Asian countries with such legislations are Armenia, Bangladesh, Georgia, Israel, Japan, Nepal, Pakistan, Hong Kong, Tajikistan, Thailand, Turkey and Uzbekistan (the presence of erstwhile communist countries in Central Asia is particularly noteworthy). A special mention can be made of
Philippines where the access *standards* are very high due to constitutional provisions and court pronouncements but yet the access *legislation* is stuck in the Senate for a long time. The weakest link in Asia is China – the most populous nation and the likely next economic super power of the world.

**Anglophone Africa**

Since many African countries are shifting from an authoritarian, single-party to multiparty rule, it has resulted in a new breed of civil society organisations and actors now beginning to demand increased involvement in policy and budgetary decision-making at national and local levels, and hold public officials and service providers accountable for their actions and behaviours. The genuine involvement of civil society in budget formulation and analysis, expenditure monitoring and tracking, participatory performance monitoring of public service delivery has played a key role in moving the Social Accountability agenda forward in the African continent. In other situations, several of the civil society organisations mushrooming in Anglophone Africa demand improvements from their governments in response to poor public service delivery, mismanagement and misuse of public funds.

Evidently, all the countries in Anglophone Africa region have a score of less than 5.0 CPI in the world ranking of Corruption Index, re-establishing the prevalence of high corruption in those countries. The only ray of hope in the whole continent is from the southern most part, South Africa ranking 54th as per the 2008 CPI, but its neighbours Zimbabwe (ranked 166th), Kenya (147th), Uganda and Zambia (115th) all prove to be highly corrupt countries in the Anglophone Africa region.

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The efforts to increase Social Accountability have coalesced around four key developments now influencing the continent – the decentralisation and structural adjustment reforms implemented by a number of governments; the antipoverty strategies that many African governments put in place during the 1990s; a history of poor service delivery as highlighted by the Millennium Development Goals (MDGs); and the need to fight corruption. A good example is the emergence of civil society networks in Malawi such as the Civil Society
Coalition for Quality Basic Education, the Malawi Health Equity Network and the Malawi Economic Justice Networks (MEJNs) all formed with one intent: to promote participatory governance and development in Malawi.

While many African countries have involved citizens in improving public service delivery and fighting against corruption through social accountability mechanisms, these experiences have not been recorded in any systematic way. In 2004, World Bank Institute’s Community Empowerment and Social Inclusion Learning Program, World Bank’s Social Development Department and the Municipal Development Partnership for Eastern and Southern Africa jointly undertook a stocktaking exercise of social accountability mechanisms in Africa. This was undertaken in 10 Anglophone African countries – Ethiopia, Ghana, Kenya, Malawi, Namibia, South Africa, Tanzania, Uganda, Zambia and Zimbabwe.

Three clear mechanisms for social accountability in the context of public expenditure have emerged in the African continent – Independent Budget Analysis (IBA); Participatory Public Expenditure Tracking (PPET); and Participatory Performance Monitoring (PPM). The main purpose of these initiatives is to provide ordinary citizens, including the poor, vulnerable and other disadvantaged groups, some room for effective participation with their respective governments so that they can contribute to budget formulation, budget allocation, budget tracking and other policy issues. These initiatives are also designed to ensure that information is made available to the public and they in turn modify or redesign pro-poor policies. This increases ordinary citizens’ trust in government and helps to bring about political and economic reform to ensure good local governance systems.

Social accountability approaches have yielded positive results. Being aware that citizen groups are monitoring their actions, public officials are held accountable for budget discrepancies or failure to deliver adequate services. In some cases the budget monitoring has led to budgetary adjustments and funding shifts to support higher citizen priorities. The credibility and influence of civil society, as the force driving these improvements, have grown as a consequence. These social accountability initiatives prove that demand is high in Anglophone Africa for this kind of social engagement for effective governance.

Yet, the major challenge which emerged was the lack of sustainability of the various initiatives given their dependency on donor financing. There was also a felt need for more networking and coalition building at the regional level. The lack of capacity and expertise both within civil society and governments to implement such demand-side initiatives was another challenge. The role of management information system and lack of clear legislative frameworks to support social accountability initiatives were also noted.

As far as access legislation goes, Africa is the continent to watch as quite a few countries recognise freedom of information as a distinct constitutional right. In some countries this right can be read as subsumed within the broader right of freedom of expression. Africa is also high on adopting resolutions in favour of right to information at various multi-national forums. However legislative enforcement of the right is limited to South Africa, which remains the only African country that has passed and implemented access legislation. As a matter of fact, South Africa, the youngest democracy of the world, has been credited with one of the strongest access legislations. It is also the only country in the world where information
can be accessed from private bodies, if the same is required for protection of rights. This limited inclusion of private bodies is primarily because of the historical reasons that though the political power has moved to the black majority, the economic power is still retained by the white minority. Access legislation thus is a political tool of their way of ‘social engineering’. The other African country to have access law is Zimbabwe but then their law is a classic example of how deceptive access legislation can be. It lays down a regime of restrictions and has been invoked frequently to detain both national and international journalists.

Uganda and Angola have also passed access legislations but these have not been brought into force yet. The Nigerian draft bill was passed by both houses of Parliament in 2007 but the former President, Olusegun Obasanjo, refused to sign it into law, casting uncertainty about its early enactment. The Liberian draft was tabled before Parliament in April 2008 and stands a good chance of being signed into law after supportive remarks made by President Sirleaf-Johnson and key ministers in her cabinet. There are presently draft laws in Ghana, Sierra Leone and Morocco.

Central and South America

An important transformation throughout Central America is taking place at the local level. While the pace, breadth and depth of this transformation varies according to country context, the essential driving force is constituted by a common set of interrelated factors. As democratisation and decentralisation processes have enhanced citizen participation in local civic affairs and public policy formation, as well as increased flows of financial resources to sub national governments, experiments in building local accountability have also proliferated.

Since the late 1990s, the Central American governments have been investing in more robust national accountability systems. Organised communities and CSOs have increasingly been active actors pushing national and local governments from below in order to participate in policy-making processes and overseeing mechanisms. In Central America, a dynamic engagement between local CSOs, national and local government, bilateral agencies and multi-lateral institutions have driven the process of local accountability experiments in social control and citizens’ control.

A changing political context has been fundamental for creating an enabling environment for local accountability experiments. The Peace Accords of the 1990s saw an end to the conflicts in Nicaragua (1981-1990), El Salvador (1980-1992) and Guatemala (1962-1996), thus precipitating the processes of democratisation, demilitarisation and institutional reform. The establishment of periodic competitive elections, legalisation of leftist political parties, and freedoms of speech and association, represent important shifts from the politics of pre-conflict military regimes.

This had its impact on the different modalities that have aimed to enhance local government accountability in Central America. The Report Card system has been applied in a wide and diverse set of national and local contexts. In the case of the IDB financed programme supporting the implementation of the Nicaraguan poverty reduction strategy, Report Cards were used as a post-evaluation tool. Referred to as a ‘citizens’ audit’, this experiment
measured beneficiary satisfaction with the performance of six government departments as well as INIFOM, the Nicaraguan Municipal Development Institute. Similarly, in the IDB-financed Honduras Health Project, Report Cards were used to confirm that the decentralised delivery of primary health services was on the right track.

The introduction of Municipal Participatory Budgeting and Planning (MPP) (a gift to the world from the Brazilian city of Porto Alegre) has been supported strongly by the IDB, World Bank and the German Development Bank through loan operations with social investment funds in Honduras, Nicaragua and El Salvador since the mid 1990s. These operations have financed the planning manuals of MPP, training for municipal governments on MPP processes and capacity building with civil society actors, to enable their demands being voiced in local public policy processes. In Central America, participatory budgeting’s three tier set of inter-related exercises – establishment of preferences; resolution of competing demands; and participation in impact evaluation – has been applied to Municipal Participatory Planning (MPP) and is now practiced widely in the region.

Municipal Transparency Councils (MTCs) emerged in late 1999 at a time of low public credibility over poor municipal management, particularly concerning property tax re-appraisals. The first MTC was created in Santa Rosa de Copan, Honduras in 2001. Though it took fifteen months to operationalise, yet it met its objective to reduce corruption and optimise public resource management by central and local governments and all institutions that deal with financial resources. MTCs have been well received by local populations and civil society organisations whose overall support constitutes an important contribution to MTCs’ social sustainability. Citizens understand that MTCs are an important tool for controlling the actions of public officials particularly those administering poverty related resources and projects.

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In the entire American region (including North, South and Central America) Belize, Canada, Jamaica, Trinidad and Tobago, United States, Argentina and Colombia are the countries with access legislations. The movement received great support from the landmark decision by the Inter-American Human Rights Court in the case of Reyes v Chile. Chile on 11 August 2008 has become the latest country in the region to enact an access law. It is reported that nearly a dozen countries are currently considering making law to guarantee the right to information to their citizens.

Organisation for Economic Cooperation and Development (OECD)
OECD countries have done much to enhance government openness and encourage citizen engagement and participation throughout the past two decades. A stocktaking of social accountability initiatives of OECD countries aimed to collect information about existing initiatives and country experiences, to help countries meet the challenges while building more open, accountable and responsive government. This joint OECD-World Bank stocktaking exercise of Social Accountability Initiatives in OECD member countries contributes to the global exchange of policy relevant knowledge.

The detailing of social accountability initiatives in 27 OECD countries and the European Commission illustrates the wealth of innovative practices currently available and provides a rich resource for practitioners. It provides a comprehensive inventory of OECD member countries’ experience in accountability. OECD and the World Bank take complementary approaches to define accountability. Given the focus on core state functions, OECD works with a ‘classic’ definition of accountability and defines accountability as “… the obligation to present an account of, and answer for, the execution of responsibilities through political and constitutional structure”.

The World Bank definition is not much different than this and says, “... accountability can be defined as the obligation of power holders to account for or take responsibility for their actions”. There is slight divergence when it comes to describing the term ‘social accountability’ of World Bank, which explains it as “an approach towards building accountability that relies on civic engagement” whereas OECD works towards open government.

The classification of initiatives are based on the grounds of ‘Scrutiny’ (which enhances assessment, analysis and review of government actions); ‘Proximity’ (aiming to reduce the distance between citizen and government by identifying citizens’ needs and preferences) and ‘Engagement’ (incorporating citizens in the decision making process.) This results in strengthening government transparency, accessibility and responsiveness.

A majority of the initiatives are driven by government institutions and aim at obtaining feedback from the citizens. This is the case of the National Consultation on Education Policies in Czech Republic or the e-Games in Hungary, a government Internet platform where citizens can interact with public officials. Most of the CSO-led initiatives aim to subject governments to direct public scrutiny, as is the case of the Quarterly Bulletin of Public Finances in Poland. Some of the noteworthy cases driving the social accountability pertaining to scrutiny include the Charter of Budget Honesty of Australia, Ombudsman Board of Austria and Norway, Quarterly Bulletin of Public Finances of Poland, and Assessment of Reports of State Organisations of Slovak Republic.

Proximity initiatives aim at building a closer relationship between citizens and government, but fall short of inviting citizens to largely engage in the decision-making process. The majority of the SA initiatives of the OECD countries are driven by government institutions and only a few are CSO-led initiatives. Most of these government initiatives aim at enhancing proximity or engagement with citizens. This is the case of the Online Pre-Budget Consultation in Canada, the National Consultation on Education Policies in the Czech Republic, and the e-Games in Hungary. All these initiatives are characterised by a
government platform where citizens can interact with public officials. Most of the CSO-led initiatives aim to subject governments to direct public scrutiny, as is the case of the Independent Budget Analysis for Women Policies in South Korea and the Quarterly Bulletin of Public Finances in Poland.

Cases highlighting the engagement quotient to effectively include citizens in government’s decision-making process include the Participatory Budgeting (PB) practices – on education in France; the Harrow Open Budget in the United Kingdom and the Participatory Budgeting of Bollingen in Switzerland. A special mention must be made here of the Participatory Budgeting of the Young in the Netherlands, an initiative that aims at giving young people aged 14 to 19 the conditions and opportunities to acquire the skills necessary to take an active part in local democratic decision-making processes.

The Berlin Citizen Jury (Germany) creates a jury composed of randomly selected citizens and representatives of the local civil society (associations, companies). It has a fund of €5,00,000 to finance projects for urban rehabilitation. Any resident or association can submit a project to the jury, which decides whether or not to finance the project according to its usefulness and overall quality.

As regards access legislations, the end of the Cold War saw a spurt in such laws across Europe, and the last decade itself accounts for almost half of them. The European countries with access laws on their statute books are Albania, Austria, Belgium, Bosnia Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kosovo, Latvia, Liechtenstein, Lithuania, Macedonia, Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom are the European countries operating access legislations. (The list includes a large number of erstwhile communist regimes.)

However post the 9/11 terror attacks, disturbing trends have been noticed in the OECD belt. The so called ‘war on terror’ has resulted in stricter classification of information. NATO now insists that unless allies are assured that information will not be disclosed, it is not shared in the first place. The Council of Europe’s Steering Committee on Human Rights on 26 March 2006, adopted the draft text of the proposed Convention on Access to Official Documents. The most shocking development was the introduction of an exception to exclude Heads of State from the scope of the right to information.

Secrecy is now making its entry through the backdoor especially in the most developed countries like the OECD group. The most common methods are:

a) Entrusting public functions to private bodies as the right of the citizens expires once the function are transferred to private actors. Water, electricity, telecommunications, prisons, toll highways, bridges, hospitals, schools, defence, municipal water supply, air traffic control and almost all aspects of public administration are being privatised.
b) Certificates barring disclosures by Ministers are becoming common in developed countries. USA, Australia, UK and Canada are increasingly practicing the veto on disclosure through certificates by competent authorities.

c) Decision making is transferred from the national to the international level. Major decisions in Europe are no more taken in their Parliaments but in the European Union. Disclosure is both limited and cumbersome in such organisations.

d) Raising the cost of information is a subtle way of restricting the right. Ireland and Ontario province of Canada have successfully reduced their applications by increasing the fees. United Kingdom was contemplating substantial increase in fees through Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2007 but the move was aborted due to serious public protest.

e) The enthusiasm in the West about right to information has also been dampened by vociferous protests by the privacy advocates. One man’s right to information is often at the cost of privacy of the other. Many requests are killed because of its implications for the privacy of third parties.

* * *

The above region wise review has thrown up several interesting insights about the possible evolution of social accountability, and more transparent and open governance:

- Interest in social accountability and access laws is now a global phenomenon, on which it is impossible to turn back the clock. However, rather than going apace in all regions of the world at the same rate, we discern a clear gradient, whereby an initiative (either spontaneous or guided through a pilot programme) begins at a local level, becomes a regional phenomenon, and (often aided by access laws) assumes national significance. As better systems of governance evolve, the purely demand driven (bottom-up) approach soon merges with the government (or supply driven) type of accountability, evinced in the more developed regions of the world like the OECD. But for every local initiative that succeeds there is often another which proves unsustainable.

- Social accountability mechanisms arise from specific needs, power imbalances and a desire for improving services. Each country’s accountability process has evolved from diverse sets of localised civic traditions and background, and is difficult to compare and generalise. Consequently, synergies are not developed to the extent they might have been. Each social accountability mechanism has a specific social, political and economic context with benefits and risks. The challenge is the institutional linking of the experiments and community-executed projects, and different experiments involving local governments. The existing linkages are weak and many times lead to duplication of efforts rather than complementing each other. The success of one mechanism in a local setting thus cannot guarantee success in another. Social accountability needs to be decontextualised, as was done with issues like Human Rights and Climate Change.

- Given the prominence of administrative and fiscal decentralisation, most civic engagement is aimed at strengthening government accountability purely from the
financial management point of view. Most of the pilot projects and ongoing initiatives primarily aim to optimise public resource management by central and local governments – and the citizens act primarily as taxpayers demanding an account of how their money is being spent. This approach puts the poor and non-taxpaying citizen at a perpetual disadvantage.

Social accountability has tremendous potential to improve the responsiveness of governments and other power holders to the needs of local people and especially those with ‘less voice’. With the help of the critical pillars of access to information, role of media, capacity enhancement of civil society, state-society synergy and institutionalisation of such initiatives, it can bring about a sea change in the governance scenario across the world.
Chapter III: The Indian Context for Social Accountability

Long before it came to define the current US President, the audacity of hope was the hallmark of an India awakening to keep its ‘try with destiny’ in the words and vision of its first Prime Minister, Pandit Jawaharlal Nehru. Tired of its centuries-long incapacitation and slumber, India had the audacity to simultaneously launch not one but five revolutions, which had occurred serially and over long periods of time in the world’s older democracies. These impatient and contiguous revolutions were: the national revolution; the social revolution; the agricultural revolution; the industrial revolution; and the urban revolution.

Revolutions are hazardous undertakings, and in a society as pluralistic, and as horizontally stratified and vertically partitioned by its history as India, it was only natural that social conflicts would occur, and the chief task and priority of the new democratic government was to contain these conflicts. Addressing the flashpoints of conflict became a national priority, and being conscious of political expediency, Indian nationalists opted for a welfare state that could accommodate the needs and aspirations of all segments.

However, as the nation building enterprise concentrated on addressing law and order, food security, endemic poverty and rural development, there was simply no time and scope to revamp the government machinery, and by default, the colonial government technologies inherited from the British were retained virtually unchanged, both in letter and spirit. This apparent contradiction between citizen-centric policy and its government-centric implementation is yet to be resolved, six decades later, although two Commissions on Administrative Reform (1967 and 2005) and countless committees and think-tanks have deliberated on the problem at length.

The issues are well summed up in the Concept Paper prepared for the Second Administrative Reform Commission (ARC 2005): “The state apparatus is generally perceived to be largely inefficient, with most functionaries serving no useful purpose. The bureaucracy is generally seen to be tardy, inefficient, and unresponsive. Corruption is all-pervasive, eating into the vitals of our system, undermining economic growth, distorting competition, and disproportionately hurting the poor and marginalised citizens. Criminalisation of politics continues unchecked, with money and muscle power playing a large role in elections. In general there is high degree of volatility in society on account of unfulfilled expectations and poor delivery.”

The authors of the ARC concept paper blame the systemic rigidities, needless complexity and over centralisation in the prevailing systems of governance for severely restricting the promotion of public good, making it difficult for even the most conscientious and competent functionaries to deliver optimal results. The lack of accountability has in turn led to widespread abuse of authority and the harassment of the public through flagrant violation of law, petty tyranny and nuisance value. This “... imbalance in the exercise of power is at the heart of the crisis of governance.”

The situation according to the same paper has been deeply aggravated by “... the phenomenal asymmetry of power in our society. Only about 8 percent of our work force is employed in the
organised sector with a secure monthly wage and attendant privileges, and over 70 percent of these workers are employed in government at various levels and public sector undertakings. Such a privileged position gives even the lowliest of public servants enormous power over most of the citizens, given the abject poverty, illiteracy, excessive centralisation of power, a culture of exaggerated deference to authority, hierarchical tradition in society, and the legacy of colonial traditions and practices. Any serious effort to make our governance apparatus an instrument of service to the people and a powerful tool to achieve national objectives needs to take into account these two cardinal factors plaguing our polity – the imbalance in the exercise of power, and asymmetry in the wielding of power. "xvi

**Historical Roots of Imbalance of Power**

As the poet Dr Iqbal said: "yunan-o-misr-o-ruma sab mit gaye jahan se; ab tak magar hai baqi naam-o-nishan hamara". [Greece, Egypt and Rome have all vanished from the face of the earth, but we are still here...]. With a civilisational continuity of thousands of years the story of modern India cannot be understood without a brief overview of its chequered history. From the agrarian society of the Vedic era to the grand Mauryan and Gupta empires, ancient India saw the birth of Buddhism and the formulation of the tenets of the quintessentially Indian way of life. The inherent strength of this belief system was its ability to indigenise foreign invasions and influences first in the middle ages, and later during the colonial era. However, this syncretism came at a price: a highly stratified and divided civil society, as summarised in the diagram below:

And the defining struggle of our times is how India can mainstream the marginalised, empower the disenfranchised, and set up a regime of justice, equity and social accountability.
External Impact

In the last decade and a half, starting from 1991, external and internal pressures have compelled Indian politicians to address the good governance agenda. The World Bank, IMF, the Asian Development Bank and bilateral development agencies such as DFID have made significant contributions to the anti-corruption process. September 11, 2001, and the war in Afghanistan, for example, threw into sharp focus the complex relationship that exists in South Asia between corruption, terrorism, money laundering and political decay.

In November 2001 India signed up to the ADB-OECD Anti-Corruption Initiative for Asia-Pacific. The initiative commits each signatory to the development of an anti-corruption action plan which requires them to address three pillars of anti-corruption activity: civil service reform, reduction of bribery, and closer involvement of civil society. Moreover, donor agencies have become increasingly insistent that programme funding in India is tied more specifically to anti-corruption policies and procedures.

Domestic Scenario

While the system of governance in India relies heavily on constitutional, legislative, administrative and case law, this does not necessarily permeate into the behaviour of those who govern and those who are governed. This fact is mirrored by a general state of persisting disparity between the elites and the masses; and the elites inter se, in parameters such as social status, educational and linguistic attainments, land holding pattern, inter-services benefits and circulation of elites. Fault lines of disparity can be seen in terms of gender, caste and religion; on variables such as health and life chances, income poverty and educational attainment. The totality of this emerging pattern can be classed as ‘illegitimate violations of Rule of Law’. (There can also be ‘legitimate violations’ in the form of differentiated treatment by law itself.) Then lack of administrative accountability and transparency (manifest through corruption in public life) is emerging as another pattern.

There are developmental gaps between communities and sexes on almost all parameters. This being the scenario, dignity of the individual is as much an issue of concern today as it was sixty one years ago. India is yet to settle for a long term nationalistic agenda. There is no national consensus on major issues, i.e. national heroes, national ideology, national traditions, exemplary acts etc. and as yet, no efforts for arriving at one. The bottom line of the story is that the system of governance has done greater good of a lesser number and lesser good of a greater number. As evident from available statistics, poverty and opulence, privilege and discrimination, knowledge and ignorance, opportunities and deprivations are flourishing together across the country.

Corruption

Any discussion on social accountability would remain incomplete without reference to ‘corruption’. In this context, we propose to start with the remark of the late Prime Minister Rajiv Gandhi that “only 15 paisa out of every rupee reaches the poor”. Although it was a political statement having its own nuances and implications, it was certainly not far from the prevailing order of the day. A preliminary analysis of the available literature shows that
corruption in India and elsewhere is the consequence of more deep seated problems of policy distortion, institutional incentives and governance. The bad news is that there is little respite from them.

In this regard, a report of the National Commission to Review the Working of the Constitution in India noted: “The paradox of India, however, is that in spite of a vigilant press and public opinion, the level of corruption is exceptionally high. This may be attributed to the utter insensitivity, lack of shame and the absence of any sense of public morality among the bribe-takers. Indeed, they wear their badge of corruption and shamelessness with equal élan and brazenness.” The laws that are constantly violated for creating a vicious cycle of bribery have resulted in a cynical attitude towards law-enforcement. Even anti-corruption laws are rarely enforced and have become political ploys to settle scores with the opposition or with uncompromising civil servants.

In 2005, the Berlin-based Transparency International (TI) assigned the 72nd rank to India in the ascending order among the world's 102 most corrupt countries. According to TI's estimate, common citizens of the country paid a bribe of Rs. 21,068 crores while availing one or more of the eleven public services in a year. The eleven public services covered in this study are: Police, Judiciary, Land Administration, Municipal Services, Government Hospitals, Electricity, PDS, Income Tax, Water Supply, Schools (up to standard 12th) and Rural Financial Institutions. As high as 62% of citizens had a firsthand experience of “paying bribe” or “using a contact” to get a job done in a public office. According to this survey, the Police stand out relatively high on the corruption index. Judiciary (lower Courts) and Land Administration are rated next only to Police. Then comes health care; and despite reforms, electricity services figure high on the corruption index, while despite its bad press, PDS figures lower in the corruption index.

The key factors that stand out as responsible for widespread corruption in the system include: “Lack of transparency and accountability in the system; lack of an effective corruption reporting mechanism; lack of honesty in officials in the government; acceptance of bribe as a way of life, custom and culture; ineffective judiciary; poor economic policies; inadequate training and orientation of Government officials.” The institution of Central Vigilance Commission and Chief Vigilance Officers in Central Government Ministries/Departments and Public Sector Undertakings are all institutional arrangements to minimise corruption, but their efficacy is yet to be recognised in the global arena.

The study says that the main breeding ground for corruption is the Indian political system including its electoral process, which has been supported wholeheartedly by the bureaucracy. The extensive role of the Indian state in providing services and promoting economic development has always created the opportunity for using public resources for private benefit. As government regulation of business was extended in the 1960s and corporate donations were banned in 1969, trading economic favours for under-the-table contributions to political parties became an increasingly widespread political practice, since electoral process requires sacks of money and nobody spends from his/her own pocket. Politicians have become so closely identified with corruption in the public eye that a Times of India poll of 1,554 adults in six metropolitan cities found that “98 percent of the public is convinced that
politicians and ministers are corrupt.” xviii “If the king is corrupt, the population too will be corrupt”, says Admiral Tahiliani.

The foregoing empirical facts, media reports and survey-findings drive home India’s score in the parameter of Social Accountability. Available trends indicate that the scheme of constitutional governance has failed to ensure public accountability. This fact is further corroborated by UNDP’s Human Development Report which ranks India at 126th in a group of 177 countries in terms of attainment level in the Human Development Index. Thus, while the achievements of India's democracy (and its enviable resilience) are undeniable; so too are the violence, criminality, religious passions, corruption and lack of respect for social accountability and the rule of law.

Emerging trends

The fact that these issues are being widely and freely debated by all sections of society and from myriad perspectives is the redeeming feature of Indian democracy, and for an exhaustive understanding, one needs to discuss the emerging trends in Social Accountability in the main arenas of social action, viz: the public sector; the unorganised sector (and the disadvantaged sections which form the bulk of the Indian population); and the private realm in both its manifestations – Voluntary Organisations and the Corporate Sector.

A. Public Sector

In the Indian scenario, the applied aspect of public sector accountability exhibits an interesting pattern. Most of the strategic matters are classified and beyond the public domain. The bureaucracy that is expected to deliver good governance is accountable not only for its own omissions and commissions, but also accountable for the omissions and commissions of the political executive. The General Clauses Act, 1897, defines “Government” in such a way that the Secretary in charge of a particular department shoulders the onus of all accountability incumbent upon the State or Central governments, even if she/he is not the real decision-maker. ‘Electoral accountability’ remains elusive as many criminals and corrupt politicians get elected to positions of power through the prevailing democratic process. Bureaucracy has no escape from corrupt elements; it has to live with them and depend on them for its own survival. In fact, politicians and government servants need each other for mutual self-help and this arrangement is the main source of accountability deficits.

Transparency of government decisions and the manner of their enforcement has always remained a contentious issue, since information is not available freely and directly to those who are, or would be, affected by such decisions and their enforcement. The disadvantaged socio-religious communities in India suffer the most because of absence of transparency in the implementation of the stated policies and non-adherence to the Rule of Law. Even NGOs professing to be votaries of good governance are prone to similar vagaries. “Nehru’s vision of …inclusive India…went up in smoke as a powerful cabal of well entrenched vested interests – power-brokers… big businesses, regional satraps and corrupt bureaucrats work the system.” xix Far from ushering in a brave new world promised on the midnight of August 14-15, 1947 the emerging realpolitik is only a continuation of the colonial rule and has a
damaging effect on the projected vision of national integration and egalitarian socio-economic system.

**Judicial Activism:** The incidence of violations of the principles of Rule of Law by public authorities and their impact on governance has caught the attention of the Indian Judiciary. Whatever it may mean to the politicians and other elites in power, a researcher sees it as a sure indication of an accountability crisis. The key areas of governance where judiciary (often prompted by Public Interest Litigation) has laid its hands on, are: issues of human rights violations, child labour, bonded labour, clean and healthy environment and biodiversity, women’s rights, minority issues, urban planning, criminal justice, Lok Adalat [Alternative Dispute Resolution], State funding of Election, free and compulsory education, NGO issues, public accountability, prevention/investigation of corruption cases under court’s supervision, consumer protection and issues concerning undertrials. It is quite palpable that the Judiciary has now assumed the American style of activism due to the failure of institutionalised mechanisms of governance in India.

**B. Unorganised sector:**

The National Commission for Enterprises in the unorganised sector found strong correlation between the unorganised worker and the discriminated section. About 79% of the unorganised workers, 88% of the Scheduled Castes and Scheduled Tribes, 80% of the OBC and 84% of Muslims belong to this category of the poor and vulnerable. Contrary to the trend in the number of people below the official poverty line, the number of people in this segment has steadily increased over the years.xx

The unorganised sector does not fit neatly into Indian ‘civil’ society, and one must look to the work of Partha Chatterjeexxi to understand how this huge section of society operates. He terms the unorganised, deprived, dispossessed as ‘political society’, with its own mechanisms and institutions, mirroring those of the ‘acceptable’ face of citizen populations, otherwise known as civil society. One of the pre-requisites for a ‘population’ (say the BPL rural household, or the urban squatter) looking to empower itself is to acquire the moral attributes of an identifiable interest group or community in order to acquire legitimacy – backward castes, women’s SHGs, slum dwellers, etc. Then, as a rule, they negotiate for an improvement in their lives by collective bargaining with the political class with the ultimate power of their electoral vote. However, unlike “... proper citizens whose relations with the state were framed within a structure of constitutionally protected rights... [and] who could demand the attention of governmental authorities as a matter of right, because they observed the law...” (p137), political society [as Chatterjee terms this segment of civil society], which was often forced to exist on the edges of law, could at best arrive at some ‘paralegal arrangements’.

All the societal processes outlined above, may be graphically summarised as follows:
But nothing in Indian society is static, and years of social engineering, affirmative action and developmental policies (accelerated by the more recent phenomena of liberalisation, privatisation and globalisation) have unleashed a strange alchemy across the developing world, and the demarcations between Chatterjee’s civil and political society are blurring day by day. Moreover, the poor in India, as everywhere else, have realised that self-help is the only way out and are mobilising fast to build up social capital and becoming more vocal in their demands for accountability – be it Jockin of the National Slum Dwellers’ Association in Mumbai, Medha Patkar and the Narmada Bachao Andolan, or the Nandigram and Singur episodes, or other protests against SEZs.

C. Private Sector:

(i) Voluntary Sector: According to a study conducted by PRIA Foundation (in 2000) in collaboration with Johns Hopkins University, USA, there are about 12 lakh NGOs in the entire country, half of them being registered. They are predominantly rural-based and employ about 1.8 million people – 2/3rds of whom join the NGO for advancement of their career. This revelation about the attitude of the NGO workers is indicative of the altered objective of the movement. Moreover, a number of issues related to this sector remain unaddressed within
the existing institutional, legal and administrative frameworks. An illustrative list of such issues is as follows:

- Core competence and financial capabilities of NGOs (except the renowned ones) are unknown. There is no system of accreditation of NGOs based on their capabilities and performance.

- The institutionalised safeguards against defalcation of Government grants are inadequate. NGOs receiving huge sum of rupees as Grant-in-aid (GIA) are at times found in possession of a few chairs and tables when it comes to recovery of assets. Each Ministry has introduced its bond format and such bonds are seldom enforced/ enforceable due to technical loopholes.

- The question of public accountability remains an enigmatic area. Most of the NGOs are functioning as absentee organisations by leaving the projects under the care and control of their paid employees. It may be far-fetched to expect the same degree of commitment from the meagrely paid employees as from the committed volunteers.

- There is no Perspective Planning for the NGO sector, resulting in regional imbalances. The NGO sector is usually serviced on demand, except for few exceptions where Ministries have evolved a rational resource allocation plan.

- No reliable database is available in respect of NGOs in the country. The Planning Commission has already made a start to evolve a country level database for NGO sector; but they are facing operational handicaps in compilation of data.

Cognisant of the systemic deficiencies, the Union Government has initiated a few proactive steps: Under the Right to Information Act, NGOs receiving grant-in-aid from the government, have been notified as ‘Public Authority’; Government has also notified the National Policy on Voluntary Sector. This may be followed by a statute. Besides, the Moily Committee on Administrative Reforms has recommended that NGO employees and volunteers be brought within the ambit of the definition of ‘public servant’ under the ‘Prevention of Corruption Act’.

(ii) Corporate Sector: With businesses focusing on generating profits, sustainability was not a popular concern among companies up until the recent past. Now, in an era of globalisation, multinational corporations and local businesses are no longer able to conduct destructive and unethical practices (such as polluting the environment) without attracting negative feedback from the general public. With increased media attention, pressure from non-governmental organisations, and rapid global information sharing, there is a surging demand from civil society, consumers, governments, and others for corporations to conduct sustainable business practices.

In addition, in order to attract and retain employees and customers, companies are beginning to realise the importance of being ethical while running their daily operations. The corporate response has often meant an adoption of ‘a new consciousness’, and this has been known as Corporate Social Responsibility (CSR) since the 1970s. Companies in India are now expected to perform well in non-financial areas such as human rights, business ethics, environmental policies, corporate contributions, community development, corporate governance, and
workplace issues. The problem is that many companies that claim to be socially responsible often do not live up to such a standard.

A positive propeller is now in vogue in the name of SA 8000 which is an international standard for social accountability initiated by CEPAA (Council on Economic Priority Accreditation Agency). It is a voluntary standard and can be applied to any size of organisation or business across all industries. The standard can replace or augment specific social accountability codes of the company or industry. An accreditation agency namely, Social Accountability Accreditation Services (SAAS) is already in operation to accredit and monitor organisations as certify compliance of social standards. As such, companies and industries are now looking for this accreditation as a business passport. The end result may be a more ethically sound sourcing of goods and services.

In a welcome development, the Associated Chambers of Commerce and Industry of India (ASSOCHAM) has come out with proposals for affirmative action towards the larger goal of building an inclusive society. As a part of the mission, several business houses are offering employment opportunities to the underprivileged and several others are undertaking capacity and skill development programmes. Besides, in projects under BOT, BOO, PPP etc., government is consciously enforcing social accountability for the corporate sector.

The Way Forward

At least nine distinctive developments have now impacted Indian society as never before: (1) LPG (Liberalisation-Privatisation-Globalisation), (2) the China growth factor, (3) Indian diaspora, (4) Assertive middle class, (5) A vigilant media (6) Entry of professionals and business houses into politics, (7) Growth of corporate and voluntary sector, (8) Penetrating role of UN bodies and (9) Judicial Activism.

- The LPG factor requires purchasing power, skill formation, geographical mobility and linguistic versatility of the Indian masses. It creates a demand-pull situation which can favour development.

- The double digit growth of China in India’s neighbourhood, assuring better quality of life to its people, has engaged India in a psychological competition which will pay in the long run.

- Then the Indian Diaspora, estimated at 20 million, covers practically every part of the world. Their industry, enterprise, economic strength, educational standards and professional skills are widely acknowledged. Their deep attachment to India will act as a push factor for improvement in development matrices.

- The middle class in India has developed the sense that it is coming into its own; that it has acquired the numerical strength of 300 million and more to make the Indian market matter even in a global context; and to demand that their issues be addressed when elections come round the corner. The growth of corporate houses, industries, information technology (IT) and Business Process Outsourcing/Knowledge Process Outsourcing (BPO/KPO) sectors have contributed greatly to the middle class basket. This is besides the vast pool of retired government servants who do have good productive capacity and can contribute to the modernisation process through the NGO and corporate windows.
A positive signal to improve the system of governance is also forthcoming from the cinema stars, sports stars, medicos and other professionals. They are not only seen in the houses of the Parliament, they are also taking an active interest in affirmative action and good governance issues.

Then judicial activism, multi-party politics, increasing role of regional parties at national level, e-governance etc. have their own impact on governance and public accountability. The spread of material culture (cell phones being an example) with cheap consumer goods in the WTO regime will reduce the status gap between the masses and the elites, and the common people will shed fear and be more and more assertive for their rights. Moreover, alternative service delivery mechanisms would take over many areas of public service and pose good competition for the government.

The UN and its specialised organisations are also ever ready with their knowledge bank and could step in to institutionalise Social Accountability.

As things stand today, forces of globalisation, liberalisation and privatisation have already unleashed a positive swing towards improved governance. Few significant transformations are: creation of new Ministries for Women and Child and Minority Affairs with clear mandate; enactment of the Right to Information Act and the Forest Rights Act; setting up of National Knowledge Commission, National Commission for Unorganised Sector, National Judicial Commission; Election Commission’s follow-up initiatives for state-funding of election expenses, affirmative action in private sector spearheaded by ASSOCHAM, National Policy on Voluntary Sector, National Commission on Child Protection and Welfare, creation of Backward Region Growth Fund, launching of new schemes and revamping of old ones to match the expectation of the disadvantaged groups of 21st century. Gender budgeting and the 15-Point Programme for the welfare of minorities, deserve special mention. The introduction of Performance Appraisal System in place of Confidential Report would be a good stepping stone for improving delivery of public service. Pending legislations like the Lokpal Bill, Women Reservation Bill, Free and Compulsory Education Bill have achieved a good momentum and are indicative of change of mindset for fundamental reforms.

The strongest signal for a positive swing towards better governance and social accountability came from the Prime Minister Dr. Manmohan Singh, who in his speech on the 60th Independence Day outlined his vision of a caring India: that is united; not divided by caste, creed or gender; in which the weak and downtrodden are empowered, the disabled find support, the destitute find succour; in which every citizen can live a life of dignity, self-respect, decency and hope; an India that has regained its due place in the comity of nations. He mentioned a concrete action plan and roadmap for achieving these ideals.

In the long list of nationalistic policy interventions on the anvil, he talked of banishing poverty and disparity, and providing life insurance and disability and health insurance cover to the poor. He laid special emphasis on education and said “…education alone is the foundation on which a progressive, prosperous society can be built…” While urging the States to give priority to education, he announced setting up of 6,000 schools of excellence, colleges in 370 low-enrolment districts, thirty new Central Universities, five new Indian Institutes of Science Education and Research, eight new Indian Institutes of Technology, seven new
Indian Institutes of Management, and twenty new Indian Institutes of Information Technology.

The Prime Minister also announced a Mission on Vocational Education and Skill Development, 1600 new Industrial Training Institutes (ITIs) and polytechnics, 10,000 new vocational schools and 50,000 new Skill Development Centres with an annual capacity of over 100 lakh students. He called upon the voluntary sector to participate in the development process not only by assisting in the training, but also by providing employment opportunities to the youth. He resolved “to make India a nation of educated people, of skilled people, of creative people”. He also reiterated the need to make the government, at all levels, more accountable and more transparent, and to fight the cancer of corruption through the Right to Information Act. It is encouraging to mention that concrete programmes have already been launched as per this roadmap. We can therefore, live with the hope that the country will soon institutionalise ‘social accountability’ as an intermediate objective en route to the goal of ‘good governance’.
Chapter IV: Citizen Initiatives in Social Accountability – Four Cases from India

A criticism often levied against the proponents of demand-driven Social Accountability is that they equate citizens first and foremost with tax-payers, and then with consumers of public services. Interestingly, the entire lexicon of social accountability is littered with terms from the world of money and finance – social cost, social capital, cost-benefit analysis, social audit, social accountability, carbon credits, accountability deficits and so on... The World Bank’s Working Paper on Social Accountability initiatives in Asia goes so far as to define “... the five functional domains of social accountability [as] (a) budgets, (b) public policy making and planning, (c) public goods and services, (d) expenditures, and (e) public oversight and monitoring.”

As we have seen in great detail in the preceding chapter, neither the concept of a homogenised, equally empowered civil society, nor a commonly perceived role for government, nor standardised regimes of accountability sit very well on the complex, diverse, stratified tapestry that is India. And these diversities colour and eventually decide how government, its role and duties, and therefore its accountability are perceived by different ‘publics’. For the purpose of this discussion therefore, we shall look not at the functional domain of accountability mechanisms, but rather at the different perceptions and actors in this unfolding drama. As the diagram below indicates, as we move from the agrarian to the urban, the prime movers evolve from charismatic individuals; to organised NGOs; to Civil Society Organisations and Corporate groupings; to the State and local governments themselves as partners:

A. Individual Crusaders – the Case of Anna Hazare
Anna Hazare’s is one of the more remarkable careers of modern India. When he returned to his native village of Ralegan Siddhi near Pune in Maharashtra in 1975, after fifteen years in the army, he saw a typical drought-prone and demoralised village of the region caught in a vicious cycle: Drought → Degraded natural resource base → Loss of livelihood → Indebtedness and alcoholism → Breakdown of social and moral fabric → Loss of faith in government and political system → Lack of investment in development by government and community → Unresponsive governance → Disempowered people.

A reformer’s zeal in his eye, a sense of vocation, a firm belief in Gandhian ideals and years of selfless service and social mobilisation saw Anna Hazare turn around his beloved native village – so much so that it won him the admiration and awards of the Government of India, and accolades from around the world. The vicious cycle was turned into a virtuous one as Ralegan Siddhi was revived and transformed into India’s ‘ideal’ village: Repair of percolation tanks → Water conservation measures through people’s participation → Water management strategies and revival of agriculture → Improvement in social and economic situation, reduced conflict → Management systems in place for natural resource base, community investments in development → Economic and social development → Sustainable Development → Community and individual empowerment.

Hazare firmly believed that the chief cause of the depredations suffered by rural India, (despite half a century of investments in rural development) was corruption; and the only way to beat this evil was through more accessible, open and transparent governance. Therefore, the focus of his massive social mobilisation campaign became the right to information as a guarantor of social accountability. The legendary transformation of Ralegan Siddhi had made Anna something of a folk hero among the rural masses in Maharashtra, and this conferred on him a moral authority which successive governments could ignore only at their peril. This is quite clearly illustrated in the chronology of the campaign below, with the State Government always at his beck and call to negotiate:

### Anna Hazare’s Crusade for Right to Information: A Gandhian Chronology

- After the Shiv Sena-BJP government came to power on March 11, 1995, Anna Hazare started communicating with the Government for taking steps to curb corruption. He wrote to the government 15 times and had meetings with them.
- As government was not paying any heed to his demand even after writing many letters and discussions, he started a dharna (sit-in) on April 6, 1998 at the Azad Maidan, Mumbai.
- He again wrote to the Government 10 times between April 6, 1998 and August 2, 1999 asking it to enact the Right to Information Act. In the meantime, a Congress-NCP Government had came to power in Maharashtra.
- He communicated with the newly formed government 5 times, pressing it to make the Act. As it failed to do this, he wrote to the Government on April 6, 2000 warning of a state-wide agitation in front of Collector Offices to be started from 1st May and that he would go on fast from 20th May, 2000.
- As per schedule, the agitation started in front of Collector Offices all over the state on 2nd May. The fast was postponed as the Central Government passed a bill in Lok Sabha on Information Technology.
- Continued communication with the Government. Wrote 14 times and had meetings with the Government. One year lapsed.
- On 1st March 2001, wrote to the Government that he would start state-wide maun andolan (vow of silence).
from 1st May, if the Government did not pass the legislation. The Chief Minister held a meeting with other concerned Ministers and Secretaries and made a promise that the Government would pass the bill in the coming session.

- After the promise from the Chief Minister, 81 days lapsed. Anna’s correspondence with the Government continued. He wrote again on 1st March 2001 warning that he would undertake maun on 9th August 2001 at his native village Ralegan Siddhi. He kept his word and on the same day, people started an agitation all over Maharashtra.

- After 4 days of maun, the Minister of Law and Justice Mr. Vilas Kaka Undalkar visited Ralegan Siddhi to discuss the issue with Anna Hazare. He facilitated a telephonic discussion with the Chief Minister and the Chief Secretary of Maharashtra. After promises from them, Anna stopped his maun.

- After the lapse of 1 year and a month and writing more than 15 letters, the Government was not taking any action. So Anna started maun again on 21st Sept. 2002. After 5 days, four Ministers of the Maharashtra Government came to Ralegan Siddhi for discussions with Anna Hazare. After getting a written assurance from the Chief Minister and Chief Secretary, Anna stopped his agitation.

- A meeting between Anna Hazare and the Government was held on 30th October 2002 at Mumbai where the Chief Minister, the Chief Secretary, other ministers and senior officers participated on behalf of the Government. Again a promise was made.

- But as the Government was not keeping its promise, Anna again warned on 21st January that he would undertake agitation on 20th February at Mumbai.

- In the meantime, the Chief Minister of Maharashtra was changed. The new CM Mr. Sushilkumar Shinde informed Anna Hazare that a solution would be found within a fixed timeframe after a meeting with Ministers and Senior Officers. So Anna postponed his agitation.

- A high level meeting was held at the Secretariat in Mumbai on 17th February and the CM promised that appropriate action would be taken.

- After the failure of the Government to keep its word, Anna again warned of agitation from August 9, 2003 at Mumbai.

- Anna finally went on fast on 9th August 2003 at the Azad Maidan in Mumbai. Thousands of people from all over Maharashtra gathered at the site of fast in support of his agitation. At the same time, people also protested at Collector Offices at all district headquarters. All this mounted tremendous pressure on the Government. There was a threat of Government collapse if the Act was not passed. Finally, the President of India signed the Bill on 12th day of Anna’s fast and declared that the Act would be effective from 2002.

- Anna ended his fast at the hands of a noted social worker, Tukaramdada Gitacharya.

- The Right to Information Act came into effect in Maharashtra from 2002. With Anna’s persuasion, the same Act came into effect for the whole nation. (Of course, other States like Rajasthan and Goa beat Maharashtra in enacting access legislation, but the length, reach and persistence of Hazare’s campaign remains unequalled, and deserves special credit)

So what lessons do we draw from the case of Anna Hazare?

- That even today, there is a reformist role for individuals in rural India, especially if they have the moral attributes of a Gandhi

- That a single individual can and does change the life of thousands, if not millions

- That massive social mobilisation and concurrent awareness is necessary to contextualise Social Accountability among the masses

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• That because of the centrality of a single individual, such initiatives are neither sustainable, nor replicable at the national level, unless they are formally institutionalised (by the RTI legislation in Maharashtra, and eventually India, in the present case.)

B. Budget Advocacy: the DISHA Initiative

Tribal and indigenous populations are globally acknowledged as being the most vulnerable and deprived and sadly, find little mention in social and developmental discourse in India except in a negative context like Naxalite violence. Huge amounts of money have been set aside for tribal development over the years, but most of it is frittered away through corruption, poor planning and fragmentation.

In Maharashtra alone, a total of 363 schemes are implemented by the Tribal Development Department with the help of line agencies, of which only 162 are actively operational. Even these have had a negligible impact on the life of tribal communities, as the Human Development and Sustainable Livelihoods data indicates – which is why the work of NGOs like DISHA is doubly praiseworthy.

DISHA (Developing Initiatives for Social and Human Action) is a mass-based organisation in Gujarat that started in 1985 with the aim of altering societal power relationships in favour of the poor to produce social change. It believes that only through altering the power balance among different communities can greater equity prevail in Indian society.

Since its inception, DISHA has worked with socially marginalised communities like landless labourers and tribal communities to support organised action from within the community against the social structures promoting an unjust distribution of wealth and power\textsuperscript{xxviii}. As part of its campaign for more equitable power structures, DISHA took up the issue of tracking the budget and expenditure on tribal development – a well-recognised Social Accountability mechanism across the world.

DISHA’s chief role in this field has been the demystifying of the budget. It got into the business of budget analysis in 1992 to ascertain what actually was happening to funds allotted in the name of ‘tribals’ under the Tribal Area Sub-plan. DISHA thus began by first taking up the issue of the state’s 7.3 million forest labourers, recognised as a formal professional group. By analysing public expenditures along the lines of what was promised and what was delivered especially to the disadvantaged groups, DISHA created a strong system of information exchange that helps the communities to articulate their demands and create pressure to establish accountability within the public expenditure system\textsuperscript{xxxix}.

With an attempt at democratising the budget process, DISHA obtains budget documents, reviews and disaggregates departmental allocations for different beneficiaries, researches the discrepancy between proposed and actual spending and prepares briefs on synthesized findings for informed public debates. Three key areas are looked at:

i) Does the budget mention specific pro-poor policies?

ii) Are these matched by adequate funding commitments?
iii) Do they relate to the socio-economic reality of the Gujarati poor – the tribal communities, dalits, women and agricultural labourers?

The analysis team at DISHA sends the budget briefs to all MLAs, cabinet members, key civil servants, the press, and leading individuals and civic groups interested in public finance. The first set was produced in June 1994. Thereafter, DISHA continued to consolidate, demystify and share the knowledge of budget information with the people. The information is also disseminated in local languages through newspapers and one-page fact sheets to non-urban masses, namely tribal villages and schools.

Typically, the briefs cover general information about the department and the amount received for spending, the percentage increase or decrease in budget allocation to an item or sub-item, as well as excess amounts, if any, committed in actual expenditures over revised estimates of previous years, examples of fiscal indiscipline and mathematical errors, and new items or expenditure proposals introduced for the first time.

DISHA’s work has contributed to demystifying the process and content of budget preparation, traditionally held by a few elite technocrats. This has helped to destroy the culture of secrecy surrounding the budgeting process and honoured people’s right to know the state of their public resources.

This successful experiment in Gujarat has over the years been replicated in other states of India, which came together in February 2000 to form a single umbrella organisation called People’s BIAS (Budget Information and Analysis Service) to analyse the national budget of India. This has improved budgetary planning by closing the gap between budgeting and sectoral planning, allowing better allocation and release of funds to priority sectors. As the essence of the budget becomes increasingly comprehensible to more people, the increased interest and open debates have facilitated a better flow of information among the ministries and beyond, and brought greater social accountability into governance.

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DISHA’s Budget Experience – A first person account

(Extract from “Budget Analysis: A Powerful Tool for Social Activists.” By M.D. Mistry)

Budget analysis has taught us several important lessons:

- Money goes to those who hold power. If non-governmental organisations (NGOs) raise questions and demand the people’s share, those who possess the money get worried.
- Our analysis shifted the balance of power. In general, NGOs and voluntary agencies have rarely addressed the whole field of “governance.” Until recently, their role had been limited to receiving either “finance” or “information” from the government. By doing a budget analysis, the group acts as a partner in formulating the budget and pushes the state to collect information and provide it to the people.
- The budget is prepared by a very small group of people in the bureaucracy. In order to maintain their monopoly, they don’t want others to know its intricacies. Knowing the process of making the budget documents breaks this monopoly. NGOs must know the process. The more one knows about the
finance of the state, the more one becomes confident and powerful.

- Before the budget analysis, we looked to the elected representatives to raise our issues for us. Many times, they tried to evade us, making us feel ignored and unwanted by the people in power. Now, however, we were suddenly “most wanted,” especially during the budget session. We felt that we were shaping the discussion on the budget in the assembly, if not the budget itself.

- Since we are a people’s organisation, criticism levelled against the government on the budget can affect our chances of getting the work done by the ruling party MLAs or bureaucrats. If we praise the government for good action, our credibility may be affected in the eyes of the public. For this reason, we always had to keep the members of our organisation in mind while writing budget notes for the elected representatives.

- Using factual information to discuss the issues of tribal development sharpened our arguments. The budget analysis also widened our vision and gave us ways to pick up certain issues and focus on them.

- Budget analysis does have its limitations. We can’t find the answers to all the actions of the state by analysing its budget analysis. Nonetheless, this process can certainly help us understand most of the issues that people are facing.

What the above extract shows is that a good NGO must strive very hard to maintain the delicate balance between its credibility with those it serves, and its credibility with those in power. Only such an organisation can demand accountability from the government, on behalf of the governed.

C. Advanced Locality Management (ALM)

Urban governance in India has turned 360 degrees – from almost total urban neglect until the mid-1990s, to the empowerment of urban local bodies in 1992 (74th Constitutional Amendment) and the Rs 1000 billion Jawaharlal Nehru National Urban Renewal Mission (JNNURM) in 2005.

The foundation for the JNNURM was laid by the India Infrastructure Report of 1994 (IIR) also referred to as the Rakesh Mohan Committee Report. It begins with the assertion that the “… availability of adequate infrastructure facilities is vital for the acceleration of economic development of a country.” It goes on to point out that as the immense resources needed for state-of-the-art infrastructure in a country the size of India will never be available entirely within the public sector, the time had come for the active participation of private investors, both domestic and foreign. Further, as the supply orientation in infrastructure policy had not succeeded, it was time for the commercialisation of urban infrastructure and services, which would require a demand orientation i.e. services should be supplied in response to demand rather than in anticipation of demand.

These two concepts (participation of private investors in urban infrastructure; and demand-driven provision of urban services) became the keystone of the JNNURM, and a whole slew of reforms had to be introduced at the State and local level, to make the Mission viable. The obvious dominance of the private sector in JNNURM (whether in developing CDPs, prioritising projects, or as consultants) has been severely criticised by activists like Medha
Patkar, on the grounds of ‘corporatising’ urban governance, inevitably at the cost of the poor and the marginalised.

The merits of these arguments are beyond the purview of the present discussion, but suffice it to say that in tandem with the growth of private influence in urban infrastructure and services, there has indeed been a proliferation of well-organised CSOs in most metros, with Janaagraha of Bangalore being something of a pioneer and exemplar for its ilk. These CSOs have drawn heavily on corporate backing and resources, and endeavour to mobilise the hitherto disinterested urban, professional, upwardly mobile, tax-paying middle classes and encourage greater community participation in urban management.

The Advanced Locality Management or ALM concept springs from precisely this class and is a new form of collaboration between local government and citizens, seeking to improve local representation and the quality of municipal services of the area/locality. Elected representatives work with the voluntary neighbourhood groups called ALMs to manage the locality and its surroundings. Projects to beautify the city, segregation and removal of garbage and filth from the area, building vermiculure plants, tree plantation drives and other beautification projects are some of the significant tasks taken up by ALMs.

The concept of Advance Locality Management (ALM) in Mumbai dates back to the year 1997 when it was first implemented at Joshi Lane, Ghatkopar. The idea behind ALM is to promote a partnership between the citizens and the municipal corporation and at present, there are over 700 ALMs in the city of Mumbai.

Success stories of ALMs in Mumbai are numerous e.g. drains in Kurla left open and uncleared for 30 years were cleaned; encroachments in Wadala were removed, and elsewhere, traffic routing was improved. Garbage clearances, water supply, the condition of roads and pavements and illegal buildings have also been addressed. Action for Good Governance and Networking in India (AGNI) facilitated the formation of Advanced Locality Management (ALM) groups and addressed problems related to garbage clearance, composting, drainage, water supply, beautification, encroachment, road excavation, pothole filling, road and pavement levelling, surfacing, stray animals, pest control etc.

<table>
<thead>
<tr>
<th>How to form an ALM:</th>
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<tbody>
<tr>
<td>Consult at least three civic-minded citizens and call a meeting of concerned residents of the area</td>
</tr>
<tr>
<td>Inform the Ward Office of the intention to form an ALM</td>
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<tr>
<td>A representative of the Ward Office to address the first ALM meeting</td>
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<tr>
<td>Identify major and minor problems of the locality at the meeting. Each building to select one representative for the &quot;Core Group&quot;</td>
</tr>
<tr>
<td>Volunteers to monitor the work (e.g. garbage segregation) and coordinate with Municipality/Corporation</td>
</tr>
<tr>
<td>The Core Group to meet at least once a week initially. General meetings for the whole area can be held monthly or quarterly. Meetings to be minuted and minutes circulated to form the ALM Newsletter</td>
</tr>
<tr>
<td>The Nodal Officer to maintain a Locality Register documenting all problems</td>
</tr>
<tr>
<td>An ALM representative should attend the monthly meeting taken by the Ward Officer at the Ward Office where Locality Registers and/or unresolved problems are screened weekly</td>
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</table>
Many such efforts start with just a single enthusiast. For instance, at D Road, Churchgate, it was one resident who experimented with vermiculture at home and then introduced the concept to neighbours. Garbage management, vermiculture, tree plantation, dealing with hawkers and drug addicts – all tasks are now being done with the collective help of the residents. Some groups even receive the enthusiastic support of children. For instance, the Hindu Friends Cooperative Housing Society at Jogeshwari East was once an area that had seven overflowing garbage bins. When residents formed an ALM, school students were involved. Apart from the hands-on help they provided, the youngsters also spread awareness among their parents. Their success even inspired the birth of another ALM in the vicinity. The Orchid Hotel has formed the Advanced Locality Management Trust in 2002 and organised ALM Green Mumbai contest and ‘Forever Young’ festival to encourage more such efforts. The ALM system also provides single window access to most civic services.

Critique of ALM Approach

The ALM system in Mumbai has not had an easy ride. To start with, there was tremendous opposition from the elected representatives who felt that if the ALMs succeed and people are able to manage their problems themselves, the corporators’ influence and clout would diminish with the voters.

Secondly, the support that some ALMs have drawn from high profile NGOs and corporate houses like Dignity Foundation, Stree Mukti Sangathan, AGNI, CITISPACE, Lions Club, Bombay Dyeing, Mahindras, Orchid Ecotel Group of Hotels, and Hindustan Petroleum Ltd., gives the better connected much more negotiating power in dealing with the government, and leads to inequitable delivery of infrastructure and services. These CSOs are greatly empowered by the social advantages of their members, who can derive every benefit denied to the poor, like the “the-world-at-your-desktop” immediacy of the internet and overlapping networks which extend far and wide to include members of the administration, judiciary, media and corporate houses. New CSOs get support and guidance from existing ones. For example the RWAs in Delhi form larger federations, and Janagraha is a vital part of the Bangalore Agenda Task Force. Their high visibility provides these CSOs a lot of national and international exposure and support. The ALM movement needs to be much more inclusive. In a city where an estimated 60% of the population lives in squatter settlements and 68% of whose economy is in the informal sector, it makes little sense to peg ALMs to middle class formal habitations like Cooperative Housing Societies. The axiomatic McNamara proclamation ‘if you don’t deal with the poor constructively, they will deal with your city destructively’ seems to have been totally ignored. It is no coincidence that most of the ALMs are located in Mumbai’s posher suburbs as the map below indicates:
A more controversial emerging role of ALMs has been local campaigns for the removal of encroachments, which often threaten the very livelihoods of the poor in the informal sector, and makes ALMs elitist and insensitive to the city’s social inequities. (In the Citizen’s Handbook prepared by Janaagraha in a chapter entitled ‘Law, Order and Safety’, one section addresses street vendors and how to monitor that vendors do not re-emerge after removal. Janaagraha explains, “The solution to this problem lies in continuous monitoring by the citizens after they have been evicted, to ensure that these vendors do not re-emerge. Filing complaints repeatedly with the BMP against these vendors and ensuring their removal should also help.”xxxi)

The current scenario raises certain very pertinent questions, such as:

- What are the implications of greater involvement of civil society groups in urban governance for different social groups in a city?
- To what extent and in what ways are civic needs and expectations of different sections of the population met by the new arrangements?
- Does urban governance become more participatory or is it captured by the elites? xxxii
- And most importantly, can government which is accountable to a minority class truly be considered socially accountable?

**Bhagidari System**

Since the days of Mahatma Gandhi, our leaders have striven to involve the common man in governance. Various experiments with decentralisation were initiated involving people in governance – the experiments with the Community Development Projects in the 1950s, the Panchayati Raj Movement of the 1960s, and the 73rd and 74th Amendments to the Constitution ensured democracy at the grassroots level in India’s Panchayats and
Municipalities. In line with this ideological heritage, in December 1998 the Delhi State Government outlined its philosophy for governance – ‘responsive and participative’. This has specifically stemmed from the belief that Government must work in partnership with the people. In view of this, the concept of ‘Bhagidari’ or the citizen-government partnership was evolved and the ‘My Delhi – I care’ drive initiated.\textsuperscript{xxiii}

Wide consultations were initiated with various citizens groups – the Resident Welfare Associations (RWAs), the Market and Traders Associations (MTAs) and other NGOs. Discussions were also held with Municipal Corporation of Delhi, Delhi Development Authority, New Delhi Municipal Council, Delhi Vidyut Board, Delhi Jal Board and Delhi Police and the Department of Environment and Forest. These departments subsequently became the participating Departments in the Bhagidari Programme. Delhi's initiative has grown from 20 citizen groups in the year 2000 to more than 1,600 citizen groups representing about 3 million people today. These networks discuss problems hampering effective delivery of civic services with government representatives and then produce joint workable solutions to improve their environment and quality of life. In consultation with the Asian Centre for Organisation Research and Development (ACORD), the Large Group Interactive Events (LGIE) model was devised as an appropriate model to train citizen-groups and government officials of all levels to build up consensus for solutions and their implementation.

This model envisages the following steps:

- Workshops (3 days each) with citizen groups with representatives of citizen groups and officials of Public Utility Departments, viz. Municipal Corporation of Delhi, Delhi Development Authority, Delhi Vidyut Board, Delhi Jal Board, Delhi Police, Sales Tax Department and the Department of Environment and Forests.

- RWA / MTA wise list of solutions sent to concerned departments and Deputy commissioner (Revenue) offices to implement and monitor solution

- Area Officers ensure a fortnightly meeting with their area RWAs and District Officers of the public utilities monitor and co-ordinate the working of these Area Officers

- Monthly reviews taken by the Heads of Departments and the Deputy Commissioners

- Chief Secretary takes quarterly reviews and Chief Minister heads the Steering Committee meetings.
Major initiatives under ‘Bhidari’ have been taken up by the Government since January, 2002 include the Water Conservation and Water Harvesting by Delhi Jal Board and Urban Development Department, Vidyalaya Kalyan Samiti or School Welfare Committee offering a mechanism for the local community to be actively involved in the governance of educational institutions run by the government, Stree Shakti programme to empower poor women through initiatives in health, literacy and income generation, Polytechnics and non engineering courses under the Directorate of Training and Technical Education, has started ‘Hunger Free Delhi’ campaign, setting up of ‘Aapki Raso’ (Food for destitute), anti plastic and anti-littering campaign, reforms in hospital management and quality control and development of industries.

**ISSUES TAKEN UP BY BHAGIDARI EXCLUSIVELY FOR MARKET TRADERS ASSOCIATION**

**A) Weights and Measures**
- Weights and measurements used for commercial purposes
- Indigenous and imported package commodities
- Sale of beverages, ice creams, mineral water bottles at MRP
- Registration of packers and importers
- Inspections and challans

**B) Sales Tax**
- Strengthening communication channels for disseminating Sales Tax information
- Better communication channels for reviewing feedback on Sales Tax from dealers
- Interface between sales tax field officers and joint detection of bogus and unregistered dealers
- Grievance handling.

**C) Industries Department**
- Handing over of the estate / maintenance services to MCD in a time-bound manner – procedural aspects only.
- Uninterrupted Power supply metering, billing and changes in rules / regulations.
- Adequate and potable water supply "No Supply, No Billing" principle.
- CETP - a) Costing of Plants, b) escalation and govt. to bear escalation, c) Responsibility of maintenance, d) Cost of maintenance.
- Clearance of encroachments in parks, and on roadsides and pavements within industrial area / estates.
- Provision of streetlights in the Industrial Estates.
- Removal of Slums / J J clusters, encroachments on approach roads and pavements, etc.
- Rain Water Harvesting.
- MCD factory license – onetime fee – no renewal-permission for industries on floors
- One-window service concept
- Inspection methods and procedures.
- Conversion to freehold plots and shed – procedures / modalities.
- Allotment of land to associations for administration of estate and provision of P.O., Bank, Fire Station (on TOP priority where land already allocated), R&D centre, tool room, etc.
<table>
<thead>
<tr>
<th>Services taken up by Bhagidari, Delhi</th>
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<tbody>
<tr>
<td><strong>For Delhi Jal Board (DJB)</strong></td>
</tr>
<tr>
<td>- Payment and collection of water bills by RWAs</td>
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<tr>
<td>- Distribution of water through water-tankers</td>
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<tr>
<td>- Replacing old/leaking pipelines</td>
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<tr>
<td>- Water Harvesting involving RWAs and for de-silting sewers for internal colony sewage system</td>
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<tr>
<td>- Creating awareness against using water from Hand Pumps for drinking purposes.</td>
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<tr>
<td><strong>For Delhi Vidyut Board (DVB)</strong></td>
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<tr>
<td>- Information of load shedding given to RWAs/MTAs to be circulated</td>
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<tr>
<td>- Establish Complaint Cell especially for Bhagidars</td>
</tr>
<tr>
<td>- Electricity meter reading will be done by RWAs and officials of DVB</td>
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<tr>
<td>- Meter name change in co-operation with RWAs</td>
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<tr>
<td>- Revenue enhancement and its re-investment- involving the RWAs</td>
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<tr>
<td>- Replacement of Low tension wires and faulty meters</td>
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<tr>
<td><strong>For Municipal Corporation of Delhi (MCD)</strong></td>
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<tr>
<td>- House tax collection by interested RWAs</td>
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<tr>
<td>- Maintenance of community parks through RWAs</td>
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<tr>
<td>- Management of community hall through RWAs</td>
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<tr>
<td>- Sanitation services to be supervised by RWAs</td>
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<tr>
<td>- Imposition of fine on littering in co-operation with RWAs</td>
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<tr>
<td>- De-silting of nallahs</td>
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<tr>
<td>- Removal of stray and dead animals from colony</td>
</tr>
<tr>
<td>- Maintenance of roads and back lanes on regular basis</td>
</tr>
<tr>
<td><strong>For Delhi Police (DP)</strong></td>
</tr>
<tr>
<td>- Crime prevention through involvement of RWAs</td>
</tr>
<tr>
<td>- Neighbourhood watch scheme</td>
</tr>
<tr>
<td>- Verification of antecedents of domestic help</td>
</tr>
<tr>
<td>- Prevention of encroachments</td>
</tr>
<tr>
<td>- Regulation of traffic through colonies</td>
</tr>
<tr>
<td>- Prevention of illegal sale of liquor</td>
</tr>
<tr>
<td><strong>For Delhi Development Authority (DDA)</strong></td>
</tr>
<tr>
<td>- Solutions to prevent encroachment</td>
</tr>
<tr>
<td>- Maintenance of community parks and common areas</td>
</tr>
<tr>
<td>- Parking inside the colony</td>
</tr>
<tr>
<td><strong>Sanitation</strong></td>
</tr>
<tr>
<td>- Solutions on community bins and overseeing the work of sanitary staff by RWAs</td>
</tr>
<tr>
<td>- Door to Door collection of Waste/Garbage</td>
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<tr>
<td>- Generation of public awareness on sanitation</td>
</tr>
<tr>
<td><strong>For Department of Environment and Forests (E&amp;F)</strong></td>
</tr>
<tr>
<td>- Plantation and maintenance of saplings</td>
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<tr>
<td>- To discourage use of plastic bags</td>
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</tbody>
</table>
From a movement beginning with 20 Residents’ Welfare Associations, Bhagidari now is in active partnership with more than 1,100 citizen groups. Their efforts have been recognised by the Government of India and were recommended for the CAPAM International Innovations Award in 2002.

**Bhagidari: Plus Points**

- The main reason for the success of Bhagidari lies in the application of democratic processes of problem solving by dialogue and consensus, where every stakeholder shares both responsibility and authority and takes ‘ownership’ for finding and implementing solutions together.
- This non-partisan and democratic method of problem solving has been able to touch the right chord in the citizens’ hearts and they believe that Bhagidari can really give them a more meaningful role in governance.

**Bhagidari: Minus Points**

- Bringing together a large number of citizen groups and government officials on a common platform requires detailed planning and coordinated action and a whole gamut of logistical arrangements, which are not always put in place.
- The scheme has given unlimited powers (which has no Constitutional basis) to the RWAs who are likely to misuse these powers for their own ends.
- By putting the onus of governance on citizens, Bhagidari could become a way to hide Government inefficiency and failure to deliver in the key areas of sanitation, power and water supply, law and order, etc. Partnerships can become successful only if all stakeholders pull their weight and the state becomes efficient.
- There is also a danger of Bhagidari becoming a political tool and it has been observed that most activists are motivated not by an urge to do public good, but by the opportunities provided for political aspirations. “The phenomenal rise in the number of RWAs validates this fact. And this is one of the reasons of Bhagidari not being able to deliver its promises. Every colony now has two-three RWAs and they jostle among themselves for powers. Bhagidari has become a freewheeling mechanism too for elevating chosen Bhagidars above the law for illegal Bhagidari benefits like unplanned hospital or banned boring.”
- Finally, there is a view that mechanisms like Bhagidari actually diminish government accountability by blurring the distinction between the government and the governed, because it is that much more difficult to pin responsibility for a wrong decision or action.
Chapter V: Government-driven Supply-side Social Accountability

In contrast to SA mechanisms like Report Cards (which are judgmental and tend to put public authorities on the defensive) several government-initiated citizens’ initiatives are beginning to grab media headlines and the attention of civil society. These supply-side mechanisms strengthen good governance and social accountability because they simultaneously strengthen the rule of law, enhance responsiveness, increase proximity between government and the citizen, and bring transparency into government decision-making.

Community Policing

In an effort towards decentralised operations and decision-making, community policing has become the new paradigm in the police profession. It promises a radical change in the relationship between the police and general public. Sir Robert Peel, considered to be the father of modern policing mentioned that ‘the police are the public and the public are the police; the police are only members of the public who are paid to give fulltime attention to duties, which are incumbent on every citizen in the interests of community welfare and existence’. xxxv

CHARACTERISTICS OF COMMUNITY POLICING

Decentralised operations and decision-making
Greater priority to the ‘ends’ rather than ‘means’ of policing
Involvement of public in decisions and policy making

According to Peel's principles, the basic concept of community policing is to bring the community and the police closer together to improve rapport. It is based on his concept of prevention of crime and promotion of better police-community partnerships. It is a problem-
solving partnership between the police and the community that is incorporated through a police department. The belief is that neighbours know their community best, just as police officers know their beat best and the neighbours and officers must work together to find solutions. Many law-enforcing agencies across the world have embraced the concept. Initially, it requires an investment of special skills training for problem solving, facilitation, communication, mediation and conflict resolution, resource identification and usage, networking, linkages and cross-cultural competencies.

Mohalla Committees

Policing is a complex task and it cannot be accomplished without people's participation in a democracy. In a democratic country like India with pressures from several corners due to various religions, castes etc, policing is more challenging. Experiments with Mohalla Committees have shown that they can become an essential part of the community policing initiative. As the name suggests, Mohalla Committees are formed at the local level and consist of a particular cross-section of society. The local Police Station acts as a facilitator for the formation and functioning of the Mohalla Committees. The main task of the Mohalla Committees is to assist the Police in maintenance of law and order and prevention of crime in the area. The Mohalla Committee members act as eyes and ears and pass on relevant information pertaining to communal, social, law and order related issues.

The Mohalla Committees meet at regular intervals and solve issues related to local crime and disputes through active involvement of the local police staff. During major festivals, special meetings are convened in order to ensure that peace prevails in the area. Measures and decisions taken during the meetings are disseminated to the community through its members. Suggestions of the Mohalla Committee members are given due weight by the Police Station in identifying and implementing crime prevention measures. People's participation and democratic approach of the Mohalla Committee movement has been widely appreciated over the years. Mohalla Committees have proved their usefulness time and time again, and have now become an integral part of the Maharashtra Police's community policing initiatives.

The concept of the Mohalla Committee was initially given a push by F.T. Khorakiwala, former sheriff of Mumbai, as a project to establish citizen-police committees in the 72 police station areas, after the post-Babri Masjid demolition violence in Mumbai in 1992-1993. The city vowed “Never again!” and the Committees have been crucial in ensuring that Mumbai has seen no recurrence of communal violence despite grave provocations post-Gujarat, or the various terror attacks it has been subject to in the last 15 years. The genesis of the concept lies with the then Deputy Commissioner of Police, Bhiwandi, Mr Suresh Khopde. Later, with the help of erstwhile DGP of Punjab Mr. Julio Ribeiro and social worker Ms Sushobha Barve and extensive support of the then police commissioner of Mumbai, Mr Satish Sahney, 24 active Mohalla Committees were set up in communally sensitive areas of Mumbai in 1994. Members were responsible citizens of an area without any political affiliation or communal and controversial background. The Mohalla Committees in Mumbai
began providing a platform for an interface with civil society and law enforcement state actors.

As per the guidelines, each Mohalla Committee shall consist of at least a President, Vice President, Treasurer. The elected Councillor of the ward where a Mohalla Committee is constituted shall also be member and patron of such a Mohalla Committee. The term of the office bearers of the Mohalla Committee shall be a maximum of 5 years and will not necessarily be co-terminous with the term of the Council.

The Mohalla Committee will:

- Be the ‘Eyes and Ears’ in that Mohalla of the Local Body
- Advise Local Body to help formulate suitable policy measures to enhance the quality of life of the residents living in that Mohalla
- Supervise the maintenance and repair and replacement of common area facilities etc.
- Monitor works relating to sanitation, road, drain, water supply, streetlight and solid waste
- Create public awareness for protection of environment from pollution, encouraging residents not to use plastic bags, tree plantation, improvement of landscaping and gardens
- Facilitate successful conduct of National programmes on health, development of women and child, pension to destitute persons, urban poverty alleviation programme, and programmes relating to the disabled and to co-operate in Vaccination Programs
- Keep a watch for the safety/security of the property of the urban body, such as parks, open lands and other public places and to save them from encroachment
- Improve education status by sending more students to schools and decreasing dropout rate
- Discharge any functions that may be agreed to be entrusted by the Municipal Corporation under the MoU to be signed between the Mohalla Committee and the Local Body
- Campaign to stop the activities against law such as child–labour, liquor, gambling etc.
- Oversee maintenance of service lanes, availability of daily services such as Chaukidaar arrangements, night security, internal parking, laundry, ironing, fresh vegetables etc so as to enhance the living quality for the citizens.

What is the mohalla committee that has suddenly gained respect and become the subject of dissertation study? More importantly, why does the concept mostly work? It’s simple: Give people some power and make them responsible for their well-being. Every mohalla committee — and there are 20-odd in the city — has a sizeable number of people from the area who are regarded as elders, or have a standing of their own, or have the charisma to make others listen to them. The primary task of the mohalla committee is to maintain more-than-cordial relations between the two communities, largely Hindus and Muslims.

Mohalla committee members intervene in disputes, even personal or domestic quarrels if need be, organise little meetings or the cliched variety programme and liaise with the nearest police station all in the effort to maintain peace. If trouble breaks out, they broker peace too. If rumours go around, they go around killing the rumours.
before the rumours can kill. In troubled times, such as the present, these people-next-door have become the quintessential diplomats.

Going on an evening hike with a mohalla committee in say Nagpada or Dongri is an education in human resources management. Committee members assume the role of arbitrators, have a glass of chai and a little chat with an unusually angry person on an issue that no one has bothered to address that day, walk around with a cop or two spreading word that these men in khaki can be trusted in times of trouble and so on. Intervening in paan shop and street-side discussions that young men had on the Ahmedabad pogrom helped as much, if not more than the march of the khaki did.

Farid Shaikh, one of the earliest mohalla committee members, says, “The method we use to build confidence or bhaichara (brotherhood) depends on the area and the mood that day. Some days we have to do some tough-talking, on other days we sit around with as many people as possible and just chat. The idea is: let the leaders create a bad situation, we won’t react to it.” Mohalla committees get into top gear action when there is a good reason to do so. At other times, they are just around. The more enterprising ones have members meet regularly, organise cricket matches like the one in JJ Marg near Dongri did a day after Godhra and Ahmedabad with an equal number of Hindus and Muslims in the teams, involve themselves in civic affairs like getting a water connection closer to a cluster of houses or interface with civic officials for better access to the main road and so on.

Who are these people? Farid Shaikh or businessman Nafis Sardar who organised the match or customs official Uday Deshpande or lawyer Yasmin Shaikh are real people like us but willing to walk that extra mile for peace, people who will not just tch-tch about the deteriorating communal relations in their drawing rooms but who are willing to even take a small cut in their businesses to help the cause of peace. What helps them is the presence of retired senior police officials like J F Ribeiro and Satish Sahney among others in the Mohalla Committee Movement Trust that networks with the current crop of police officials who, in turn, put pressure on senior inspectors of police stations to work closely with mohalla committees. Top cops like Police Commissioner M N Singh and Joint Commissioner (law and order) V N Deshmukh readily acknowledge the role of the mohalla committees in the last few troubled months, how committee members have helped the police do proactive policing and keep peace.

Source: Indian Express Flair March 17, 2002

The source of income of the Mohalla Committee can be funds from the Central, State or Municipality. It can be in the form of contribution received from the residents of Mohalla or MP/MLA Funds for the development of the Mohalla, or sharing of funds between the Local Body and the Mohalla Committee, as per mutually agreed terms, based on tasks performed for and on behalf of Local Body – such as collection of taxes, spot fines.

The Mohalla Committee experiment is a scientifically proven scheme of intervention, accepted by social scientists but it also requires changes and modifications in different areas and situations so that the message of communal harmony can reach the maximum number. The path ahead for the Mohalla Committees is not easy. To ensure revival of this experiment and success, a dogged commitment by a hands-on team is necessary. Those that will today work to activate and revive this much needed experiment will have to draw from the city neighbourhoods their plurality and diversity, and learn how to make this their greatest investment and strength.

What could go wrong ...
• The enthusiasm for Mohalla Committees may wax and wane as a crisis looms or passes away – like a terrorist attack for instance. Maintaining interest usually depends on a few dedicated individuals, and is therefore not sustainable after those individuals are no more involved

• There is a danger of Mohalla Committees becoming a tool for spying on one’s neighbours and settling personal scores (sometimes even by the local constabulary), and in such cases once the trust is lost between the two communities, the Committee may actually become a threat rather an enabler of communal harmony

• Like all such Community Based Organisations, NGOs, CSOs, there is also a danger of Mohalla Committees being infiltrated by the wrong people or powerful vested interests

Maharashtra’s Dispute Free Village Mission


Considering the huge pendency of cases in various Courts and the inevitable delays in delivering judgment, Alternative Dispute Resolution (ADR) mechanisms like Loknyayalas and Fast Track Courts have been put in place across the country. They are functioning quite adequately at the district and urban level, but the system has not penetrated deep into the countryside as yet.

At the village level, disputes often arise over petty issues. Even though just a few people may be initially involved, petty disputes, if unresolved, become bigger and start involving more and more people. Sometimes civil disputes take a violent criminal turn. Such unresolved disputes over a period of time may pose a threat to social peace and order, besides putting a strain on the criminal and civil justice system. The Mahatma Gandhi Dispute Free Village Mission is a village level Alternative Dispute Resolution (ADR) system, which prevents the occurrence of disputes and resolves existing disputes at the village level itself.

Pune villages take route to peaceful existence, to solve long-pending disputes

Nisha Nambiar Posted: Oct 08, 2007 at 0000 hrs

Pune, October 07 A 15-Year-Old dispute between two families from Kolavire village from Purandar taluka in Pune district over land being used for construction of a bund was resolved under Mahatma Gandhi Tanta Mukta Yojana. Misunderstandings between two families from Shelgaon village from Indapur taluka too were resolved under the scheme.

The scheme, announced on August 15, which encourages villagers to solve their disputes, is catching up in a big way. Many are vying to become the first disputes-free village. The maximum cases resolved in the village will be assessed by the State government and will compete for Tanta Mukta Gaon award.

With the deadline extended to register the cases up to October 15, more are expected to participate. All the cases have to be solved by March.
Applications for the cases had to be registered with the Tanta Mukta Committee of the village. Once the complaint is registered, both disputing parties are issued a notice and a meeting is conducted. After hearing both parties, a solution is arrived at. If both parties agree, the issue is resolved.

In Pune, of the 1,377 villages, 1,294 villages participated, taking it to 94 per cent. There are 135 villages who have registered the cases under the scheme with 215 as civil, revenue and criminal cases. Sixty seven cases have been resolved and 148 yet have to be resolved for Pune district.

District Collector Prabhakar Deshmukh said the scheme aimed at good governance. “It is going to look at more people’s participation and peaceful existence,” he said. Superintendent of Police (Rural) Vishwas Nangre Patil, who is also president of the planning committee, said the scheme has benefited many.

The gram panchayat elections in 224 villages on Sunday had unopposed candidates in 102 villages and of the 152 villages that went to the polls, 108 have unopposed candidates. “This is all because of the scheme,” said Nangre Patil.

Tanta Mukta committee members are spreading the word. Ramdas Pandurang Shingade from Shelgaon who has addressed several meetings to resolve cases said the response has been good and people are happy. “Since it is a settlement, people do not have to wait for years to resolve their disputes.”

(Source: www.expressindia.com)
The salient features of this mission are:

- Formation of *Tanta Mukt Samitis* (Dispute Resolution Committees) at each and every village in the state
- Identification of existing disputes, classifying them into criminal, civil, revenue and noting them down in a register maintained by the *Samiti*
- Preventive schemes and measures to ensure that disputes do not occur
- Resolution of existing and new disputes in a democratic, fair and participative manner

As a part of the scheme, there is an annual process of grading and marking the performance of villages in a district. Rewards range from Rs. 1,00,000 to Rs. 10,00,000 for the best performing villages. The scheme also has a public awareness and publicity component ranging from Rs.25,000 to Rs.1,00,000 for reward to be given to press reporters. This mission is expected to go a long way in ushering in an era of social peace, order and justice and putting Maharashtra on the road to progress.xxxviii

**Proactive Disclosure: Gramastha Din of Nashik Division, Maharashtra**

With a population of 15.8 million, Nashik Division of Maharashtra comprises of 16 Sub-Divisions, 54 tehsils, 6,583 villages and 4,886 Gram Panchayats. The pertinent problem in the administration of this region was that Government schemes and services do not reach the last level i.e. villagers, who have very little knowledge of these schemes even about those being implemented over several years. This often results in ‘capture’ of government largesse by local power elites. Secondly, in spite of the Panchayati Raj System, village level officials (*Talathi, Gramsevak etc*) of different Government departments are non-responsive. The hierarchical inspectorial system is anachronistic, ineffective and liable to political and social pressures, and as a result, there is a huge gap in terms of social accountability to the people themselves.

In the light of the above, the project *Gramastha Din* was conceived to bridge the gap between people and government by making the village machinery functional and eventually self-sustainable and independent of inspectorial mechanisms. All functionaries of various departments come together on the designated day and publicly give account of their work to villagers at large, in line with the provisions of Proactive Disclosures in Right to Information Act 2005 at grassroots level.

**Aims**

- To make each village level functionary of Zilla Parishad and State Government accountable to people at large in the villages by giving public account of their performance
- To proactively create awareness among the villagers about Government schemes, services, benefits and procedures thereof and the functioning of the village level officers
To ensure participation of villagers in different Government schemes by better understanding of village level functionaries and effective grievance redressal of the village level problems

To make villagers and village level functionaries jointly responsible for proper functioning of village level institutions

The three pillars of the Gramasth Din Project are:

1. All village level functionaries - Talathi, Gramsevak, Anganwadi Sevika, Health Worker, Police Patil, Forest Guard, Surveyor, Representative of Water Recourses, Secretary of Co-operative Credit Society, Head Master of Primary School, Agricultural Assistant etc

2. The governing village council or Gram Panchayat

3. The villager community

Gramastha Din is held in each and every Gram Panchayat once in two months under the chairmanship of a specially deputed officer from the Talsil known as Palak Adhikari. (Guardian Officer). It is held in three phases:

- **Public Review Phase** (Proactive Disclosures): The Guardian Officer makes each and every village level officer present a thorough account of his/her work, pendency and proposed work. The Talathi gives information about pendency of mutation entries, application for record of rights, details of rations cards and so on. General information about schemes, procedures and benefits is also given by each and every village level official about their work and schemes and about how to take advantage of the different development schemes available.

- **Grievance Redressal Phase**: It is an interactive session of villagers raising their concerns, complaints, suggestions and ideas. Problems are noted down in writing. The names of all those attending Gramastha din are noted along with signatures, and the proceedings are duly recorded. The complaints, which can be sorted out in the village, are sorted there and then and those which cannot be resolved locally, are passed on to Tehsil or District level.

- **Social Audit Phase**: In this phase, groups of village level officers and villagers are formed to visit village level institutions. These groups visit the village crèche (Anganwadi), Primary School, Health Centre, Fair Price Shop, Kerosene Distribution Centre etc. and carry out inspection i.e. social audit. They check whether there is adequate supply of food grains, display of rate chart, whether PDS supplies are sold at Government fixed rates, availability of adequate medicines in the Health Sub-Centre, attendance of teachers, school drop-outs, mid-day meal scheme, supplementary nutrition to children in Anganwadis etc.

### Monitoring Mechanism

- **Divisional Lokshahi Din Committee** (Headed by Divisional Commissioner)
- **District Level Lokshahi Din Committee** (Headed by District Collector)

- Special Inspector General of Police
- Chief Conservator of Forest
- District Collectors
- Chief Executive Officers
- Commissioner of Police (City)
- Commissioner NMC
- Chief Engineer (Public Works Department)
- Chief Engineer (Irrigation)
- Chief Engineer (Mahadiscom)
- Joint Director (Agriculture)
Positive Outcomes

There are remarkable changes in checking malpractices in Public Distribution System. At the Gramastha Din meeting, the Fair Price Shopkeeper is made to reply to complaints of the community (Gramsabha). Pressure of public exposure and open scrutiny has worked wonders, and the number of complaints regarding PDS has come down drastically. There is consciousness on the part of the schoolteachers and village level officers that their attendance is being monitored. Availability of medicines and other essential items in Public Health Centres is being watched. There is phenomenal demand for schemes like ‘Indira Awas Yojana’ for rural housing, BPL ration cards and agricultural equipment. Gramastha Din is a process of making village level functionaries responsive, responsible and directly accountable to people and is very empowering for the people too.

Sustainability is inbuilt as the project actively encourages villagers to mobilise themselves to take part in the actualisation of affairs relating to development of village. It concentrates on proactive disclosures by Government officials, which helps efficient delivery of public services. Villagers are convinced of utility, and people demand such public hearing mode Gramastha Din Project, which has potentials to get institutionalized. The Government of Maharashtra is being moved to take policy initiatives to make this project applicable throughout the state and implement as regular Scheme.
The Gramastha Din in Nashik (with every possibility of being up-scaled to State-level) is essentially a means of enhancing the *efficiency* factor of development administration. The *effectiveness* of development schemes is still largely unmeasured.

One initiative which deserves mention in this context, is a district-level initiative to create awareness among the beneficiaries about development schemes, about the community’s role in ensuring that schemes translate into tangible improvements in the quality of life and human development indicators.

For the district administration, this initiative provides both a monitoring mechanism, as well as a scientific reporting tool on difficult to assess parameters of human development, which are central to measuring the country’s achievements of the Millennium Development Goals (MDGs).

**Seven Star Villages: Making Human Development Work**

To make the various human development parameters the focus of rural development the concept ‘seven star village’ was introduced recently in Satara district. The village can aspire to get as many as seven stars if they achieve the seven different parameters of development.

Each parameter has several indicators and the parameter can be said to have been achieved only when all the different indicators have been achieved. Each indicator has a definite benchmark or a couple of benchmarks, which makes it possible to measure the level of achievement. When the set of all indicators listed within the parameter are achieved, then the parameter is achieved, and entitles the village to get one star. This concept does not promise to reward villages but recognises their achievement and accredits the level of their
achievement on human development parameters. The system helps to achieve the following objectives:

- Spread awareness regarding the various human development indicators.
- Allow the village to make a self-assessment of its own achievement on HD indicators.
- Allow the block and district level administrators to monitor HD indicators at their level.
- Promote a competitive atmosphere within villages for striving towards attainment of HD indicators through community participation and through best utilization of the government schemes.

The Seven Human Development Parameters are: Health, Child and Women Welfare, Sanitation, Education, Environmental issues, Livelihood issues, Governance and Social equity issues. And the indicators for each parameter, and setting up benchmarks for attainment of each indicator are as follows:

I. Sanitation
- 100% toilet coverage. Open defecation free village.
- Effective solid waste management.
- Effective waste water management.
- Clean surroundings and personal hygiene awareness.
- Pure and healthy drinking water.
(OR a village meets requirements of the Nirmal Gram Programme.)

II. Health
- 100% immunisation. (IMR <15)
- 100% institutional deliveries (MMR=0)
- Birth rate below 15 per thousand
- Couple protection rate 80%
- Zero incidence of vector borne and waterborne diseases.

III. Child and women welfare
- Mean age at marriage for girls at least 20. No marriage of girl below 18.
- Male female ratio above 975 for 0 to 6.
- Hb at least 12g for girls between 12 to 19 age group.
- Normal children above 85% and
- No child in Grade 3 and grade 4.
- 75% women own means of livelihood.

IV. Education
- 100% enrolment with average 95% attendance.
• Zero dropouts till 7th standard.
• No child below minimum competency level in maths, languages and other subjects.
• Total enrolment of at least 80% passing scholarship exams at the 4th standard level
• Girls passing 10th standard above 80%.

V. Livelihood issues
• At least one family member is the member of a Self-Help Group (SHG)
• Each family has an allied occupation and is not totally dependent on agriculture
• Increase in agricultural productivity 2% p.a.
• 100% immunisation of cattle with at least 30% cattle being productive
• Rise in milk productivity by 10% each year
• Market outlet for the commodities produced in village

VI. Environmental Issues
• At least 50% watershed area covered by various soil and water conservation measures
• 100% recharging of public drinking water sources. Increase in groundwater level is recorded by GSDA
• Increase in vegetation cover to at least 33%.
• Adoption of at least one non conventional sources of energy like biogas and solar lamps in 75% households
• Production and usage of organic fertilisers by at least 50% agriculturists

VII. Governance Issues
• Statutory compliances regarding meetings, audits and budgetary provisions for women /children (10%) and SC (15%).
• Recovery 100% audit compliance 80%.
• Conflict free village (tanta mukti).
• Effective grievance redressal system.
• 100% registration of marriages, births and deaths

The village achieving all the indicators of any of the seven parameters is awarded a star. If all seven parameters are attained it would be a SEVEN STAR Village. This exercise is carried out on half yearly basis and each department is responsible for evaluating its relevant parameters. The results are ceremoniously announced on 1st May and 2nd October.

SARITA: E-governance in Revenue Collection

The SARITA (Stamps And Registration with I. T. Application) Project of the Government of Maharashtra’s Inspector General of Registration and Controller of Stamps, Pune has been lauded as one of the most successful and effective e-governance initiatives in India. It has had
a very noticeable impact in making an essential arm of government (revenue collection) more transparent, accountable and convenient for its clientele.

The Registration and Stamps Department (R&SD) is the second highest revenue generator for the State Government where the revenue target of Rs.5800 crores was exceeded by 13% in 2006-2007. Thus the Department contributes nearly 15% of the States' tax revenues. It is a small department with a staff of 2671 employees spread over 463 offices across the State working very efficiently, and spending only 1.5% of what it earns on itself. The R&SD performs five functions: Registration of deeds; Revenue Collection; Valuation of properties; Preservation of documents; and Search for transactions. The department administers the Indian Registration Act, the Bombay Stamp Act, the Bombay Marriage Act, and the Special Marriage Act, which gives it a large cutting edge interaction with people. Nearly 7-8 million persons visit the Department's offices annually, mainly to register about 1.5 million documents.

**R&SD before SARITA**

Like other arms of the revenue behemoth, the department has traditionally had a poor image due to very low client satisfaction. This can be attributed to the fact that the Sub-Registrar enjoyed a great deal of discretion vis-à-vis registering the document, ascertaining value of the property and the time frame of returning the original document to the party. The other major lacunae were non-uniform, often faulty, processes with no time standards. As a result, the registration of land or property transactions took weeks and the original document could not be returned for years. The system bred inordinate delays, harassment and corruption leaving a very bad aftertaste for all those who had to come to the Sub-Registrar Offices.

The turnaround within the Department started with process changes followed by computerisation. The department looked at impending computerisation as a reason for a full review of its functioning and to make bold changes, wherever necessary, to provide a world-class public service. All the changes were oriented towards better client satisfaction; but they had to be revenue-neutral (if not revenue-positive) keeping in mind the importance of the revenue generated by the Department. The major problems identified after a lot of intra-departmental dialogue and user interactions were: off-putting appearance of the offices; high degree of discretion enjoyed by the sub-registrar; conflicts and confusion in property valuation in the absence of an objective system; lack of time standards; laborious back office work; problems of document preservation; lack of transparency and service norms; lack of accessibility and lack of information to user.

The change strategy for the turnaround of the R&SD was planned very carefully. A clear road-map with clarity about the destination was broken up into easily achievable smaller steps which made adaptation easier. In addition, the responsibilities were devolved within the organisation for each of those steps, to foster a sense of participation in the change process. The fact that change was coming simultaneously at all locations also created the right ‘team spirit’ within the organisation.

**Step 1: Cosmetic changes:** Standardised Office Plans which brought the Sub-Registrar ‘up-front’ as team leader were put in place; and information boards displaying areas where Urban
Land Ceiling Act and Maharashtra Re-settlement Act for PAPs are applicable, Citizens’ Charter, Ready Reckoner, List of support documents, List of villages in the jurisdiction of the SRO, List of senior officers with their contact numbers, Demi-Official letters about Sulabh Saman Process were put up at every office. This basic and first level change at the cutting-edge level immediately helped in streamlining the activities at the Sub-Registrar level. Accessibility to the Sub-Registrar increased dramatically thereby reducing the overwhelming dependence on middlemen. The open-plan seating arrangement also reduced chances of rent-seeking in full public view. The move added to the team-spirit and togetherness because across the State, all SRs were doing the same thing. The ‘feel-good’ factor also came in because of a better work environment.

Step 2: Business Process Re-Engineering (BPR): While computerisation can add speed and automation, it cannot correct the process itself and therefore a total reengineering of the business processes must precede computerisation. Therefore it was necessary to analyse the problems in the service delivery and then change the crucial processes / procedures to bring them in sync with the change objectives. BPR has formed the core for the endeavours of the R&SD to improve its service delivery - it is superfluous to state that mere replication of the manual systems on the computers is bad and can render the entire automation ineffective.

Two important lessons that came up during this process were that domain experts often shy away from true BPR and BPR itself generates more resistance than mere computerisation. The objectives in BPR can be defined after analysing problems in service delivery. Business Process Re-engineering was introduced in R&SD from 15.08.2000 by simplifying and demystifying the complicated process of registration; and defining a ‘complete’ document, which can be legally registered, and then deciding upon time limits for registration and return. The principle adopted was Sulabh Saman and Simple and Uniform System. It involved accepting only complete documents; returning incomplete documents immediately giving reasons in writing; deciding time limits for every activity; introducing input forms; introducing land-parcel based market value charts number, for a quick and transparent system of property valuation; and removing all backlogs.

Intensive review of the registration processes within the given legal structure led to cutting down discretion, delays and harassment and brought up front transparency and distinct, time-bound service delivery norms. The time limits led to reduction in chances of rent-seeking for expediting service delivery. The land-parcel based valuation led to automatic valuation, thereby reducing chances of under valuation and evasion offered by the earlier geographical boundary based system.

Step 3: Computerisation and Software Development: C-DAC, Pune a premier software organisation was appointed as the TSP (Total Solution Provider) for the R&SD in 1998. C-DAC along with domain experts for the Department studied the existing system as well as the computerised system in Andhra Pradesh to come up with a system Software Requirement Study in June 1999. The software was piloted in one office in Pune. However, the Department's user requirements were changed significantly in August 2000 and C-DAC incorporated these changes to develop a new version of the software.
This software has been developed by C-DAC in 9 modules, covering: the registration process; valuation; scanning and archiving; networking; website; search of Index-II for the past 12 years from a record of 10 million documents; procurement and vendor management; utilities and report generation. The software ensured a turnaround of 30 minutes, and puts the Customer-Client centrestage. The manner in which the 3 key actors (Customer, Administration and Private Partner) would interact was incorporated in the software design itself, as is depicted above.

The traditional methods followed by most government departments in computerisation were deemed to be expensive, unviable and unsustainable in the present case because of high initial capital outlay (20 crores); the lack of adequately trained personnel; poor capacity to keep pace with technology; and the huge coordination effort that would be needed to keep 47 servers, 882 client machines, 820 odd printers and other peripherals, going. This would shift the focus of the department personnel from public service providers and revenue-earners to coordinators for up keeping the hardware. This shift from core competence was not desirable. Moreover, intra-departmental resistance to the changes would lead to frequent breakdowns and ultimately, the collapse of the system. Hence it was decided to bring in a private partner who would install, operate and maintain the hardware across all offices and recover their investments from service fees charged to the client in return for top class services being provided.

The project was officially inaugurated by the Maharashtra Chief Minister, on 8th March 2002, and all 410 offices were computerised at one shot and before that, all cutting edge staff were
trained (as were the employees of the private partners) to acquaint them with the software, and the new concept of PPP.

**SARITA: Reasons for Success**

Consultants appointed by the Ministry of I.T., Government of India have studied the project SARITA in great detail. In their Report, they have spelt out the factors responsible for the success of the model as follows:

- Effective project management - practices, procedures, timelines, cost schedules
- Clear communication of and accessibility of project owner
- Involvement of all stakeholders - demystification, transparency, support
- Appropriate hardware selection - suitable for state-wide rollout.
- Suitable software solution - for full workflow automation and monitoring
- Aligning individual objectives with organisational objectives - incentives and penalties
- Ownership at SRO level - decentralised implementation model
- Security and controls - data security and integrity
- Scanning and archival - faster turnaround and faster search.
- PPP model - self sustaining
- Effective reporting mechanism - Standardised and timely reporting for control and monitoring
- Domain knowledge of software developers
- Proper identification of customer needs which were fed into process and then into software.

**Replicability:** The SARITA model is easily replicable. The model, initially tried out in one pilot office, was successfully replicated within the department. All 359 Sub Registrar offices could get computerised within 15 days. It is also replicable across departments such as State Excise, Sales Tax, Social Welfare Department, Rural Development etc. Across States, the R&SD, Maharashtra has worked closely with C-DAC for the implementation of the model with customisation of software in the Registration Department in Karnataka. The entire process from start to roll-on was completed in less than 1 year, and the Ministry of IT, Government of India has commissioned a project for replication of this model in 6 other States in the country - Kerala, West Bengal, Punjab, Goa, Himachal Pradesh and Uttranchal. Rajasthan is initiating their computerisation project on the basis of Maharashtra pattern.

**Sustainability:** The model is financially self-sustaining. Service fees more than cover the private partner's payments to keep the system running. Public awareness created through posters, boards, media coverage and Citizens’ Charter will ensure continuity. Customer Relationship Management has been made an integral part of the whole mechanism to have a continuous dialogue with the end beneficiaries. Their feedback / suggestions help the department to devise preventive and corrective measures and also keep up the pressure on the system from below, to keep on delivering as per publicised time standards. To institutionalise
change and take the system to a point of no return the department acquired ISO 9001-2000 certification with continuous verification to ensure continuity and sustainability.

Some Projects succeed because their time has come; others because the right people were at the right place at the right time. But the history of e-governance is littered with the remains of many a brave initiative where both these aspects had converged. The crucial difference in the current case seems to be the concatenation of three events: the initial and continuing support and political patronage of the State Government, which helped the innovating officers to institutionalise innovation and overcome internal resistance; the developments in information technology in the private sector which made it possible to deploy vast numbers of technical personnel for data archiving, valuation ‘ready reckoners’ and dissemination through the web; and the demand for more open and transparent governance by civil society (SARITA coincided with the campaign for RTI in Maharashtra).
Chapter VI: Legal, Judicial Framework for Social Accountability

At the end of the British rule in India, a Constituent Assembly was set up to draw a suitable constitution. On Dec 11, 1946, Dr Rajendra Prasad was elected the permanent chairman of the Constituent Assembly, and the Objectives Resolution was passed on January 22, 1947. This resolution gave expression to the ideals and aspirations of the people of India. The Constituent Assembly declared its firm and solemn resolve to proclaim India as an Independent Sovereign Republic. Under the new Constitution, to all the people of India, were to be secured social, economic and political justice, equality of status of opportunity and before the law, freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality.

The Constitution of India is the fundamental law of the State, the cornerstone of the country’s legal and judicial framework, and the formal means of guaranteeing social and public accountability in India. Some of its pertinent aspects need to be iterated, before we can look at the enabling mechanisms for accountability, such as the Right to information Act (2005).

The Indian Constitution has given certain fundamental rights and other rights to the citizens of India. The fundamental rights are enshrined in the Constitution under Article 14 (guarantee of equality before the law and equal protection of the laws), Article 15 (prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth), Article 16 (equality of opportunity in the matters of public employment), and Article 17 (abolishing untouchability). Article 19 contains provisions of freedom of speech and expression, to assemble peaceably and without arms, form associations or unions, movement and residence, property and trade and occupation. Article 21 provides that no person shall be deprived of his life or liberty except according to procedure established by law. Article 22 provides for protection to citizen against arrest and detention in certain cases. Article 23 provides for prohibition of traffic in human beings and forced labour. Article 24 provides against use of child labour. Articles 25 to 30 provide for freedom to practice religion, manage religious affairs, cultural and educational rights of minorities. Article 300 A provides for right to property. There are provisions for decentralised rural and urban government, and administration of scheduled and tribal areas and special provision for reservation of seats relating to certain classes of people (scheduled castes, scheduled tribes, Anglo-Indian community) in the Parliament, State legislatures, and services and posts.

Independence of Judiciary

The Constitution has made many provisions to ensure that the Judiciary will have an independent status and will have no influence from legislature or administration. This feature is essential so that the judiciary can play their role in dispensing justice effectively and fearlessly. The judges of the Supreme Court and the High Courts have been given security of tenure. Once appointed they cannot be removed from office except by an order of the President and that also only on the ground of proved misbehaviour or incapacity. The procedure to remove the judges is made very complicated. Their salaries and allowances are fixed and are not subject to a vote of the legislature. Parliament can add to the powers and jurisdiction of the Supreme Court but cannot curtail them. This makes the judiciary
independent and the judges are free to give their decisions without any influence from the executive.

**Judicial Activism and PIL**

The judiciary has navigated a difficult path through the framework of the Constitution and aspirations of the people. Judicial activism was facilitated in India by Public Interest Litigation. The concept of ‘public interest litigation’ had its origin in the United States. With regard to public interest litigation in India, the Supreme Court has laid down that where a legal wrong or legal injury is caused to a person ....[who] is by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the Supreme Court for relief, any member of the public can maintain an application for an appropriate direction, order or writ in the High Court...” The individual who moves the Supreme Court in such cases must be acting bona-fide with a view to vindicating the cause of justice and not for personal gain or profit or out of political or other oblique motivation.

**Pertinent Enactments**

To ensure that public administration should not be corrupt and should not resort to illegal activities, Chapter IX (s. 161 to 171) of the *Indian Penal Code 1860* lists offences including illegal gratification, by corrupt and illegal means to influence a public servant. The *Code of Criminal Procedure, 1973* ensures that innocent people are not harassed by police officers during investigation of crimes and complaints. The procedures for search of persons and premises, summons, arrest of persons, custody, confessions, declarations, bail, right to advice of a lawyer are so devised as to avoid harassment of innocent persons. The *Administrative Tribunals Act 1985* provides for adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts. The *Prevention of Corruption Act 1988* provides for stringent punishment for proven offences of corruption by public servants, after a trial by special courts. These laws are essentially meant to safeguard the rights of individuals and prevent public authorities from abusing their powers.

**Regulatory Mechanisms**

In the context of Social Accountability, it is essential to know of the various regulatory bodies who keep an eye on public bodies [and increasingly, the Corporate Sector] and exact accountability on behalf of the citizens of this country. Some of the more prominent regulatory institutions are:

1. **Election Commission:**

   Under section 171-C of the Indian Penal Code, anyone interfering with the free exercise of any electoral right commits the offense of undue influence, which is punishable with imprisonment which may extend to one year or fine or both. The superintendence, direction and control of all elections to the Parliament and State Legislatures, vests in the Election Commission of India.

2. **Comptroller and Auditor–General of India:**
The Comptroller and Auditor-General is entrusted with the duty of maintaining accounts of the income and expenditure of the Central Government and State Governments and preparing audit reports to the President to be placed before the Parliament / State Legislatures. This helps ensure that the funds available to the Government are utilized properly.

3. **Lokayukta and Lokpal (Ombudsman)**

To provide relief to aggrieved citizens from excesses of administrative deficiencies, the institution of Ombudsman was started in Sweden in 1809. It provides for an effective, quick, less formal and cheap method of grievance redressal. Most States in India passed state Acts establishing Lokayukta in their States during the decade 1975 to 1985. Lokayukta and Uplokapya are two independent functionaries to investigate actions and decisions of public servants. Their functions cover both the grievances arising out of maladministration as well as allegations of corruption, favouritism, nepotism etc against public servants.

**Central Vigilance Commission Act, 2003**

The Central Vigilance Commission Act (Act No. 45 of 2003) was enacted on 11 September 2003. The aim of this Act is to provide for the constitution of a Central Vigilance Commission to inquire or cause inquiries to be conducted into offenses alleged to have been committed under the Prevention of Corruption Act 1988 by certain categories of public servants of the Central Government, corporations established by or under any central Act, Government companies, societies and local authorities owned or controlled by the Central Government. The Commission has wide powers of investigation.

**National Human Rights Commission (NHRC)**

In the Charter of United Nations, 1945, the preamble declared the resolve “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women”. The Universal Declaration of Human Rights 1948, in Article 1 stated that ‘All human beings are born free and equal in dignity and rights.” The rights stated in this declaration have been embodied in India’s Constitution and Laws. The Human Rights Commission Act 1993 established a body to enquire into the cases of human rights violation. The Commission has wide powers to initiate investigation in human rights violation areas like trafficking in women and children, rape, dowry deaths, custodial deaths of suspects or accused persons, student violence etc.

* * *

In an era of deregulation and its recent tragic aftermath, accountability in the non-public sectors has become increasingly important. ‘Corporate accountability’ has joined ‘corporate responsibility’ and ‘corporate governance’ as the new buzzwords on the pages of the Economic Times and Financial Express. The following laws, many of which were once seen as stifling business enterprise and market growth in India, have acquired a new relevance, and one may go as far as to propose that the stricter regulation of economic activity has shielded India from some of the worst excesses of the current recession.

**Company Law Provisions**
The Companies Act 1956 (with various amendments) has brought an important business sector under regulation. As a Company has a distinct legal personality from its promoters or Directors, there is a possibility that unscrupulous operators may deceive unwary person. A company intending to carry on any business as a company has to be registered with the Registrar of Companies. The Act has detailed provisions about disclosure of pertinent information during the stage of promoting the company and inducing investors to buy shares or debentures etc. The Act also requires the registered company to submit detailed annual Reports to shareholders on the functioning of the company. All important resolutions have to be passed by the General Body Meeting of shareholders with prior notice. The Act has tried to make the operation of the registered company transparent.

**Labour and Industrial Laws**

The aspect of social security is dealt with under a group of laws that deal with working conditions and payments to the labour class. Article 19 of the Constitution confirms the right of a citizen to form unions and freedom of speech and expression. Article 39 of the Constitution provides that the State shall direct the policy towards securing

a) that the citizens, men and women equally, have the right to an adequate means of livelihood,

b) that the ownership and control of material resources of the community are distributed as best to observe the common good

c) that the operation of the economic system does not result in concentration of wealth and means of production in the common detriment

d) that there is equal pay for equal work for both men and women

e) that the health and strength of workers men and women and the tender age of children are not abused and the citizens are not forced by economic necessity to enter into avocations unsuited to their age or strength

f) that the children and youth are protected against exploitation and moral and material abandonment.

Article 39A provides that the State shall secure the operation of legal system to promote justice, on a basis of equal opportunity, and shall provide free legal aid.

Article 41 provides that the State shall within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement.

Article 42 provides that the State shall make provision for securing just and humane conditions of work and for maternity relief.

Article 43 provides that the State shall promote cottage industries on individual or cooperative basis in rural areas. In India labour laws have been codified in consonance with above principles of State policy.

Some of the important workmen’s security and welfare enactments are as follows
2. Trade Union Act 1926.
3. Payment of Wages Act 1936.
7. Employees State Insurance Act 1948

**SEBI provisions**

The Securities and Exchange Board of India Act 1992 provided for establishment of a Board to protect the interests of investors in securities and to promote the development of and to regulate the securities market. Every stock-broker, sub-broker, share transfer agent, banker to an issue, trustee of a trust deed, registrar to an issue, merchant banker, underwriter, portfolio manager, investment advisor and such other intermediary associated with securities market has to obtain a certificate of registration from the Board in accordance with the rules made under the Act and then only is he/she authorised to buy, sell or deal in securities. Any person who is unsatisfied with the decision or order of the Board may appeal to the Central Government. These provisions ensure that only bona-fide persons deal in securities. SEBI has also prescribed certain Corporate Governance Standards.

**Cooperative Societies Act**

The idea of a cooperative venture for business or housing or banking among a group of persons is beneficial when they can pool their resources. The Cooperative Societies Act has mandated certain procedure for registration of a proposed cooperative society with the Registrar of Cooperative Societies. After its registration the venture has to elect a managing committee who look after the day to day work. The Act has stipulated rules for operation, audit, keeping the members of the Society and the Registrar about their activities etc. If any member of society or managing committee takes undue advantage of his position and causes loss to the members, there is provision to prosecute and punish the guilty in cooperative courts.

**Consumer Protection Act 1986**

This Act has put the consumers in a position to obtain quick redressal of their grievances against the supplier of goods or services or manufacturer about defective or hazardous goods. The Act has provisions to prevent distribution of hazardous goods, prohibition of restrictive trade practices (resulting in reduced supply and excessive price to the consumers), prohibition of unfair trade practices (resulting in misleading information to the consumers), clear information about the quality, quantity, purity, standard and price of goods, forum to be heard and forum for redressal of their grievances and directions for consumer education. District
forums, State Commissions and a National Commission are established to hear the complaints and render decisions. These provide a speedy and cheap remedy to the aggrieved persons.

In conclusion one may iterate that a combination of occasionally benign colonial masters and visionary national leaders after Independence, has given India a uniquely well-structured legal and institutional framework for genuine social accountability. The essence of change and reform lies in making these laws and regulations effective and people-friendly.

* * *

No discussion of the legal framework for Social Accountability in India would be complete without a detailed analysis of the Right to Information Act (2005), which began as a civil movement by a NGO called Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan, and after several false starts, culminated in what has been hailed as one of the best examples of access legislation, anywhere in the world..
Salient Features of the RTI Act

The RTI Act prescribes mandatory disclosure of certain information to citizens within specified period and creates a legal-institutional framework for setting out the practical regime of right to information for every citizen to secure access to information under the control of any Public Authority. The Act extends to the whole of India except the state of Jammu and Kashmir. It empowers every citizen to not just ask any question but also to take copies of any government documents, inspect any government documents and/or government works and take samples of materials of any government work. Information has to be provided within 30 days. [Experts believe that the power of inspection and sample collection is many times stronger than power to demand copy of documents.] If used intelligently, it can directly assault corruption particularly in the engineering departments. A group of IIT Delhi students is using the Act to inspect repair of Delhi roads. Such initiatives need to travel all over the country.

The RTI Act also lays down specific obligations on the appropriate governments, competent authorities and public authorities. Under the RTI Act all constitutional, statutory bodies, bodies created by government notifications and local self-government bodies are public authorities. The ambit thus covers the high and mighty like the two Houses of Parliament, State Legislatures, office of President/ Governors, the Secretariat, the Prime Minister/Chief Ministers, Supreme Court/High Courts/Subordinate Courts, Election Commission, Comptroller and Auditor General, Union Public Service Commission, Information Commissions etc. In addition, bodies owned, controlled or substantially financed directly or indirectly by government are also considered as public authorities. Finally non-Government organisations substantially financed by government are also within the definition of public authorities. Only domestic and foreign private bodies working within the country have been excluded from the purview of the RTI Act. The Public Authorities are obliged to grant access to information and to publish certain categories of information within 120 days of the enactment.

Certain categories of information have been exempted from disclosure under Sections 8 and 9 of the RTI Act. The categories, by way of illustration, include information likely to affect security, strategic, scientific or economic interests of the State, information forbidden by courts, detection and investigation of offences, source protection, conduct of international relations and Cabinet papers. Trade or commercial secrets, information the disclosure of which would cause breach of privilege of Parliament or State Legislature, information received in fiduciary relationship and personnel information, are also exempted from disclosure. However, exemptions provided are not absolute and withholding of information must be balanced against disclosure in the public interest and information has to be released even if harm is shown to the public authority if the public benefit in knowing the information outweighs the harm that may be caused by disclosure. The bottom-line of disclosure is that any information that cannot be denied to parliament or legislative assembly cannot be denied to the requester.

Subject to three exceptions, the RTI Act also contains a provision for reveal of information, which is otherwise exempted from disclosure under section 8, on completion of 20 years after the completion of the event. The only absolute exemption is in favour of copyright of a
person (State is excluded from the protection). Intelligence and security agencies specified in Schedule II to the RTI Act have been exempted but they have the obligation to provide information in matters relating to corruption and human rights violations.

The RTI Act sets up an information delivery mechanism through appointment of Public Information Officers in the public authorities and mandates the appointments of Information Commissioners to inquire into complaints, hear second appeals, and guide implementation of the RTI Act. The Information Commissions are empowered to levy penalty and recommend disciplinary proceedings against erring officers. Commissions can also award damages and compensation. The decisions of the Commission are binding.

The RTI Act also incorporates the unique principle of severability and takes care of third party interests. The jurisdiction of subordinate courts has been barred expressly and it is explicitly laid down that that the provisions of the RTI Act, in case of conflict, override the Official Secrets Act, 1923, and any legal instrument. By inclusion of the word ‘instrument’, there is an obligation to bring all the rules, guidelines, manuals etc in conformity with the RTI Act.

**Points of Strengths**

Those who have had the chance of analysing major access legislations of the world will have no difficulty in agreeing that the RTI Act of India is the most progressive access legislation anywhere. Some even prefer to call it as the most ambitious as it can only be fully realised in ideal conditions. One would like to present an illustrative list of strengths of our law, some of which are unique.

1. It covers all from the office of the President to *patwari* in the village. The reach is total – executive, legislature and judiciary. Even in countries like USA and Japan the reach is limited.
2. Besides the applicant's contact details, the applicant is not required to either give any reasons for requesting the information or any other personal details.
3. Indian law is the only law which has the provision of penalty against defaulting officers. Now other laws are following.
4. There is a legal obligation on the Public Information Officer to assist the requester.
5. In general litigation, onus is on the applicant and the appellant to prove his case. The rule is relaxed only in extreme circumstances. The RTI Act, however, provides that the onus to prove that the information was rightly denied lies with the Public Information Officers.
6. The RTI mandates information technology, digital record keeping, networking and e-governance, subject to availability of resources.

It is interesting to note that even seasoned politicians who are well versed in law and parliamentary affairs are using the RTI Act rather than asking questions in the Parliament. It is because requests can be made anytime and there is a time limit for its reply. The public authority can neither give an interim reply nor can it take the ground that the matter is *sub judice* which is often invoked in legislature to stall a discussion or answer. On top of it,
information that cannot be denied to a legislature cannot be denied to a requester, the only limiting factor being that under the RTI Act there is no requirement to generate the information or answer to questions/clarifications etc. Aware persons have quickly realised the immense power of the RTI Act.

The Weak Spots

India is operating this flagship legislation with inadequate budgetary support, embryonic e-governance at selective places, primitive record keeping, limited rural penetration and low capacity building of both the information seekers and information providers. The modes of payment of fees are also somewhat limited. Some of the major shortcomings are:

1. The weak proactive disclosure has been identified as the biggest handicap. The Prime Minister has acknowledged that, “Public authorities in our country have still to go a long distance in proactive disclosures. They must endeavour to voluntarily put out in the public domain information of use to our citizens. This will be a major challenge for public authorities in the arena of ‘Information Housekeeping’.

2. State Information Commissioners are independent in their spheres and in many issues there are different approaches to the interpretation. There has to be a mechanism to bring about a synergy so that there are uniform standards countrywide.

3. Many drafting errors in the RTI Act have come to the fore. Many of them have been pointed out by the Central Information Commission (CIC) itself. They can only be removed through suitable legislative amendments.

4. The appointment of ex-bureaucrats and some politically aligned persons to Commissions all over the country has attracted sharp criticism. The activists are very unhappy with the working of the CIC particularly their ‘reluctance’ to impose penalty and dispose appeals without hearing the appellant. It is apprehended that soon Commissions will succumb to the problem of arrears just as the courts have in the past.

5. Activists have frequently raised the issue of alleged victimisation and discrimination, including physical action against requesters by authorities for using the RTI Act. In India, there is only a government resolution to protect whistleblowers as the Government remains silent on draft Public Interest Disclosure (Protection of Informers) Act 2002.

It is also important to discuss the unease of judiciary with the RTI Act as it is the only law that addresses the issue of accountability in judiciary with no immediate possibility of Judges (Inquiry) Bill becoming an Act. It is important for the full realisation of the right that the judiciary is on board. Even after 3 years, 4 High courts have not yet framed rules to implement the RTI Act. Unfortunately, judiciary has fallen short in its actual implementation of the RTI Act.

While discussing gaps about the situation of RTI in India, it is not out of place to flag the issue of extending the ambit of the RTI Act to private entities. With the opening of economy and consequent liberalisation, the government is withdrawing from its conventional and even sovereign functions, and the private sector is increasingly assuming important public functions like electricity supply, communication and public transport. The recent Global Meltdown has again demonstrated how highly paid and educated CEOs have mismanaged the
funds of their depositors because of greed and propensity to indulge in ‘kite flying operations’ at the cost of someone else’s money. They destroyed both the funds and faith of the common people.

After South Africa, the Bangladesh Ordinance 2008 has made an elaborate definition of public authorities covering non-government bodies or bodies administered with public finance, or conducting public work on behalf of the government, or under contract with any government body. The proposed Nigerian law also includes private companies performing public functions, reflecting the emerging school of thought about what good access legislation should be. To keep itself in tune with the progressive norms of modern day access legislation, India should seriously and urgently consider a similar provision in the RTI Act.

The Three Year Journey of the RTI Act

The RTI Act has emerged as the showpiece legislation of India. The Act has completed its third year amid success stories, enthusiasm, hope and on the other extreme, protest and ridicule. If we look at the jurisprudence generated by CIC, the reactions are mixed. Activists are demanding blood because they think that the CIC lacks the necessary ‘killer instinct’ of ruthless compliance. The practitioners, however, are overwhelmed with the reach of the law and its loose recourse in purely personal issues. The newspaper and electronic media recount on a daily basis the success stories of the law. Its impact is all pervasive. It has exposed scandals of misuse of PDS rations at many places and resulted in correction of systems in the exposed places. Ordinary citizens have been able to secure long delayed pensions, house allotment letters and passports despite the fact that the RTI Act is not a redress law. Even political parties are using it vigorously to score points over their opponents.

The impact of the RTI Act is not within the scope of this paper but suffice it to say that it contributes immensely towards creation of a system which will be more accountable, transparent and citizen-friendly.

The Worries of Information Providers

Though too early to say, yet the emerging trend of usage of the law is not exactly very happy. The public interest, which the RTI Act intended to secure, is missing in good number of applications. It is in very few instances where requesters seek policy related information. The CIC is at pains, in decision after decision, to explain that the RTI Act is not a mechanism to redress grievances. While sifting through the decisions given by the CIC, it is impossible not to note how vigorously the RTI Act has become a tool in the hands of employees – mostly disgruntled, under disciplinary proceedings and even dismissed.

In India, citizens can ask for any and every information subject to the limitation prescribed by the RTI Act. It is a no-holds-barred right. Requesters can ask as much as they can imagine and there is no stopping from their imagination running wild. Such a broad window is not available even in the developed countries, operating such laws for decades. Contrast this to US where the Government in 1996, owing to limited resources (emphasis mine), recognising that as requests are very broad and complex, established procedure for the department to discuss with requesters ways of tailoring large requests and made corresponding amendment...
in their requests. It is also unfortunate that the language being used by requesters is at times, intemperate and impolite, to say the least. It has also been noticed that that parties involved in private litigation wantonly use the provisions of the RTI Act to open confidential information of one another.

Expressing concern at the misuse of the Act, Prime Minister Manmohan Singh advised: “We need to strike a balance between the need for disclosure of information and the limited time and resources available with the public authorities. Also, vexatious demands should not be allowed to deprive genuine information seekers of their legitimate claims on limited public resources”. The CIC has in the last one year discouraged requesters approaching the RTI Act with ‘polluted hands’. It now agrees for limited disclosures in service matters and has also started looking at the alternative remedies available to the employees while dealing with their information request. To check continuous resort to asking same subject again and again in the hope of receiving something suitable, the CIC has dismissed few such applications as being frivolous. It has also allowed public authorities to levy further fee where voluminous information is to be collected and compiled. It is also insisting on rejecting offensive requests. It is of the view that a balance needs to be established between the imperatives of disclosure of a given set of or a type of information and the impact of such disclosure on the essential functioning of a public authority and organisation’s requirement of confidentiality and that it has to be appreciated that the RTI Act does not ipso facto override every other rule of the book.

Time to Introspect

Any legislation has to be dynamic, flexible, organic and responsive. It is important to ensure that this powerful piece of legislation is used for the purposes for which it is designed and should not become a hand-maiden to those pursuing partisan, selfish, frivolous and vengeful ends. Otherwise, it runs the risk of imploding under its own weight of overuse and misuse. The time is ripe to take a critical look at the RTI Act in order to protect its vitality and relevance. A number of shortcomings have been identified, and discussed in this Chapter. A multi-pronged strategy is to be evolved to address issues at administrative, legislative and societal level. There are differences among stakeholders on some of the alternative proposed. A dialogue between all stakeholders must commence to make the RTI Act more effective for the genuine requesters. We should not shy away from legislative amendments if required to accomplish more empowered access legislation.

Conclusion

Access legislations, all over the world, have brought discomfiture to the powers that be. They have helped to uphold the spirit of openness, transparency and accountability in public life. Success stories are far too many. Ian Paisley Jnr. became the first government minister in the UK to resign as an access request revealed that Mr. Paisley had also lobbied in support of a massive government land sale plan. The US was compelled to disclose that 558 men from 41 countries are in detention at Guantanamo Bay. The Indian experience is no different. It has given a billion people the right enjoyed so far by few thousand legislators and has empowered the weak and the vulnerable. Second Administrative Reforms Commission has rightly termed ‘Right to Information’ as a ‘Master Key to Good Governance’.
The threats of terrorism, real or perceived, have eroded the original reach of access legislations in the countries where the right was born in the first place. In countries where it was enacted for reasons other than stated, one is optimistic that the right will stabilise over the years as people have come to realise the strength of disclosures and it would be increasingly difficult for the ruling class to deny the information pertaining to them. There is, however, a strong case to relentlessly pursue the right in Asia in general and South Asia and China in particular. The final destination is to ensure a genuine and effective information regime in every nook and corner of the earth.

Indiscriminate and unhealthy use of the legislation is a worldwide phenomenon, more so in the initial years of enactment. Busybodies, professional middlemen and lazy journalists have used access legislations for their own end. Though it is a concern, it should be taken in its own stride. It cannot dilute the ultimate truth that access right, properly implemented, is a multi-dimensional human right that can make a huge difference to both the people and their governments. A great journey has commenced. There are many formidable tasks yet to be accomplished but let the whole world know that the Access Age has arrived.
Chapter VII: Making Social Accountability a Reality

Social Accountability requires first and foremost, an ENABLING ENVIRONMENT provided by the electoral, legal and institutional framework of a country; a GOVERNMENT MACHINERY that is accountable; a CIVIL SOCIETY that government is accountable to; mobilisers of public opinion and watchdogs in the shape of NGOs and the MEDIA, and facilitators like DONOR AGENCIES who can share global experiences and build local capacities and social accountability mechanisms. They are closely connected and must work in synergy to institutionalise accountability to society at large, within the daily workings of government. Their inter-relationship may be depicted as follows:

**Government**

We find that the greatest efforts at enhanced transparency and accountability are now coming from the Government (supply-side) in India. For instance the Second Administrative Reforms Commission constituted 38 years after the first in August 2005, has taken up on priority several key areas such as the Right to Information; greater accountability in the Employment Guarantee Act; Crisis Management, Public Order and Conflict Management; Local Governance; Civil Service Reform, Codes Of Conduct and Ethics in Governance etc. All the painstaking work being done by various committees needs to be treated with an equal sense of urgency, and reforms in laws, rules and regulations should become a national priority for the Union Government.

On strengthening the RTI Act, the Government is preparing a roadmap for its effective implementation in the Legislature and Judiciary at all levels. The repeal of the Official Secrets Act, 1923(OSA) in its current form is also being considered, and suitable safeguards to protect security of State are to be incorporated in the National Security Act itself. This must materialise in real terms at the earliest.

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Several Government Schemes now incorporate social accountability mechanisms within their guidelines (often pegged to the release of funds). Government must ensure that the greater citizen participation envisaged is implemented in both letter and spirit. While the ‘social audit’ aspect in the NREGS has been celebrated in the media across the country as a sign of grassroots awakening of civil society, its urban counterparts like the mandatory consultative process in formulating a City Development Plan under JNNURM could do with a closer scrutiny. Likewise, how deep is the involvement of parents (most of whom may be illiterate themselves) in primary education, as envisaged under the Sarva Shiksha Abhiyan, remains poorly documented.

It is now 16 years since the 73rd and 74th Constitutional Amendments on decentralisation became law, but the recalcitrance of State Governments in devolving real powers and resources to local governments remains unaddressed. The Central Government needs to take strong measures to ensure that the good intentions of 1992 are made flesh, and pull up State Governments who do not comply. At the local level, there must be a simultaneous change of mindset through proper audits and accountability measures becoming institutionalised, with legislative oversight as an added measure.

The renewed interest in reviving ailing Indian towns and cities needs to extend beyond JNNURM to cover peri-urban growth, regional planning and massive investments in capacity building of local governments. The concentration of rural poverty in the cities (termed as the ‘urbanisation of poverty’) must be addressed in all its dimensions: through the formalisation of the urban informal economy; regulation of land availability for universal housing; intensive efforts in education and primary health care to enhance the human capital; and affirmative action to reduce growing urban disparity and disempowerment of the poor in a globalised world.

The country has been a victim of terrorism and violent separatist movements for the past several decades. There is a need to address the underlying grievances which fuel this violence, such as the issue of tribal land rights believed to be at the heart of Naxalite violence. Once terrorists lose their constituencies of fear, the violence eventually tapers off. Similarly, there is need for much greater community participation in handling natural disasters, with the value of human life being given paramountcy in contingency planning.

The development scenario has seen major achievements in the areas of food security, universal health and education, but a lot needs to be done. There have been several scandals involving the misuse of the funds set aside for development, and the surest way of ensuring transparency and accountability in the system is the customisation of national schemes to local needs through village level micro-planning and social audits. This devolution of power and resources is long overdue, and the success of Kerala (through its Kudumbashree programme) deserves replication across the country – tailored to local social realities, of course.

**Civil Society**

Even in its limited sense of the urban, educated middle class, Indian civil society has a lot to answer for in the current state of affairs in the country. Its lack of engagement in electoral
politics is legendary, but what about its role in perpetuating a culture of corruption ad
disregard for law for the sake of expediency and convenience? After all, for every bribe-taker
in government, there has to be at least one respectable citizen ready to pay that bribe. Recent
years have seen far too many examples of the rich ‘getting away with murder’ – quite
literally.

The commercialisation of higher education, tax evasion, resistance to removal of subsidised
services can all be laid at the door of this class of Indian society. The urban middle class
consumer is also the greatest beneficiary of a burgeoning informal sector and black economy.
When large MNCs and Malls add to their profits through a total disregard for the country’s
labour laws and exploitation of its workforce, they pass on some of it to civil society – thus
avoiding a closer scrutiny of such malpractice. So the question addressed to this section
should be – who casts the first stone when you ‘demand’ social accountability?

Non-Government Organisations

The rapid growth in numbers, influence and effectiveness of Non-Governmental
Organisations in recent years has produced greater demand for NGO accountability to their
stakeholders and to the society as a whole. The very fact that NGOs aspire to improve the
lives of the poor, means that they have committed themselves in some manner to perform
activities on behalf of others and their ability to accomplish what is expected and promised is
fundamental to their relationship with others as well as to the community or poor. Such
organisations are therefore subject to the critique, expectations and inputs from those whom
they serve, interact with and receive legitimacy, support and funding.

Many NGOs are trying to evolve suitable tools and mechanisms to help them to enhance and
demonstrate their accountability and ensure transparency, but there is still widespread
resistance to the idea in the NGO sector. Perhaps the time has come for NGOs to be brought
under the purview of acts like the RTI and covered by the same mandatory requirements for
accreditation, accounts and audits as the public sector.

Ironically, although they may appear reluctant to embrace accountability themselves, NGOs
are at the forefront of those demanding accountability from government. This has created
great antagonism between the two sectors – to the detriment of development. An accusation
often levied at the more vocal NGOs is that they are trying to replace ‘government’ rather
than being content with a watchdog role. Perhaps, it is necessary to bridge this gap by
including a stint (internship or attachment) with a government agency as a mandatory
requirement for those aspiring to serve in the voluntary sector. As they say, nothing broadens
one’s mind than walking a mile in another man’s shoes.

Media

Independent, powerful and unbiased media are a great asset to a democracy. Indian media
(press and television) have by and large played a pivotal role in bringing information to the
people and shaping opinion and exposing misdeeds of Government officials and the corporate
sector. Many officials have been brought to account for their involvement in scams and
corruption cases due to campaigns led by media. Media help create mass awareness and form
or influence public opinion for change. However, the growing corporate influence in media houses is greatly undermining their credibility with the people, and needs to be addressed on a priority basis.

Social accountability of the media hinges on their sense of social responsibility and how objectively they portray not just the truth, but the whole truth. Just as in the case of NGOs, formal training in development communication and an internship programme with a government development agency would go a long way in enhancing such a sense of social responsibility, and putting the media in the government’s shoes to enhance their perspective of governance.

**Donor Agencies**

Much of the progress and interest in social accountability springs from the concerted efforts of agencies like the World Bank and OECD. They have run pilot programmes in developing countries across the world, documented good practices and initiatives, and provided a global platform for a discourse on good governance and social accountability. However, their one failure has been their inability to move Social Accountability away from its local moorings to a universal stature like that enjoyed by say, human rights or human development, where there are global definitions and benchmarks in play. Perhaps it is the insistence on social (rather than global or human) accountability that has proved limiting, binding it to the individual societal context.

India has had a long and fruitful relationship with donor agencies – from the Ford Foundation in the Green Revolution of the 1960s, to the WHO in the National Health Missions, to UNICEF in child and maternal health programmes, and the World Bank’s on-going support for water and sanitation programmes across the country. It is the sustainability and endurance of this relationship which emboldened the Prime Minister to refuse foreign aid in the aftermath of the great Asian Tsunami, without causing offence. Other countries, however, have not proved as fortunate in these multilateral partnerships.

Perhaps there is a need for greater social accountability among the donor agencies themselves regarding their intentions and agendas. Which begs the question: who should donor agencies be accountable to – To their financers? To their own countries (in case of bilateral aid)? Or to the client government and beneficiary populations? Attempts at greater transparency and accountability among donor agencies also need to be properly documented and publicised to enhance their credibility among those who they hope to benefit.

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Summarising, if social accountability is to become an institutionalised part of governance (government + citizen) in Indian society, there is a pressing need to bring the various actors together in mutual respect and need, so that society as a whole (and especially its deprived sections) can at last fulfil their tryst with destiny as empowered, enabled and equal citizens of the sovereign, democratic republic that is India.
Notes and References

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2 South Africa, Malawi, Mozambique, the DRC, Tanzania, Ethiopia, Morocco Uganda, Ghana, Cameroon, Senegal, and Madagascar.
3 These countries are Botswana, Lesotho, Angola, Zambia, Mauritius, Zimbabwe, Namibia, Nigeria, Sierra Leone and Swaziland.
6 Access to Information and Protection of Privacy Act
7 Peter Sollis and Natalia Winder, Building local accountability in Central America: Lessons learned and future challenges in the social sector
8 Case no 12.108 decided in March 2006. The judgment can be accessed at http://www.business-humanrights.org/Links/Repository/486249/jump. It was held that the Chilean government had improperly withheld information from environmental groups on a deforestation project known as Rio Condor. The decision makes clear that to give full effect to this right, States must adopt legal and other provisions that ensure effective exercise of the right to information as well as define limited exemptions to be applied in ways that will cause minimum restriction of the right. The Court further required the Chilean state to train public officials on the right to information and the international standards for exemptions.
9 As many as 28 countries adopted access laws in the 1990s.
10 Among important countries of Western Europe, Germany and Switzerland are very late entrants. Both enacted law only in 2006.
11 This was achieved by extending the optional blanket exception for Royal Households to the heads of state. The Convention could actually have the pernicious effect of reducing the level of access already enjoyed in many Council of Europe member states that have access legislations.
12 It is a irony that multilateral institutions which force nations to adopt access legislations themselves have very poor access standards.
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28 “Budget Analysis: A Powerful Tool for Social Activists.” M.D. Mistry, DISHA. 1999. [Published in the June 1999 issue of Change Exchange, an advocacy journal for and by Advocacy Institute alumni. The essay was originally written for the Advocacy Learning Initiative (ALI), a project of the Advocacy Institute and Oxfam America. ALI materials will be published in 2000.]
29 ibid
30 Powerpoint presentation at CCP IIMB by Binti Singh, Ph.D. Candidate, IIT Bombay
31 Bhagidari System http://delhi.govt.nic.in/bhagi.asp
32 Kumar Gaurav & Mayank Singhal, Bhagidari: Good Intention, Bad Implementation? Centre for civil society

Defined in section 2(a)

Defined in section 2(e)

Defined in section 2(h)

See Section 4

Proviso to Section 8(1).

Section 8(3)

Section 9

Section 24

See Chapter IV of the RTI Act

Section 18

1 Section 19. The first appeal lies to an officer of the department who is senior in rank than the Public Information Officer within 30 days of the decision; the time limit for disposal of appeal being also 30 days extendable to 45 days.

ii Section 19(9)(a) and Section 25(5).

Section 20

Section 19(7)

Section 10

Section 11

Section 23

Section 22.

Lowest government functionary.

Section 6(2)

Nepal Right to Information Act, 2007

Section 5(3). Also see Section 6(1) which provides that all reasonable assistance be given to a requester for reducing his oral request in writing.

Section 19(5)

Section 4(1)(a)

Reference is invited to RTI appeals of ex-Ministers Arun Jaitley and Jaswant Singh.

It is calculated that in 2004, the annual cost of implementing the Act in Canada was US$19.4 million, each request costing US$ 1,340. In Australia the comparable figures are US$ 14 million and US$ 330 respectively. The US spends $1 per head annually for administering the law. It has to be kept in mind that at best on 1-2% of the cost of operating the law is recovered in the form of fee and the rest has to come as budget support from the State.

In a RTI reply DoPT informed that the Union government, through DAVP and Prasar Bharti, has spent a meagre sum of Rs two lakhs on publicising the RTI Act in the last three years of implementation of the RTI Act as available on http://www.merinews.com/catFull.jsp?articleID=150555.

Inaugural Address at the annual convention of Central Information Comission on 4 November 2008.

There are divergent and conflicting decisions on sharing of Annual Confidential Reports, Property Returns and Examination copies.

Sections 8(2), 10, 18, 19 and 20 are some of the provisions that require amendments.

For greater details visit www.rti-assessment.org


Inaugural Address at the annual convention of Central Information Comission on 4 November 2008.

Activists are vehemently opposed to legislative interventions.

Accessible at http://arc.gov.in/rtifinalreport.pdf