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India's Democratic Revolution:

Right to Information and the Anti-corruption Discourse

VIDYA VENKAT



At a protest held in Jaipur to oppose amendments to the RTI Act. PHOTO: Vidya Venkat

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(Excluding bibliography)

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Picture shot at Regent's Park, London. PHOTO: Vidya Venkat

In O. Henry's story 'The Last Leaf', the protagonist Johnsy is inspired to live in spite of her illness because of the last leaf in the ivy creeper seen from outside her window, which does not fall during winter (painted by her friend to appear thus). My PhD project has held a similar place in my life. It

was the only task that kept me

going despite everything around me falling apart. In November 2019, I got divorced. I had to conduct my thesis fieldwork in New Delhi while dealing with the personal crisis. And just when I began to recover from this blow, my elder sister and only sibling, a significant source of moral and financial support, passed away at age forty in February 2021. The COVID-19 pandemic created disruptions during fieldwork, and I had to carry out my field research in two separate stints —June 2019 to August 2020 and September 2021 to December 2021. I also came down with COVID-19 twice, in 2021 and 2023. In August 2023, a month before my submission deadline, my father was diagnosed with terminal cancer. All of this created a great deal of instability in my life.

My lead supervisor, David Mosse, and the wider academic community at SOAS were highly supportive throughout this period. My supervisors –Professor Mosse and Dr. Subir Sinha– offered me the necessary guidance and encouragement to continue working on my thesis. I am also very grateful to my parents for their endless prayers

and blessings. The funding provided by the SOAS Research Studentship (2018-2021), the SOAS South Asia Institute's Fred Lightfoot Scholarship (2020), and the Yusuf Ali Fund (2022) at the University of London provided me with timely financial assistance. Further, the Sutasoma Award from the Royal Anthropological Institute's Radcliffe-Brown and Firth Trust Funds offered additional funds to complete the last leg of writing before submission. I am also grateful for the support provided by the Student Advice and Wellbeing Office and the Doctoral School at SOAS. I also thank Prof. Emma Crewe and Dr. Richard Axelby for awarding me a research fellowship at the Global Research Network on Parliaments and People.

During fieldwork, I received support and guidance from many knowledgeable individuals. Former bureaucrat and social activist Aruna Roy supported my project right from the start. Her activist colleagues at the Mazdoor Kisan Shakti Sangathan in Rajasthan were also very cooperative. A special thanks to Shankar Singh ji for the lengthy, intellectually stimulating conversations that compelled me to ponder the futility of the "state" as an entity. My field assistant in Rajasthan, K. Singh*, was my Man Friday on the ground, helping me fix interviews and offering valuable insights into village politics. I also thank former information commissioners Wajahat Habibullah, Madabhushi Sridhar Acharyulu, and Shailesh Gandhi for clearing every query and doubt. I also acknowledge the support of activists Anjali Bharadwaj and Amrita Johri of the Satark Nagarik Sangathan in New Delhi. My former Commonwealth Human Rights Initiative colleague, Venkatesh Nayak, supported my work. Senior leaders of the Aam Aadmi Party and longtime party workers were also supportive. I also thank Jyoti Luthra at the Nehru Memorial Museum and Library for helping me with archival research. This is not an exhaustive list, and numerous people have helped me during fieldwork —my sincerest thanks to them all.

Abstract

This doctoral thesis examines the right to information movement in India emerging from a democratic process of contestation of state power. Combining ethnography with history, the thesis situates the demand for an information law within the context of the anti-corruption discourse emanating in the wake of the consolidation of political opposition to the dominant Congress party during the late seventies and traces the trajectory of the grassroots movement thereafter. The passage of the Right to Information (RTI) Act in 2005 is shown here as the outcome of a process of ‘translation’ whereby diverse actors —poor villagers, urban intellectuals, bureaucrats, political actors— converged around the idea of upholding transparency and accountability in governance. Drawing upon anthropological theories of state, bureaucracy, power, corruption, and actor-network theory, the thesis ultimately addresses the research question: in what scenario does such a project of upholding state accountability via ordinary citizens and/or civil society bear fruit? The thesis demonstrates by means of an ethnographic exploration of information activism in New Delhi and Rajasthan how the formation of a ‘coalition of interest’ surrounding the desire to unseat those holding political office drives the impulse to seek accountability. The fall of the Congress-led UPA government in 2014 after the adoption of the RTI Act is analysed in this context. Using actor-network theory as a scaffold, the thesis demonstrates how state institutions also play a supportive role in the accomplishment of such a process of political accountability. The latter chapters use insights from ethnographic fieldwork to demonstrate the disintegration of such a political project after 2014, when the Indian state’s authoritarian turn impeded the formation of such a strong coalition of interest. The thesis concludes with a discussion on the possibilities and limitations of transparency activism in effecting social change.

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2. Putting ‘politics’ back into the anti-corruption discourse [Pg. 62]

This chapter develops one of the core arguments of the thesis, that the phenomenon of corruption and anti-corruption cannot be fully understood without engaging with aspects of politics. It argues that India’s anti-corruption narrative after Independence arises from oppositional politics, elaborating on the role of relevant political figures. The chapter connects the evolution of an anti-corruption discourse with the eventual demand for a right-to-information law.

3. Another Freedom Struggle: How the RTI Act was Demanded and Passed in India [Pg. 97]

This chapter traces the history of India’s right-to-information movement, situating its beginnings in the Emergency imposed by Prime Minister Indira Gandhi in 1975. It delineates the grassroots movement for the right to information in Rajasthan, the early phase of information activism in Delhi, and how the law was eventually put together. This chapter uses Actor-Network Theory and the assemblage concept as a framework to show how various actors converged to demand the RTI Act.

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This chapter discusses transparency activism in India after 2005, in which the Congress-led United Progressive Alliance (UPA) government (2004-2014) and public institutions were subjected to intense public scrutiny. It demonstrates how the idea of transparency and accountability was mobilised to construct an anti-establishment narrative. The chapter discusses in detail two major corruption scandals –the 2G spectrum scam and the Commonwealth Games scam– that were revealed under the UPA government, which fuelled the 2011 anti-corruption movement and eventually contributed to the downfall of the UPA government. A sub-section further looks at the birth of the Aam Aadmi Party from the 2011 anti-corruption movement, which unseated the Congress state government in Delhi.

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Chapter One

Framing the research

i) Introduction

The year was 2011. I was working as a researcher at the Indian Institute of Technology (I.I.T.) in Delhi on a community media project¹ when the anti-corruption movement led by the civil society network India Against Corruption played out in the national capital. This coincided with the Arab Spring revolution and the Occupy movement happening in other parts of the world. Two major corruption scandals –the 2G spectrum scam² and the Commonwealth Games scam³– had been brought to light under the Congress-led coalition government (United Progressive Alliance or UPA) in India back then, and the angry public was out on the streets demanding accountability from the ruling powers. The Right to Information (RTI) Act, passed in 2005, helped bring certain aspects of this ‘scam’ to light by facilitating access to relevant government records⁴ (see Chapter Four for a detailed discussion).

¹ Seth, A. (2011). *Application of Mobile Phones and Social Media to Improve Grievance Redressal in Public Services*. <https://www.cse.iitd.ernet.in/~aseth/m4dpositionpaper.pdf>

² The corruption charges against the Congress-led coalition government for distributing 2G (second generation) cellular network licenses to favoured corporate firms in exchange for bribes and kickbacks, and distributing the licenses on a first come, first served basis instead of an open auction was estimated to have cost the exchequer a presumptive loss of Rs. 1.76 lakh crore [US \$25 bn.] according to the national government auditor. See: <https://www.news18.com/news/immersive/2g-scam-explained.html>

³ The Organising Committee of the Commonwealth Games 2010 in New Delhi was accused of misappropriating funds meant for the sporting event, inflating contracts, and favouring specific corporate firms for contracts. The Central Bureau of Investigation framed charges against the government officials and organisers involved in the event. See: <https://timesofindia.indiatimes.com/miscellaneous/commonwealth-games-scam/articleshow/56032112.cms>

⁴ Goled, S. (2019, July 23). *Power Of RTI: Five Times Right To Information Act Helped Unearth Major Scams* [News]. <https://thelogicalindian.com/story-feed/awareness/rti-success-stories/?infinitescroll=1>

I was one of the thousands of citizens who had marched down the streets of Delhi in 2011 to participate in the anti-corruption protests led by the social activists Anna Hazare and Arvind Kejriwal. Both were associated with the right-to-information movement. Hazare had previously organised a grassroots movement to demand the state RTI Act in Maharashtra in 2000. In 2006, Kejriwal quit his job with the Income Tax department to become a full-time transparency activist in Delhi, playing a vital role in the uptake of the state RTI Act. The 2011 anti-corruption protests were instrumental in initially triggering my interest in the subject of the right-to-information movement in India. But that was not all.

Far away from the politically charged atmosphere of the national capital, I met a poor Dalit villager named Mangla Ram, who had used the RTI Act to expose corruption in his small village in Barmer, Rajasthan (Venkat, 2011). Demanding access to the beneficiary lists and expenditure documents of government welfare programmes from the village *sarpanch* (headman) was enough to earn this man a costly backlash. At a local village council meeting when Mangla Ram had turned up to submit a grievance petition, the henchmen of the *sarpanch* beat him up badly, fracturing one of his legs for daring to ask questions of the powerful *sarpanch*. Officially designated as 'Below Poverty Line', Mangla Ram struggled to avail of welfare entitlements such as housing funds and a job guarantee under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)⁵. Using the RTI law offered Mangla hope that the village headman would be held accountable for denying him his legitimate dues. The man ran from pillar to post to avail of the information sought. He was also pursuing a request with the panchayat (village council) to obtain land titles

⁵MGNREGA is a social welfare and labour legislation passed in India in 2005 guaranteeing the 'right to work' by providing at least 100 days of wage employment to rural households comprising of adults performing unskilled manual work.

for the space where he and his community members squatted on the village outskirts. But nothing happened despite his best efforts. The attack on the man led to a considerable furore and an outpouring of sympathy from Dalit members across Rajasthan (Venkat, 2011). The RTI responses revealed discrepancies between claims of welfare expenditure and actual work accomplished in Barmer. Based on Mangla Ram's complaint, the social audit team of the Department of Rural Development in Rajasthan even initiated probes into the mismanagement of welfare funds in his village in 2011, unearthing evidence of corruption in road laying work and the rural employment scheme of the government. Still, nothing came out of it in the end (Venkat, 2011). In 2010, Mangla Ram contested against the sarpanch in the panchayat elections but lost. Today, the man continues to squat in village grazing lands due to the lack of a better alternative (personal communication, 2018). Meanwhile, in 2015, the headman's daughter was elected sarpanch in the local body elections. And this was not the only instance of an RTI activist failing to achieve the social change he desired.

Compelled by these experiences, in 2012, I wrote my Masters's dissertation at SOAS, University of London, on the right to information and the anti-corruption discourse in India. However, I felt then that a 10,000-word thesis could not do justice to this topic, which deserved more in-depth engagement. In that dissertation, I observed how oppositional politics played an essential role in the uptake of the new transparency law in India because, in a politically competitive field, accessing information about rival parties strengthened one's position (Venkat, 2012).

In 2018, when I revisited the subject of the right-to-information movement in India for my PhD research, the question that propelled my intellectual query forward was this: in what scenarios could information on corruption obtained through the transparency law facilitate social and political transformation, such as what was

witnessed in India after 2011? In 2014, the Congress coalition government fell at the centre⁶, and the Bharatiya Janata Party (BJP) ascended to power. In contrast, the fledgling Aam Aadmi Party, led by the anti-corruption activist Kejriwal, captured power in Delhi (state government) in 2015. A lingering question I have had on my mind since witnessing the developments following the anti-corruption protests was whether that event was about addressing corruption or a mere ploy to capture power. Participants in the India Against Corruption (IAC) group I interviewed⁷ in the course of my thesis research conceded that they became aware of the presence of members with right-wing political affiliations within the movement, much after the initial enthusiasm of the 2011 protests had died down. They told me it became evident to them in hindsight that the Rashtriya Swayamsevak Sangh (RSS), the ideological mothership of the current ruling party, BJP, had an underhand role to play in the 2011 protests, which helped delegitimise the UPA government. The research question regarding the political consequences of anti-corruption activism is also relevant because corruption has remained an unresolved aspect of politics and governance in India, and several “anti-corruption” measures have failed to curb the phenomenon altogether. Unless corruption is studied in relation to the broader political and social practices that sustain it, neither corruption nor anti-corruption can be fully understood as a social phenomenon, I argue. I address this aspect in greater detail in Chapter Two of this thesis. However, my research questions are not limited to only understanding the corruption and anti-corruption discourses emanating from the right-to-information movement. I am equally interested in addressing the wider socio-political ramifications of having a movement calling for greater transparency and

⁶ The centre in this context is a reference to the central government or the national government.

⁷ Based on interviews with IAC core committee members in August 2020.

accountability from the state in India. The question of who was calling for increased transparency from the state, what it led to, and how the discourse of state accountability created new avenues for citizen activism and the outcomes it produced are all covered within the ambit of this thesis.

Before I discuss the theoretical frameworks and methodology used in this thesis, it is necessary to explain the framing of the object of my analysis, i.e., the right-to-information movement in India. In one way, this thesis can be considered the anthropological study of the workings of the Right to Information (RTI) Act on the ground. The Parliament passed the RTI Act in India in 2005 after careful deliberation within and outside the government. The law established formal mechanisms for providing official information to citizens. Citizens could submit an application in paper or online containing queries aimed at specific public authorities, to which a response was merited from the designated information officer within 30 days. The law also encourages the government to publish information proactively in the public interest on its official website or through wall posters, display boards, and other such means. Citizens denied information for a formal query are eligible to appeal to a higher authority within the concerned department (known as the First Appellate Authority). If that does not help, they can approach the information commissions at the state/centre (depending on which commission the concerned department falls under) to resolve information-related disputes. Moore has noted how one of the sociological explanations for the use of law in society is a technical, functional one —that of problem-solving (Moore, 2005)— and the RTI Act can be seen in that light as it sought to resolve the “problem” of state secrecy and corruption. But I do not limit myself to such an approach. If one considers the *demand* for the right to information as a constitutionally recognised right for citizens, which took the shape of a popular

grassroots citizens movement in India, then this movement started much before the RTI Act was formally adopted. Therefore, instead of framing the object of my analysis as the anthropological study of the transparency law, I am framing it as the study of a broader movement comprising the *idea* of a right to information, along with the diverse network of actors who came together to demand, use, and engage with this *idea* before and after the law was adopted. The purpose here is to treat the right-to-information movement as an “assemblage” in the sense of the actor-network theory (ANT). According to Deleuze, an “assemblage’s only unity is that of co-functioning: it is a symbiosis, a ‘sympathy’. It is never filiations which are important, but alliances, alloys; these are not successions, lines of descent, but contagions, epidemics, the wind” (Müller, 2015 citing Deleuze and Parnet 1987, 69 [1977]). In other words, assemblage is a mode of ordering heterogeneous entities so that they work together for a certain time (Müller, 2015). Both assemblage thinking and ANT have much to say about the spatial dimensions of power and politics. As Müller notes, “Both approaches are concerned with why orders emerge in particular ways, how they hold together, somewhat precariously, how they reach across or mould space and how they fall apart. These aspects render assemblage thinking and ANT of particular interest...to anyone examining the exercise of power and politics” (ibid.). Strathern has also referred to the audit as an ‘actant’ (2000, p. 5), borrowing the term used in Actor-Network Theory to imply a source of action, which is a helpful framework here for analysing the use of the right to information as a tool for auditing government expenditures.

Building upon this idea, I use assemblage thinking to explore why the demand for the right to information law emerged at a particular point in time in Indian history, who were the actors involved in this movement, how they accomplished their goal, and how after the law was passed, the idea of transparency and accountability became an

opportunity for various actors to converge around pursuing common goals, such as addressing corruption, or unseating someone from power, etc. The thesis, therefore, not only engages with aspects of the formal provisions of the Right to Information Act 2005 but also explores the social life of the larger set of ideas and concepts articulated within the space of this movement –such as that of state transparency and accountability, of eradicating corruption, of participatory governance, and of citizen empowerment.

ii) Literature review

Beyond the neoliberal discourse of accountability

Existing academic work on the Right to Information Act mostly looks at the period before the passage of the law, theorising its evolution. While some studies view the rationale for passing the RTI Act through the lens of the neoliberal discourse of accountability (A. Sharma, 2013; P. Sharma, 2012), in which international agencies such as the World Bank demanded good governance measures from borrower nations, other scholars argue that the demand for transparency and accountability was “endogenous to the Indian state and evolved progressively, reaching a tipping point post-liberalisation” (Jha, 2021), as the idea of the state as a service provider and the citizen as a consumer of state services took root. However, neither of these approaches to the study of the RTI Act in India address the manner in which the rationale for the transparency law was intrinsically tied to the project of eradicating political corruption in India. What really interests me, therefore, is tracing the demand for a right-to-information law in the context of the anti-corruption narrative in India, in which state

secrecy was seen as a major enabler of corruption, and the sunshine law was considered the solution for it.

Since the law was passed in 2005, over 30 million right to information queries have been filed with various government departments in India and the use of the law is robust⁸. Not all applications of the law pertain to addressing the problem of



MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 21st June, 2005/Jyaistha 31, 1927 (Saka)

The following Act of Parliament received the assent of the President on the 15th June, 2005, and is hereby published for general information:—

THE RIGHT TO INFORMATION ACT, 2005
No. 22 of 2005

[15th June, 2005.]

An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India has established democratic Republic;

AND WHEREAS democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;

AND WHEREAS revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

corruption, *per se*. However, I focus on the issue as existing academic literature does not specifically address the demand for and later use of the law in the context of corruption. Addressing corruption was heavily emphasised by social movement actors who lobbied for the RTI Act on the ground (A. Roy & MKSS Collective, 2018), and it is also mentioned in the preamble of the text of the law as one of the reasons for adopting the law⁹. In the earlier instances of grassroots activism in favour of the information law in Rajasthan, the emphasis on

addressing social injustice and inequality perpetuated due to corruption in

⁸ Joy, S. (2019, October 11). Over 3.02 crore RTI applications filed in last 15 years. *Deccan Herald*. <https://www.deccanherald.com/national/over-302-crore-rti-applications-filed-in-last-15-years-767714.html>

⁹ *The Right to Information Act, 2005*. (n.d.). <https://Rti.Gov.In>. <https://rti.gov.in/rti-act.pdf>

government welfare programmes was strong (I discuss this aspect in Chapter 3, where I elaborate on the grassroots demand for right to information), so, in this thesis, I emphasise how the RTI Act sought to address systemic corruption, examining whether it could accomplish that goal or not, and how information activism contributed to the anti-corruption discourse at the national level.

Ideas related to transparency and accountability in governance have acquired widespread currency in the global development discourse (Cornwall, 2007). Strathern has stated that “audit cultures” have taken on the “contours of a distinct cultural artefact” (2000, p. 2) and demonstrates how the values and practices promulgated in the name of accountability deriving from management principles have permeated institutional practices in a wide range of settings. Scholars of governance and international development have largely relied on the neoliberal discourse of accountability to explain the genesis of the RTI Act in India and similar laws in other countries. Such an approach, however, relegates to the background the major role played by citizen-actors, not just in amplifying demands for a transparency law in India but also in remaining proactive with regard to the use of the law after its adoption (Venkat, 2022). In her book, social activist Aruna Roy, who led the grassroots right-to-information movement in Rajasthan through her leadership of the Mazdoor Kisan Shakti Sangathan¹⁰, has argued that the neoliberal discourse of accountability appropriates the rationale for government accountability articulated by the rural poor to assert their right to life and liberty, and recasts it as part of a market-friendly reform necessary to make states accountable towards global financial institutions (2018). In

¹⁰ The Mazdoor Kisan Shakti Sangathan (translated as Union of Labourers’ and Farmers’ Power) was founded by social activists Aruna Roy, Nikhil Dey and Shankar Singh in Rajasthan in 1987. They started off by organising farm workers and daily wage labourers in the villages of Rajasthan to demand better wages and working conditions.

existing academic scholarship on the right-to-information movement, a nuanced elucidation of the power effects of the articulation of state transparency from diverse loci –local and international– is missing. In his PhD thesis, Sharma “locates the Indian RTI Act within the global explosion of freedom of information laws over the last two decades, and shows how international pressures, embedded within a reimagining of the role of the state vis-à-vis the market, had a direct and causal impact both on its content, as well as the timing of its enactment” (P. Sharma, 2012, p. 5, 2015). Similar arguments about the neoliberal political rationality of the law have been made by others as well (N. Mathur, 2016; A. Sharma, 2013).

In Chapter Three of this thesis, where I discuss the origin of the grassroots movement for the right to information, I deal in greater detail with the mistrust of the rural poor towards international scholars and international institutions, who they believe have hijacked their voices in order to present the struggle for an information law in India as the sole accomplishment of international organisations, thus undermining the agency of members of grassroots movements involved in the struggle¹¹. Baviskar has raised the point as to whether the government’s intention in passing the RTI law was to curb the more radical energies of recent social movements in India, such as the Narmada Bachao Andolan, by making citizens an active participant in the state’s developmental project (Baviskar, 2007). Observing that the law is an anomaly at a time when neoliberal economic policies have reduced welfare for the poor, she asks: “Should it (RTI law) be interpreted as a democratic sop, meant to create political legitimacy even as the economic ground is being cut from under people’s feet?” (2007).

¹¹ Interview with a member of the ‘The Union’ in Rajasthan.

My argument concerning the rationale for the passage of the RTI Act here is slightly different, as neither do I attribute it entirely to the “neoliberal turn” of the Indian state (A. Sharma, 2013) nor am I dismissive of the law as a tokenistic measure of citizen empowerment. Even after embracing economic liberalisation in 1991, India largely remains a welfare state in character. Gupta and Sharma have noted that India’s turn towards neoliberalism has not reduced welfare interventions. Instead, “in a postcolonial context, with high rates of poverty and a neoliberal economy with high rates of growth, what we witness is not the end of welfare and its replacement with workfare but the simultaneous expansion of both kinds of programs” (Gupta & Sharma, 2006). In India, the neoliberal project of the retreat of the state from social life is unsustainable partly due to electoral pressures as well. Mukulika Banerjee has observed that India serves as an example of how popular pressure exerted through participation in elections can directly influence public expenditure and force governments to revise the practice of neoliberal ideology (2014, p. 18). Thus, one might argue that the rationale for having an RTI law also lies in the centrality of the state in organising social life in India (Kaviraj, 2011). Hansen’s description of the state as an organising concept through which people “imagine the cohesion of their society, its order and its sovereignty” (Hansen, 2001, p. 224) comes to mind here.

Thus, we can see how the argument that the Right to Information Act was born out of the logic of neoliberal governmentality —drawing upon Foucauldian theories, in which citizen conduct is disciplined from afar, and the responsibility for the welfare of the population is outsourced (Dean, 2009; Ferguson & Gupta, 2002)— is insufficient to explain how citizens have actively shaped the demand for the law, and are now engaging with it (Venkat, 2022). I demonstrate in the thesis how the desire to reclaim the state and its welfare entitlements in the context of the government adopting

neoliberal economic policies has been a push factor for demanding the right to information. Gaventa has argued how neoliberalism and globalisation have altered the terrain of citizenship and proposes that we look at it from the perspective of “citizens as actors in the development process” rather than merely portraying them as influenced by other societal forces (Gaventa, 2010). Nandini Sundar has also shown how law structures identities and access to resources and the way in which people “use laws to stake claims about citizenship” (2009, p. 2). It is necessary, therefore, to foreground the role of citizen actors in the right-to-information movement. An “actor-oriented” perspective allows me to build an ethnographic understanding of the social life of the law, documenting “the responses and lived experiences of the variously located and affected social actors” (Long, 2003, pp. 14–15). As Lewis and Mosse note, an actor-oriented approach facilitates an understanding of the ways government bureaucracies operate and “the differences between their formal objectives and goals and those that emerge through the practices and strategies pursued by actors at different organizational levels” (2006, p.9). Such an approach provides an ethnographically grounded understanding of how actors shape the various outcomes of the use of the law, but as Lewis and Mosse note, this is also a useful way to incorporate aspects of brokerage and translation that mediate the functioning of the information law on the ground into the discussion. Drawing upon Latour’s argument, they further argue that such brokers cannot be seen as operating within preconceived social and institutional realms, but through an “actor-network” approach, one has to reveal the work of “translation” of policy objectives that happens at various levels of implementation to produce the context and distinct realities of policy outcomes (ibid.). This is the approach I adopt throughout this thesis: to produce a grounded analysis of how the implementation of the RTI Act has produced a variety of outcomes based on

how actors at various levels —citizens, activists, journalists, or government officials— translated its objectives. In doing so, I hope to produce a scholarship that simultaneously provincialises India's right-to-information movement rather than subsuming it within the larger global/neoliberal discourse of accountability.

It is worth reiterating at this point how the RTI Act in India was not passed through legislative deliberation alone but was accompanied by a strong people's movement component as well (A. Roy & MKSS Collective, 2018; Sundar, 2009, p. 13). In pushing for the passage of the RTI Act, the social movement actors sought to overturn the culture of official secrecy that was seen as a colonial yoke to be discarded in independent India. Therefore, the struggle for the right to information in India is meaningful from the perspective of the democratic aspirations of citizens in a free nation. Current academic scholarship on RTI in India has largely tended to downplay this aspect of the genesis of the law (Jha, 2018; P. Sharma, 2012). Jha argues that the RTI law in India owes its genesis to endogenous changes within the state and that "the evolution of ideas within it (the state) played the key role in tipping the information regime toward transparency" (Jha, 2018, p. 312). Such a position, however, does not convincingly explain why usage of the RTI Act has been far more robust in India, running into over 10 million queries per year, when compared to other countries with similar laws, such as Bangladesh, where a robust grassroots mobilisation was missing (Bari & Naz, 2017, 2018). State intentionality to pass the law alone cannot account for its widespread uptake. Such an argument also relegates to the background the role of citizen-actors in shaping the law.

Two scholars whose work on the right to information in India is of immediate relevance here are Martin Webb (2011) and Suchi Pande (2014). Webb's ethnographic enquiry focusses on the right to information and anti-corruption activism as a site

“through which existing power relations are sustained and even reproduced” (Webb, 2011, p. 12). He explores the space between the normative conceptions of public behaviour and citizenship and cultural norms concerning power relationships or reciprocity that could be pathologised as opaque or corrupt (2011). He notes that “the concept of an ideal rational-legal state and disciplined society of active citizens is fundamental to the direction of policy and activism that links transparency, accountability and anti-corruption to the promotion of social justice and anti-poverty programmes” (Webb, 2011, p. 23). Webb conducted his fieldwork in 2006-2007, and the potential of the law for effecting social change had not become fully evident then. Although he acknowledges the successes of RTI activism, he is more concerned with the process of activism rather than documenting specific instances of the use of the law (2011). Pande links the right to information with the right to work. She looks at how multi-scaled activism was used to achieve these rights, which are often inextricably intertwined. She “focuses on the entire trajectory of the rights to information and work, drawing attention to the iterative and multi-scaled process involved in trying to achieve enduring transformation of the Indian state” (Pande, 2014, p. 13). Another thesis of relevance to my work is that of Gaia von Hatzfeld that looks at the “ideals and aspirations of anti-corruption activists largely through conflict and competition” in the case of MKSS (2014, p. 275). While Hatzfeld’s focus is largely on exploring the internal dynamics of various actors within the space of anti-corruption activism, my own focus is more on the varied effects produced by anti-corruption activism on the state and its contribution to the democratic process.

Anthropologist Nayanika Mathur has also looked at the demand for transparency through her work on the MGNREGA (2016). She is critical of the transparency and accountability requirements made by the MGNREGA as she finds

that this has only resulted in increased paperwork for bureaucrats and made the new law “unimplementable” (N. Mathur, 2016). She elucidates why an excessive focus on writing and documentation, as required by the law, may be counterproductive to the goal of improved functioning of the state. Her positioning as a researcher embedded within the local government office in a Himalayan town allows her to access in detail the inner workings of bureaucracy and show how well-intentioned welfare programmes fail to deliver, yet her ethnography does not sufficiently elucidate how citizens are engaging with the provisions of the new law on the ground. The crux of her argument is that the “transparent-making documents” necessary for implementing MGNREGA had upset the earlier arrangement of implementing such schemes in which public works contracts were issued to established contractors, and government officials got a share of the welfare fund that was spent. This resulted in the new law not being implemented and most of the welfare funds disbursed for the scheme remaining unspent (2016, p. 91). The question that then arises is: should the ‘contractor raj’, which thrives on exploiting poor labourers in public works programmes and reaps benefits for a few, be allowed to continue functioning that way, because without such “corruption” that makes welfare programmes “implementable”, the state machinery cannot deliver? That is the direction in which Mathur seems to be taking the argument. She concludes that the MGNREGA is, therefore, a big failure, and its avowed benefits remain only on paper, sometimes not even on paper, because producing them is such a cumbersome task (2016).

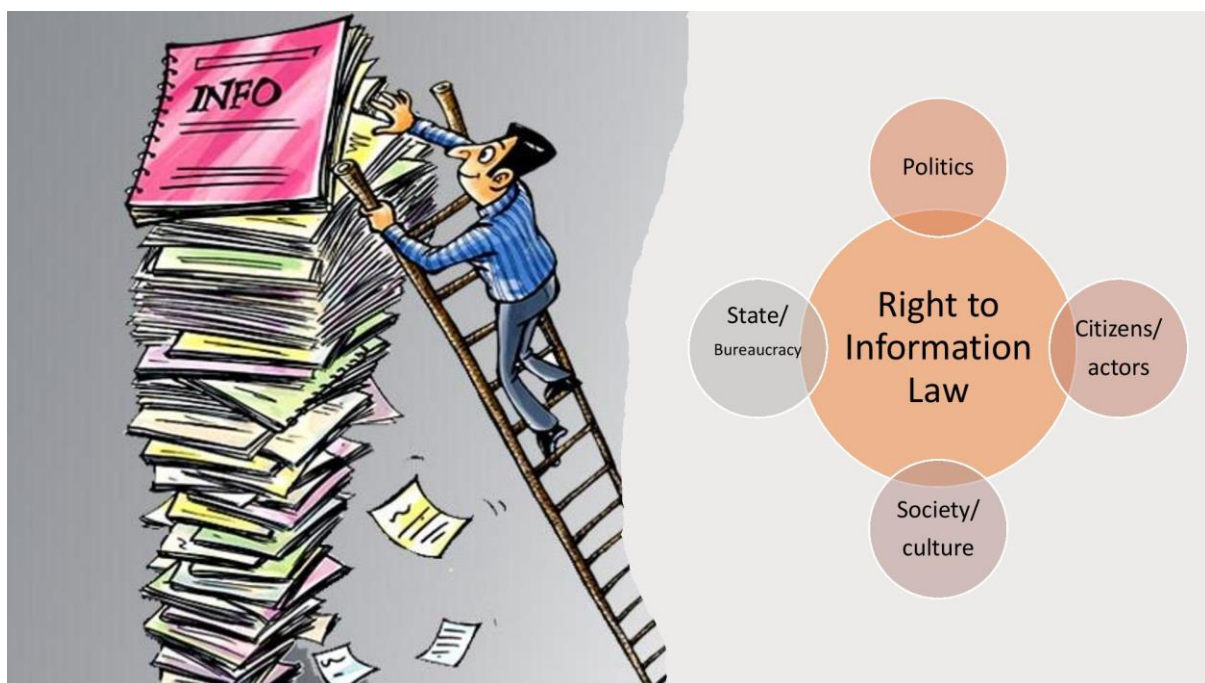
While I do not dismiss the legitimate concerns regarding MGNREGA implementation raised by Mathur, there definitely is more to the law and its impact, together with the RTI, that her work does not quite capture. As Jenkins has pointed out, the MGNREGA-prompted devolution of resources made elected village councils a

site where marginalized people's demands for accountability were legitimated (Jenkins & Manor, 2017). While there is no denying that government actors have resisted calls for transparency and downward accountability mentioned in the law, "the MGNREGA has nevertheless inspired poor people to engage more with village council politics" (2017, p. 64). There are informal changes in power dynamics that the MGNREGA has wrought in local arenas, besides enhancing the autonomy of gram panchayats (2017, p. 68). Elsewhere, Nayak looks at the MGNREGA from the point of how rights defined under the law are used as tools in a politics of contestation and resistance to challenge extant societal and state hegemonies (2012). I adopt a similar approach to study the RTI Act here. Nayak's thesis raises concerns similar to Mathur's with regard to the blunting of the radical potential of the legislation due to certain kinds of implementation and interpretation. She observes that new rights recognised under MGNREGA are disregarded in many instances and shows how organisations contracted to conduct social audits become complicit in obscuring state practice rather than strengthening transparency when officials fudge social audit reports and protect them as 'secret' documents (2012, p. 246). Instead of unsettling politics, the law offers a new layer for the production of politics, Nayak notes.

I cite these instances only to make the point that ordinary citizens, government officials and contractors or brokers are all responding to this "new transparency regime" (Goetz & Jenkins, 2005) in novel ways, and the emerging politics of participation it has given rise to is worthy of scholarly engagement. In this thesis, I endeavour to demonstrate how this new politics of participation is driving social and political change on the ground. I focus on citizen-state encounters produced by the use of the transparency law and trace the effects it produces on both the citizen-actor and the state apparatus. The RTI Act has produced new avenues for political participation,

which has created its own dynamics on the ground, offering us a rich site for ethnographic enquiry. Much of the existing scholarship on the information law does not have such an ethnographic focus. Perhaps the sole exception is Jha's work in Bihar, where he looks at the progression and deepening of institutional change facilitated by the RTI law (2018). Jha refers to RTI activists as "agents of accountability" and distinguishes them from other categories of brokers. While I partly agree with his argument, I do not adhere to the rigid boundaries between 'state' and 'society' reinforced in Jha's analysis. Rather, I use my ethnographic enquiry to reveal the ways in which these analytical categories come to be constituted and the role played by various actors in determining the specific outcomes of the politics of accountability on the ground.

Key anthropological debates



This Venn diagram demonstrates the overlapping areas requiring scholarly attention to holistically study the right to information law and its politics.

Now, let us shift our attention to the broad debates within social anthropology that are significant for this thesis. There is a rich body of literature on the anthropology of the state and bureaucracy, as well as on policy, within which one could situate the larger concerns of this thesis. Since the RTI Act is part of the policy efforts of the Indian government to institutionalise transparency in governance, one of the questions this thesis seeks to answer is: “how policies work as instruments of governance, and why do they sometimes fail to function as intended?” (Shore and Wright, 1997, pp.3). The idea of policy I use here is that of a “legal-rational tool of governance” (Shore, 2011, p. 169). Once we begin to view policy as an instrument for the operation of state power and a lens for analysing the “art of government”, it becomes possible for us to view “the occult practices of government, or how states operate backstage, and the tactics politicians and governments use to manage knowledge” (2011, p. 170). As Shore notes, the state can be tracked through the mundane encounters and conflicts that are brought into being by its presence (2011). So far as the RTI Act is concerned, the nature of encounters and conflicts with the state that the law produces for the citizen using the law provides an ethnographer with the opportunity to track the state in the sense that Shore implies. Such an ethnography of the policy world of RTI and transparency is best explained through the phrase of a ‘nonlocal ethnography’ approach, which is a “methodology that can highlight an apparatus and explain its historical emergence even if it evades the participant observer” (Feldman, 2011, p. 33). This approach does not “dismiss participant observation but rather shifts the primary object of study from location-specific practices to discourses that enable, organise and effectively integrate so many disparate policy practices beyond the locality” (ibid.).

Anthropological studies of state and bureaucracy emphasise the difficulty of studying the state through conventional means. As Abrams points out: “We have come

to take the state for granted as an object of political practice and political analysis while remaining quite spectacularly unclear as to what the state is” (Abrams, 1988; p. 59). The point that the state cannot be understood as a unified source of intention has been repeatedly raised (Gupta, 2012; N. Mathur, 2016). Hence, this thesis seeks to illuminate the role played by individual actors in influencing bureaucratic outcomes by studying specific instances of the use of the RTI law. In her study of the NREGA, Mathur produces an “ethnographically derived, situated analysis of the state” (2016, p. 1). She does this by “focussing on the repetitive, mundane, banal, and seemingly innocuous practices of local government” and further focuses on “bureaucratic labour, materiality and bureaucratic temporalities” in order to understand “how law is translated into practice” (2016, p. 2). I borrow this approach to study the Right to Information Act by looking at the paper trail generated by the use of the RTI law and looking at “the social and affective lives of documents as they circulate within the labyrinthine Indian bureaucracy” (Mathur, 2016, p.4 citing Appadurai, 1988). Matthew Hull has drawn attention to the role of material forms of documentation and communication, which he refers to as “graphic artefacts”, in shaping governance (2012). By applying the lens of materiality to the production of government documents, Hull demonstrates how a city comes to be constructed, regulated and inhabited through paperwork (Hull, 2012). Bureaucratic writing enables the state to exercise control over people, places, processes, and things (Hull, 2012; Kafka, 2012). But Hull also points out how the political function of such documents is much more ambiguous (2012). Further, he recognises the bureaucracy as a more or less independent political actor (2012, p.5). So, while I do consider how the implementation of the RTI law is embedded within the state’s documentary practices, what I consider more valuable here is to direct ethnographic attention to the

production of politics through that process. A key question that emerges in this context is what are the norms and practices that are central to the production of politics insofar as the textual production encouraged by the RTI law is concerned? Hull's insight that documents are not "neutral purveyors of discourse" but "mediators that shape the significance of the linguistic signs inscribed on them" is useful in this context (Hull, 2012, p. 13). This insight is valuable when we think of bureaucratic politics and the centrality of the material production of paperwork in it. The ethnographic cases presented in chapters Five and Six demonstrate this point.

Scholarship on the everyday state and society in India has further opened up opportunities for engaging with the ontological aspects of state functioning. The boundaries between the state and society in India have already been shown to be fluid and negotiable depending on the social context and position (Fuller & Harriss, 2001). As the title of my thesis indicates, I am not studying the RTI law in isolation but locating the demand for the law and its subsequent adoption and usage within the larger context of corruption narratives and the anti-corruption discourse in postcolonial India. Anthropologists studying corruption have already problematised the normative division between public and private spheres of action in the commonly accepted definition of corruption –as the "abuse of public office for private gain" (World Bank, 1997)— demonstrating how such distinctions are often difficult to maintain in the course of everyday bureaucratic practices (Gupta, 1995; Gill, 1998). Shore and Haller have noted how "corruption is a form of exchange: a polysemous and multi-stranded relationship and part of the way in which individuals connect with the state" (2005, p. 7). What we call corrupt practices occur between the "blurred boundaries" (Gupta, 1995) of state and society. This "lack of definitional precision" has been acknowledged as crucial to the success of corruption as a concept in traversing

geographic boundaries, sociocultural contexts and institutional structures (Muir & Gupta, 2018). Adopting an anthropological approach to the study of corruption would, therefore, call for investigating the social life of corruption and producing a situated analysis of the phenomenon. Mathur acknowledges the problem of obtaining reliable empirical data on corruption but simultaneously doubts the validity of all corruption talk, which is nearly ubiquitous in India (N. Mathur, 2017). Scholars have also demonstrated how corruption and anti-corruption comprise one complex phenomenon and are in constant movement, as “each anti-corruption effort transforms the logic of corrupt practices and each corrupt practice calls forth new kinds of anti-corruption measures” (Muir & Gupta, 2018, p. S7). In many situations, anti-corruption measures narrow the scope of acceptable behaviour to such an extent that they encourage people to skirt the rules (2018).

Another strand of anthropological discussion on corruption dwells on the moral argument. Anthropologist Alpa Shah writes about the complex moral economy regulating “corrupt” practices surrounding state-based welfare provision in rural Jharkhand (2009). She argues that we need to understand how people talk about corruption in their own terms as economic action is underpinned by moral reasoning situated within a particular normative context and not necessarily matched by standards of financial utility prevalent with the spread of the neoliberal state (2009). The essay demonstrates the complex relationship between economy and morality to counter the framing of the corrupt actor as morally dubious and misusing state resources meant for the collective good (ibid.). However, unlike most anthropologists who wrote about corruption by happenstance, as Shah notes in her essay, I set out with an explicit agenda to research corruption, political corruption to be precise, and, therefore, was particularly on the lookout for ideas and practices that shaped the

contours of corruption as a sociological phenomenon. Going by whatever anthropological discussion on corruption I have cited above, it is evident that the political motivations sustaining corruption are not adequately addressed in scholarly debates. Beyond the economic, moral, or even discursive aspects of corruption as a social phenomenon, there is also the aspect of politics determining why corruption and anti-corruption occur as sociological phenomena. In my research, I particularly focus on the mutually constitutive nature of corruption and anti-corruption politics.

In India, if we consider the usage of the RTI Act as an “anti-corruption” tool, some of the above-mentioned observations regarding the centrality of corruption in sustaining political power explain why government departments refuse to comply with the law and why they constantly seek to subvert the intention of the law (A. Sharma, 2018; Venkat, 2019a). Muir and Gupta raise the appropriate question as to what are the conditions of possibility for anti-corruption politics and what are the limits of that mode of politics? This is a question that I address in the course of my research here. Also, information obtained through the RTI Act has brought to light several instances of corruption as defined under Indian law. Using the RTI law as a tool for data gathering has further helped me to address the absence of much empirical data regarding corruption, which I then use to validate the reliability of corruption narratives as well. I elaborate on this in Chapter Four, Five and Six of the thesis, where I discuss anti-corruption activism through the use of information obtained under RTI.

Democracy, law, and politics

It is not without good reason that I invoke the phrase ‘democratic revolution’ in my thesis title. In a Tocquevillian sense, Indian democracy, too, has been driven by

ideals of an equal and just society that led to a dismantling of a feudal social system to be replaced by one where an opportunity to recognise the rights of all citizens existed. The articulations of social movement leaders who led the right-to-information movement in India are similar to what Tocqueville described in the context of America, as the ideas expressed by men of letters in a society aspiring for a democratic revolution (1980). These ideas often stemmed from disgruntlement with the old social order in which a select upper class lived a life of privilege while the rest of society suffered various indignities. When the RTI Act was passed in 2005, it gave citizens the power to question their elected representatives and bureaucrats, which was not possible earlier, and the move was thus considered ‘revolutionary’ in its potential (Roberts, 2010). I find Michelutti’s concept, “vernacularisation of democracy,” quite useful in the context of the grassroots-level democratic awakening that fuelled right-to-information activism in India (Michelutti, 2007). She emphasises the need to focus on the practices and ideas of local people that help to legitimise democracy instead of focusing only on institutional factors, as Jha does in the context of the RTI law in India (Jha, 2018). Scholars of Indian politics have shown how a distribution of state resources by way of reservations and the capture of political power by the backward classes resulted in a process of democratic deepening in the country (Jaffrelot, 1999; I. Roy, 2021). Jaffrelot, in fact, refers to the capture of power by lower-caste politicians as constituting a “silent revolution” in India. Similarly, the right-to-information movement can also be seen as having the potential to “redistribute power in a democratic framework” by empowering ordinary citizens, as social activist Aruna Roy noted¹². Anthropologists have looked at social movements and the process of

¹² Leading Questions: Aruna Roy | Public Leaders Network. (2012, April). *The Guardian*. <https://www.theguardian.com/public-leaders-network/2012/apr/03/leading-questions-aruna-roy>

democratisation in post-colonial societies using the ethnographic method to examine local meanings, circulating discourses, multiple contestations, and changing forms of power (Paley, 2002). Also, liberal democracy, its institutional structures and the discourse of freedom emanating from it have been shown to be cultural practices that evolved at specific moments in the history of different nation-states, embodying diverse values (C. J. Greenhouse & Kheshti, 1998; Wolf, 1990). These scholarly insights are useful for interpreting what the right-to-information movement *means* for democracy in India. Anirudh Krishna has noted how democracy in India is not yet a fully built institution (2017). Though elections are held regularly, and the poorer Indians vote in large numbers, in the period between elections, citizens have little access to decision-makers and fewer opportunities to influence public decisions. Arguing that the lack of information burdens people who already suffer from multiple burdens, Krishna emphasises the need for the government to be proactive in sharing information (ibid.). In this context, he acknowledges that the RTI Act of 2005 has made a good start. The thesis thus also contributes to the existing literature on citizen participation in democracy and how it is linked to governance.

The concerns of this thesis fit well within the sub-field of political anthropology. Lewellen has noted how politics cannot be isolated from kinship, religion, and other such institutions of society because these are precisely the modes through which power and authority are manifested (2003). Political anthropologists further stress that “informal organisations and relationships may be more important than are formal institutions” to study power in all its forms (Lewellen, 2003). I also draw generously from the ideas developed by F.G. Bailey, focusing on the political actor and their stratagems, where he looks at how factors such as competition and the need to win shape their actions (1990). Looking at the “general principles of political manoeuvre”

Bailey developed in his works (1990, p. 5) is also useful in studying the dynamics of RTI activism, which is often political in nature. Regarding studying postcolonial politics, I agree with Spencer that there is value in advancing “an apparently old-fashioned argument for the subversive potential of obsessional empiricism and ethnographic holism, and for the virtues of attending to what is there and what people say about it” (1997, p. 3). The need for an “empirical tracking of the political”, which Spencer refers to, is what I have attempted in this thesis by mapping the political consequences of using the RTI law in India (1997, p. 13). One could borrow from approaches to the anthropological study of law to “analyse the relationship of law to wider systems of social relations” (Starr & Collier, 1989, p. 2). The role of historical and social processes in bringing about legal change needs to be emphasised, as well as the argument that law is not neutral; hence, it must be looked at as a site of contestation where social norms are eventually established (1989).

As a thesis focussing on the political aspects of using the RTI Act to address corruption as a social phenomenon, it has been essential to engage with the institutions of democracy. For Bêteille, studying democracy’s institutions, instead of its ideas or values, constitutes engaging with the tangible aspects of what makes a democracy legitimate. For instance, one of the institutions of democracy this thesis engages with is the “Opposition”, for, as Bêteille notes: “the successful operation of democracy is the responsibility as much of the opposition as of the government” (2012, p. 33). Bêteille speaks of the opposition as “sporadic and intermittent rather than continuous” and also refers to the institutionalisation of the opposition as comprising a structured relationship between the government and the opposition (ibid.). “Politics,” he notes, “emerges as a distinct field of activity between the two.” (2012, p.

34). These ideas are helpful when I discuss the role of oppositional politics in the uptake of the RTI Act throughout the thesis.

iii) Theoretical frameworks

Scholars have primarily drawn upon Foucauldian theories of power and governmentality to explain the genesis and effects of laws such as the RTI Act in India. The arguments made by anthropologist David Mosse in the context of development aid and policy (2005) could be borrowed here to contend why Foucauldian theories of power and governmentality, which propagate an instrumental view of law and policy, cannot sufficiently explain the genesis of RTI. As Mosse notes, “the instrumental perspective diverts attention away from the complexity of policy as an institutional practice, from the social life of projects, organisations and professionals, from the perspectives of actors themselves and from the diversity of interests behind policy models” (2005, p. 6). This is precisely the starting point of my exploration for an appropriate theoretical framework to analyse the right-to-information movement in India. I wish to state upfront at this point that I do not draw upon any single overarching theoretical framework for this thesis. Instead, I draw upon various relevant theories for interpreting or explaining particular facets of the right-to-information movement in India.

Domination and resistance

Theories of domination and resistance in social anthropology help frame the interaction between the social movement and the state in the context of the struggle

for the right to information in India. The campaign speeches of social movement leaders who led the demand for a right-to-information law have often invoked the idea of “resisting” the state. The continuing struggles against attempts by the Indian state to curtail and dilute the provisions of the information law after 2005 further reinforce this framing of the state as a dominant force in society, which citizen-actors have sought to resist by exercising their right to information. For this thesis, I find the Gramscian idea of civil society as a counterhegemonic force particularly useful. However, in democratic India, following the arguments of scholars such as Guha and others, (Chatterjee, 1994; Frankel & Rao, 1989; Guha, 1997; Rudolph, 1987) one could consider the state a “dominant” rather than a hegemonic force. Given that the right to information law was considered “revolutionary” in its potential to transform citizen-state relations in India at the time of its passage, such a framing allows me to interrogate whether citizen groups have succeeded in resisting state power through the RTI Act. This thesis also intends to contribute to the extant literature on forms of dissent that have emerged in democratic nations in response to authoritarianism or other forms of injustice (Kelly, 2020). The very act of filing an RTI query demanding accountability from those holding political power constitutes an act of resistance.

Activist members of the Mazdoor Kisan Shakti Sangathan (MKSS) often borrow the language of Marxist theory to frame their struggle against entrenched state power and the nexus bureaucrats have with local elites (Guardian, 2012). Their conceptualisation of corruption brings to mind what Sanchez refers to as the use of corruption discourses to explain the consolidation of class, and the mutually beneficial relationship proliferating between capitalism, corruption and violence (Sanchez, 2016). When it comes to their “repertoire of contention” (Tilly, 2015), the activists draw upon Gandhian resistance strategies to put their demands before the government

(Bakshi, 1998; Subramanian, 2018; Visvanathan, 2015). This brings to mind the observation: “Inside every thinking Indian, there is a Gandhian and a Marxist struggling for supremacy” (R. Guha, 2001). India’s right-to-information movement has often been spoken about as a second freedom movement by activists who fought for the law on the ground. If we consider the case of India’s freedom struggle against colonial rule in the 20th century, which Marx and Engels theorised about (1959), their vision of a proletarian revolution resulting in the overthrow of the bourgeoisie class did not materialise. When India attained political liberation from colonial rule, it was not entirely by means of a bloody revolution. Mohandas Karamchand Gandhi, the prominent Indian lawyer and freedom fighter who had engaged in a critique of colonialism in his dialogic work *Hind Swaraj*, better encapsulated the actual Indian experience of liberation on the ground. Gandhi could articulate a better conceived schema for pursuing freedom based on the principle of non-violent resistance by providing an uninhibited critique of materialist culture as it had evolved in the West. Although there is little to no theoretical engagement with Gandhian ideas in social anthropology, given the influence of Gandhian philosophy in informing activist praxis in India, I am compelled to engage with his ideas here. In *Hind Swaraj*, Gandhi pits prevailing ideas on freedom against that of his own. In this dialogic work presented as a conversation between the ‘Reader’ (representing an ordinary Indian citizen) and the ‘Editor’ (representing Gandhi himself), the Reader defines his idea of Indian self-rule or *Swaraj* as taking political ownership of India and its institutions as created by the British¹³. But Gandhi notes that such an outcome would amount to “English rule

¹³ I must acknowledge here the benefit of attending a Winter workshop on Gandhian thought conducted by the Indian Institute of Advanced Study (IIAS) in Shimla led by scholars Tridip Suhrud and Peter Ronald D’Souza in December 2012, which I had attended soon after submitting my M.A. thesis at SOAS on right to information. The close reading of Gandhi’s *Hind Swaraj* at this workshop allowed me to better appreciate how Gandhian ideas have informed Indian activist praxis.

without the Englishman” and that this is not the real *Swaraj* he is aiming for. In this work, Gandhi rejects the idea of expelling the British by force of arms and advocates passive resistance as a strategy for attaining political freedom. In doing so, he not only sets himself apart from Marx, who conceived of an evidently different approach to responding to oppression, but also touches upon a reality that is often missed in sociological discussions of social change and revolution: that societies are not always in a constant state of war. Gandhi explains that history usually picks only moments of violent upheaval in societies for documentation, whereas “hundreds of nations live in peace” (Gandhi et al., 2010). He elaborates that passive resistance involves inflicting suffering on the self instead of inflicting suffering upon others and using this as a strategy to transform the opponent and gain our legitimate rights from them. This idea of passive resistance informs strategies such as *satyagraha*, which involves holding long fasts, for instance, powered by the force of truth (Gandhi et al., 2010). Gandhian ideas of *Swaraj* or ‘self-rule’ find strong resonances within the right-to-information movement (Bakshi, 1998; Kejarīvāla, 2012). However, the extent to which the Gandhian invocations are genuine or mere tokenism to win widespread approval remains moot (Sengupta, 2012). I discuss these Gandhian influences on the right-to-information movement in Chapter Four and Chapter Five in different contexts. An appreciation of Marxist and Gandhian strands of social thought becomes necessary to produce an “emic” view of activist groups working on the right to information in India.

Historian Ajay Skaria has observed how Gandhi’s practice of *satyagraha* reinforced the intrinsic religious value of equality among all beings. Gandhi directed his strategy of resistance towards the pursuit of such equality and justice (2016). He describes Gandhi’s *satyagraha* as a “religion of the question” wherein questioning emphasises the sovereignty of the individual (2016, p. xi). Further, he draws upon

Hannah Arendt's ideas to explain how this questioning is linked to man initiating "the quest for his own being" (ibid.). Simply put, in Skaria's assessment, *satyagraha* is a form of questioning associated with the self-realisation of the individual. He also notes that knowledge is premised on the enshrining of the sovereign question and that the modern, secular state is built upon theological concepts, and the citizen, who asks questions of the state and demands to participate in the state's sovereignty, participates in attaining individual sovereignty. Skaria's interpretation of Gandhian *satyagraha* allows us to appreciate the right-to-information movement as essentially embodying such a quest for the self-realisation of the citizen in a modern democracy.

Gramsci's ideas about passive revolution come close to Gandhi's ideas of nonviolent resistance and describes political change as a progressive transformation of society wherein the transfer of power does not accompany a violent overthrow of the forces of domination. Gramsci himself refers to Gandhi's ideas of non-violent resistance as a "naïve theorisation of the passive revolution with religious overtones" (Gramsci, 1971, p. 107). Scholars of Indian history have used Gramsci's theory and the concept of the 'war of position' or the resistance to domination with culture rather than physical might (1971) to explain the Indian liberation struggle (Bipan Chandra et al., 2016). These ideas are relevant because local groups that fought for the right to information speak of resisting the state to keep its power in check (Venkat, 2019).

Theories of power and everyday forms of resistance help understand the encounters citizen actors experience with the everyday state. When the powerful and the subordinate interact, a certain "situational logic" (J. Scott, 1990) informs their action, hiding the true intentions of the actors involved, which are expressed through backstage discourses. This idea of the performative aspect of power relations, operating at the subterranean level, which Scott refers to as the "hidden transcript"

(1990, pp.8), is helpful in the context of understanding the everyday aspects of citizen-state interaction facilitated through the use of the RTI Act. Scott develops the idea of the “public transcript as performance”, in which the dominant and the subordinate uphold the facade of power through their actions (1990). This formulation of the hidden and the public transcripts of power can help us to understand the dynamics of power relations between state authorities and citizens since the passage of the transparency law. Scott’s observation as to how, by controlling the public stage, the dominant can create an appearance that comes close to what they would want subordinates to see, but the deception might not hold good always (1990, pp.69) helps make sense of the desperate strategies of evasion state authorities have resorted to when it comes to responding to RTI queries filed by citizens (Venkat, 2012). Scott’s ideas regarding the subterranean dynamics of power that inform a dissident subculture are valuable for making sense of the forms of oppositional politics that have emerged in the context of the right-to-information movement in India. The emergence of a brand-new political party –the Aam Aadmi Party– from within the right-to-information movement, which went on to capture power in the state of Delhi, can be explained using Scott’s theoretical framework concerning dissident subcultures led by citizen actors.

Social movement theory

The broad framework of ‘contentious politics’ (S. G. Tarrow, 2011) is useful for understanding the social movement aspect of India's struggle for the right to information. The term “contentious politics” stands for “episodic, public, collective interaction among makers of claims and their objects when: (a) at least one government is a claimant, an object of claims, or a party to the claims, and (b) the claims would if realised, affect the interests of at least one of the claimants or objects

of claims” (S. Tarrow, 2013). In his book, Tarrow delineates a theoretical framework that can capture the internal dynamics of a social movement and engage with how these movements interact with formal institutional politics. He develops a relational approach to contentious politics, focusing more on the interactions among divergent actors than on the classical subject of social movements. Rather than focus on one major episode of social upheaval, Tarrow emphasises the importance of spirals of political opportunities and threats in opening windows for contentious politics, which he terms “cycles of contention”. He argues that people engage in contentious politics when “patterns of political opportunities and constraints change, and then by strategically employing a repertoire of collective action, creating new opportunities, which others use in widening cycles of contention” (2011, p. 29). Tarrow also notes that interpersonal networks play an important role in ensuring the survival of organisations that emerge from episodes of contention, even when the formal organisation has disappeared (2011, p. 123). His ideas on framing contention, drawing upon the concept of frame analysis (Goffman, 1974), are also relevant in that they use cognition to understand how social movements construct meaning for action (2011, p. 144). Framing involves a process by which “social actors, media, and members of society jointly interpret, define and refine states of affairs” (Tarrow, 2011). In the context of the right-to-information movement, if one were to apply some of the theoretical frameworks discussed by Tarrow, it becomes evident how the very act of passing the information law at the state level in Rajasthan and later at the national level was the consequence of the social movement actors interacting with formal institutional politics during the elections. I discuss this aspect in greater detail in Chapter Three and Chapter Five. After the passage of the RTI Act in 2005, demands for further strengthening associated legislations, such as the whistle-blower protection

law (Bhardwaj & Johri, 2017), passing a grievance redressal law¹⁴, or even the 2011 anti-corruption movement's emphasis on instituting an independent anti-corruption ombudsman in the Lokpal (The Indian Express, 2018; BBC News, 2011), constitute the “cycles of contention” in the social movement that Tarrow talks about. I discuss this in greater detail in Chapter Four.

State and bureaucracy

To gain insights into how the implementation of the RTI law has changed citizen-state relations, it would be pertinent to study the state and its bureaucratic apparatus. State-centric theories in political science view the state as “a clearly bounded institution that is distinct from society and is often portrayed as a unitary and autonomous actor that possesses the supreme authority to regulate populations within its territory” (A. Sharma & Gupta, 2006). However, there is a need to unpack notions concerning the modern state emanating from Western rationality. Weber and most subsequent sociologists conceptualise the modern state as a system of administrative and legal order claiming binding authority over all action occurring within its jurisdiction (Fuller & Harriss, 2001; quoting Weber 1964:156). But such an idea has rendered the state elusive as an object of anthropological analysis. The difficulty of studying the state points to “a backstage institutionalisation of political power behind the on-stage agencies of government” (Abrams, 1988, p.63). Deconstructing the idea of the state as a unified entity allows us to break out of the discursive and conceptual

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The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 (Citizens Charter). (n.d.). PRS Legislative Research. Retrieved 2 May 2023, from <https://prsindia.org/billtrack/the-right-of-citizens-for-time-bound-delivery-of-goods-and-services-and-redressal-of-their-grievances-bill-2011-citizens-charter>

barrier that the constant invocation of the state erects (Gupta, 2012). I had earlier discussed Jha's argument that the RTI law was passed as a result of an "endogenous model of institutional change" where the change occurred within the state (Jha, 2018). Such an argument cannot be sustained if we look at the state as multileveled and pluricentred instead of a unitary source of intention, as Gupta would argue (Gupta, 2012). A more helpful framework for studying the state can be found in the works of Bourdieu, who refers to thinking about the "state" itself as a sort of trap (Bourdieu, 2014). Bourdieu's theory of the state as "the culmination of a process of concentration of different species of capital" and the construction of a "bureaucratic field", which serves as a field of power in which various holders of capital compete over the state's capital-granting power provides a useful way of engaging with the manner in which various interests group strive for state patronage (Bourdieu et al., 1994). This also allows us to analyse the dynamics of social relationships that go into the construction of the state as a sociological entity. Bourdieu's ideas concerning the *informational capital* of the state, which allows public authorities to accumulate data concerning the population under its control through means which include "writing as an instrument of accumulation of knowledge" (1994, p. 7), is particularly relevant to this thesis. This process of concentration of informational capital allows the state to achieve totalisation, objectivation and codification by which abstract ideas of state power become concretised (Bourdieu, 1994). It is more productive to think of the state as a 'structural effect' or the effect of practices that make state structures appear to exist (Fuller and Harriss, 2001, citing Mitchell, 1991). Similarly, the conventional idea of a bureaucracy in the Weberian sense of a rational-legal authority (Morrison, 1995) also needs to be called into question. In his theory of the modern state, Weber conceives of a rule-bound modern bureaucracy, characterised by official hierarchy and chains of

subordination and supervision of work, where authority is exercised in a contained manner, and the behaviour of officials is regulated by duties assigned to them (Weber, 1968). According to him, bureaucratic agency is about *official* duties, and there are “methodical provisions made for regular and continuous fulfilment of these duties and the exercise of corresponding rights” (ibid, p.50) (emphasis mine). An ideal-typical conception of bureaucracy assumes the fixity of outcomes with regard to its rational decision-making. However, everyday practices and the dynamics of power relations produce a different bureaucratic affect altogether. Heyman has used the idea of bureaucratic thought-work to demonstrate how power works within the bureaucracy (1995). Using the case study of Mexican immigrants being refused asylum and forced to depart voluntarily by the staff of the Immigration and Naturalisation Service (INS) at the US-Mexico border, Heyman demonstrates how power works through the organisation (1995). He shows how internal work struggles and external work accomplishments leave recurring patterns of action and inaction, which are the power results of specific bureaucracies (1995). The case of the voluntary departure complex in the INS department shows how implementing immigration law in spirit is the *de facto* official goal, but it does not necessarily reflect the implementation priority of the officers, thus producing a different outcome from what is intended. The observation regarding bureaucrats, that they are citizens too and that the goal of any bureaucrat and bureaucracy is not rational efficiency but individual and organisational survival (Herzfeld, 1992, p. 5), is significant in the context of this thesis.

Further, in developing countries such as India, the bureaucratic apparatus is handed down from the colonial period, and they have certain embedded practices that are out of tune with the social reality of the country and its people. Pritchett and Woolcock have addressed this in their essay, where they discuss the challenges in

ensuring efficient public service delivery in developing countries (2004). “Effective, rules-based, politically accountable public agencies” resembling Weberian bureaucracies are often imported or inherited (through colonial legacy) by developing countries, which impedes effective public service delivery, they argue. They also note that the precise forms that institutional arrangements come to take in each country will be as varied as the countries themselves (ibid). This is a useful way of understanding the problems that the right-to-information movement seeks to address in India regarding the gaps in public service delivery and retail corruption.

Theorising information

Given that a major part of this thesis is concerned with the concept of information, a theoretical framework setting ‘information’ apart from ‘knowledge’ is merited here. While the Foucauldian theory of knowledge and its relation to power (Foucault & Gordon, 1980) is sufficiently elaborated upon in works of anthropological research, information is less discussed. I borrow generously from the ideas discussed by Harold Garfinkel in this regard (2008). The American sociologist notes that “information” is socially embedded and can be manipulated (2008, p. 102). Citing Deutsch, Garfinkel refers to information in the context of communications engineering as a “patterned relationship between events” (2008, p. 107). He describes it as part of a sequence that can be transmitted, recorded, analysed, and measured (ibid.). “In seeking information, man is trying to establish an improbable congruence between ideas and events” (2008, p. 109). He further notes: “The perceiver and the world are simultaneously constituted” (ibid.) Different theories of information can be framed that Garfinkel identifies as influencing decisions pertaining to it –i) the nature of language ii) the nature of purpose in human action iii) the nature of the attitude for

apprehending the irreducible datum iv) the nature of rationality v) the nature of the object that the actor treats, and v) the individual as a source of social change. (2008, p. 114). I find these discussions on information relevant for this thesis because there is an element of purposive action —where means and ends are important for action to become meaningful—that defines the scope of how specific bits of information become meaningful when citizens seek it under the provisions of the RTI Act. In Chapters Five and Six of this thesis I cite several examples of citizens seeking information under the law, which the government either dodges or only responds to partially. As Garfinkel notes, phenomenology, therefore, plays a crucial role in the shaping of what we understand to be information. The way someone experiences reality affects what is perceived as information. The observer can have information in the world only after he has discounted the actor's situation of action, considering the observer's "wider knowledge" and wiser information gathering and interpretation procedure. In speaking of the differential distribution of information in a social system, in this sense, Garfinkel refers to persons equally or unequally in possession of an overall amount of information in the system, with what each does not know of what could be known being treated as a premise of the systematic consequences of his actions. Owing to this differential distribution of information among a set of actors, ignorance and information refer to a matching operation that is performed between what the actors know. In the context of RTI, such a conceptual framing makes absolute sense because often, the citizen has only limited information about the decisions being taken by state actors, and what the citizen does not know becomes the factor that pushes them to act in order to find out more. Garfinkel also refers to the individual as a source of change who is capable of autonomously reordering the rules of his own operations (2008, p.130). He notes that one must pay attention to the conditions under which the world

of the one experiencing information appears as a closed rather than an open set of possibilities. Garfinkel borrows from Husserl and his theory of intentionality, noting: “Intentionality means the objectivating function of consciousness” (2008, p.133). He refers to the object as a thingified set of possibilities of experience, wherein ‘thingify’ is another word for reify. By the possibility of experience, he means any datum of experience that specifies the object. In this context, a few important terms he mentions deriving from Husserl’s work are –retention, protention, anticipation, and expectation. The object is, therefore, a schema of possibilities of experience. As Garfinkel notes, “the general meaning of the term information will refer to some property of the way in which a set of possibilities are ordered” (2008, p.147), and “wherever there are messages, there is the possibility of information” (2008, p.156). An important analogy the sociologist uses here is that of *Kriegsspiel*, a game in which players each have their own chessboard and have to play chess by conjecturing the opponents’ move, which is not visible to them. A failure to remember how many pieces the other person has lost makes it impossible later in the game to maintain the continuity of a line of assessment so that one cannot evaluate possible moves and even realize much less correct for error. The game itself becomes a jumble. Everything boils down to a manner of feeling your way through the ‘not knowing’. The way Garfinkel describes the game of conjecturing information about the opponent’s moves resonates greatly with how citizens try to wrest information from the state in the context of right-to-information activism. An important discussion here pertains to the various senses in which it is said that the player has obtained information. First, the sense of information is obtained directly from reading the messages. Second, information in the sense of the rules of the game. Third, information is known through inference. Fourth, what is known in retrospect. Information in the sense of what is unknown

becomes ignorance. Fifth, information in the sense of what is likely or doubtful (2008, p. 157).

Making sense of associations

While until now, the theoretical frameworks discussed can explain the various aspects of right-to-information activism, we also need a framework to explain how the law could serve as an opportunity for various social actors to converge around a common interest and accomplish a specific goal. In this regard, the Actor-Network Theory (ANT) is useful. Applied to organisation studies, ANT encompasses the analysis of how facts are constructed. As Luscombe and Walby note, “relevant facts include everything from the production of records to the interactions between FOI user and coordinator, to the production of an entire logic and language of FOI enshrined in law” (Luscombe & Walby, 2017, p. 383). Such an approach can allow us to consider both practices and processes emanating from the demand for and the use of the right to information law. The ANT approach studies the “sociology of associations”, which entails unpacking the very notion of what we refer to as “the social”. It is about how “the social” is assembled or put together. In his 2007 book, Latour notes that adding social to phenomenon means social scientists are assuming that there is a “stabilised state of affairs” and “a bundle of ties”, which can be mobilised later to explain another phenomenon. It should designate what is already assembled together without making assumptions about what is the nature of the thing that has been assembled. (Latour, 2007, p. 1).

Latour talks about the need for tracing connections in order to make sense of how a social phenomenon comes into being. Drawing upon his work in the field of

science and technology studies, Latour notes that non-human objects, too, possess agency, and the agency is more about the creation of interaction between human and non-human factors than something that emanates from within these entities. “Associations are made of ties which are themselves non-social,” he states (2007, p. 8). And how exactly does one go about tracing these associations? You have “to follow the actors themselves”, that is, “try to catch up with their often wild innovations in order to learn from them what the collective existence has become in their hands, which methods they have elaborated to make it fit together, which accounts could best define the new associations that they have been forced to establish.” (2007, p. 12)

Latour endorses an approach to sociology which attempts to explain how society is held together. But how are we to make sense of “the social” without drawing upon a pre-existing pool of ideas about it –i.e., theory– handed down from earlier times? “It is possible to trace more sturdy relations and discover more revealing patterns by finding a way to register the links between unstable and shifting frames of reference rather than by trying to keep one frame stable.” (2007, p. 24). For this thesis, I find Latour’s suggestion of tracing associations and networks to be a useful way to go beyond the discourse of transparency and consider how various actors shape the movement on the ground. Luscombe and Walby have suggested some useful ways in which an ANT approach could be utilised for studying freedom of information (FoI). They note: “First, an ANT approach asks questions of *how* rather than *why*. In the context of FoI, this means asking questions about how decisions are made, how users and coordinators negotiate, and how disputes generate outcomes. Second, ANT is a relational approach, emphasising the interconnectedness of actors and actants as they coalesce to form a network. Third, actor networks are heterogeneous, comprising diverse types of human and nonhuman actors. FoI users and coordinators, internal

government texts, requester and government agent sensibilities, and the other material and non-material actors involved in a given FoI request uniquely enact FoI outcomes as a matter of interaction and interrelation with one another. Fourth, ANT stresses the importance of process, of things in motion, but also precariousness, in that each element in an actor network must necessarily play its part for it to be maintained. Fifth, when tracing an actor-network, ANT scholars are particularly attentive to concepts of space and scale, or how an actor-network extends over and recruits or “translates” new actors and actants into its fold. Sixth, rather than conceptualising the nature of power a priori, ANT scholars view power as an effect of a successfully assembled actor network. Obfuscation, transparency, accountability, and other possible outcomes are effects of FoI processes and cannot be used by the researcher to explain or theorise FOI beforehand. Such concepts are only relevant to the extent that they emerge as actors in the network” (Luscombe & Walby, 2017, p. 384).

iv) Methodology

Being an anthropologist among journalists

The subject of right to information is popular in India, and the mainstream press regularly covers matters about it. In my previous role as a journalist reporting for a national English-language newspaper in India, I wrote about the struggle for the right to information, including reportage on the manner of functioning of government

bodies and information commissions responsible for implementing the RTI Act¹⁵¹⁶. When I decided to work on this subject for my PhD thesis, the task involved returning to the “field” I had earlier traversed as a journalist. I obviously made ethnographic field research my primary mode of data gathering. As Gupta and Ferguson note: “The single most significant factor determining whether a piece of research will be accepted as (that magical word) ‘anthropological’ is the extent to which it depends on experience ‘in the field’” (1997, p. 1). The method requires that the researcher identify a “field” - a geographical space where one constructs the “sense of a ‘there’ to ‘be’ in” (Coleman & Collins, 2006). For the purposes of my research, I define the field not as a “discrete local community or a bounded geographical area” as is wont in conventional anthropological research, but as a “social and political space articulated through relations of power and systems of governance” (Shore & Wright, 1997, p. 11). I chose multiple sites in New Delhi and Rajasthan to conduct my research –amidst activist networks and their operational spaces, in government offices where I was researching specific applications of right-to-information petitions filed by citizens or activist groups, interviewing information commissioners who handled disputes pertaining to disclosure of information under the RTI Act, and among citizen-users who had used the law for a variety of purposes. Given the wide scope of the implementation of the law –covering all government authorities, including the courts and offices of elected representatives– I realised there was value in incorporating a variety of actors and

¹⁵ Venkat, V. (2015, May 16). 10 years after RTI, transparency under a cloud. *The Hindu*. <https://www.thehindu.com/news/cities/Delhi/10-years-after-rti-transparency-under-cloud/article7213480.ece>

¹⁶ Venkat, V. (2015, June 21). Daunting task ahead for new CIC. *The Hindu*. <https://www.thehindu.com/news/national/pending-rti-appeals-daunting-task-ahead-for-new-cic/article7337683.ece>

institutions for ethnographic participation, to be able to arrive at a comprehensive understanding of the social life of the law.

Revisiting a field that I had already familiarised myself with as a journalist meant that my role as a “native anthropologist” was determined by pre-existing social relations. The activist groups with whom I was participating in the “field” in New Delhi and Rajasthan were used to dealing with me in the transactional manner in which sources typically interact with newspaper reporters. In my earlier role, I would usually meet these people at a protest site or press conference, where the activists would articulate a demand on behalf of the groups they represented. I would record their concerns and relay them back to the newspaper report the next day. I also interacted regularly with government sources and commissioners adjudicating information-related disputes under the RTI Act. My relationship with them was similarly transactional. However, now that I was in the “field” as an anthropologist, the immediate logic governing our earlier interactions no longer served. When I explained to my interlocutors that ethnographic research would involve participating in their everyday activities like an insider and recording my observations, it generated much ambiguity regarding the boundaries of our relationship. My interactions with erstwhile journalist friends whom I often ran into in the course of my fieldwork were also imbued with this uncertain quality. As Narayan notes, instead of using static identities such as “native” and “non-native”, it is more useful to “view each anthropologist in terms of shifting identifications amid a field of interpenetrating communities and power relations. The loci along which we (anthropologists) are aligned with or set apart from those whom we study are multiple and in flux” (Narayan, 1993, p. 671). This was especially true of the multiple informants I had to

engage with in the course of my fieldwork. Interacting with activists was not the same as interacting with journalists or government officials, for instance.

I am sharing an excerpt of an ethnographic vignette here to demonstrate the point. During the lunch break at the annual convention of the Central Information Commission in New Delhi in 2019, I spoke to a journalist, whom I had known through my professional networks for a few years. This acquaintance asked me what exactly I was doing at the convention. “I thought you quit journalism. How come you made it to this meeting, then?” he asked. I explained that I was visiting the Commission in my capacity as a researcher and had managed to get an invite to the convention for research purposes. This triggered his curiosity as to what my research was about. Journalists often view other journalists as competition, and the effort is mainly to get that scoop or exclusive story that would earn you a by-line on the front pages of the newspaper, beating the rival publication. First, I reassured him that I was not aiming for any immediate story to be published in a mainstream news outlet based on the event. I also told him that it was only a few months since I had started fieldwork, and that I was still figuring things out regarding my research focus, so it was too early to talk about what my work encompasses. He was not very convinced with my answer and asked me what I had written in my research proposal. I dodged the bullet by saying, “It is mostly academic stuff that won’t interest a journalist!”

Truth be told, I was self-conscious about such probing questions being directed at me regarding my research simply because I was unsure as to what to tell people. Saying that I was observing whatever was going on (which is what I was really doing) was never convincing enough for an answer. But the question as to what distinguished my work as an anthropologist from that of a journalist occupied my mind for a long time. For one, I was under no pressure to file a 400-word summary of the events I was

attending for the next day's newspaper on a rather tight deadline (phew!). But then, I was not only interested in the people's utterances for its factual content but was also reading the speeches and behaviour of these people attending the event critically to see how hidden intentions came to the surface. In Chapter Six, where I present a detailed ethnographic description based on the experience of attending this convention, I juxtapose the claims of government officials and ministers at the Convention with those of the RTI activists working on the ground, which leads to a discussion on the performative nature of political power. The claim-making on the part of government representatives as supporters of right to information was mostly part of a performance intended to earn democratic credibility. I had the liberty to chew over these deeper thoughts and look for patterns in such occurrences, which the journalist aiming to write a quick report for the next day's newspaper did not have. In some ways, this also made me feel as though I had nothing to offer in the immediate situation, because there was a sense of urgency to the work of the journalist, which I did not possess as an anthropologist. However, the luxury of time I had also meant that I could concentrate on developing a macro-level analysis of the phenomenon at hand instead of focussing only on the minutiae of events. My concern, as an anthropologist, was primarily to develop the larger social context within which I was to situate the human actors I was studying. Some of these larger sociological contexts included the authoritarian turn in Indian democracy, the issue of corruption and the anti-corruption discourse and how it intersected with aspects of political power, and how human agency influenced social and political change. In Chapter Six, I have elaborated on what it was like to conduct fieldwork in a country governed by an authoritarian state, and the implications that such a political climate has, in turn, for information activism. Being able to develop these larger contexts within which to

situate my interlocutors was an advantage that I felt journalists working in the mainstream media did not enjoy, as their own work has been severely constrained by the Indian government in recent years¹⁷¹⁸. Finally, what really set me apart as an anthropologist working amidst journalists in the field was the interpretive lens that I brought to the analysis of events and arriving at broad-based conclusions through such analysis instead of merely narrating the facts. However, at this point, I must stress that the work of reportage produced by journalists was of utmost value for a researcher such as myself as it helped me to stay abreast of news relevant to my research.

Though there is a tradition in anthropology to typically celebrate the everyday and the ordinary for the purpose of fieldwork, to study the impact of a law that was deemed “revolutionary” at the time of its passage, I felt it was important to consider the exceptional episodes as well. Therefore, while my research provided opportunities for engaging with the everyday world of activists and bureaucrats dealing with the RTI Act, I also examined episodes that created exceptional or dramatic effects, such as the 2011 anti-corruption movement, triggered by the “unraveling” of corruption in the Congress-led United Progressive Alliance government with the help of the law. Knowles has talked about a different way in which the methodological demands of one’s research may require a reconfiguring of “the field” (2003). While undertaking research among Hutu refugees in Tanzania, Malkki questioned the usual emphasis of fieldwork on the ordinary, the everyday, and the routine because it directed attention away from those things that the refugees she worked with cared about most —the

¹⁷ Press freedom has declined in India; media curbs continue: US state department. (n.d.). *Times of India*. Retrieved 24 November 2020, from <https://timesofindia.indiatimes.com/india/press-freedom-has-declined-in-india-media-curbs-continue-us-state-department/articleshow/81779734.cms>

¹⁸ Mohan, J. (2021, June 28). *Media Bias and Democracy in India*. www.stimson.org. <https://www.stimson.org/2021/media-bias-and-democracy-in-india/>

extraordinary and exceptional events that had made refugees of them, and the atypical and transitory circumstances of their lives in a refugee camp. She observes that a division of labour between anthropology and journalism has made all big, extraordinary happenings into “stories” to be covered by journalists, while the durable, ordinary, everyday occurrences are to be found in “sites” suitable for long-term anthropological fieldwork (1977). However, both anthropological and journalistic data gathering can involve a process of “witnessing” events (Malkki, 1977). My interlocutors too felt strongly about the moments in which their activist efforts bore fruit. These are often manifested through “extraordinary” episodes, such as the unearthing of a corruption scandal, getting a politician arrested, or simply getting hold of a government document that is hard to come by. So, as part of my fieldwork, I also sought to document such episodes through a process of “witnessing”.

A potential disadvantage of doing anthropology at home, that too among a community of activists with whom I already enjoyed a fair degree of familiarity, was that perhaps I would empathise with their concerns a bit too much to be able to examine their actions critically. Knowles has noted how drawing a distinction between ‘home’ and ‘field’ in anthropology is a strategy of distancing oneself from one’s subjects of scrutiny more than a physical distancing (2003). She notes: “Distinguishing the lives of the investigator and the investigated secures our right to speak authoritatively about them” (2003, p.55). While in the field, I sought to achieve such distancing by attempting to shift my perspective as I interviewed RTI activists and users of the law on the one hand, and state representatives whom the law targets, on the other hand. Trying to place myself in both positions and viewing the dynamics of the usage of the law from the alternate viewpoints of ‘citizen’ and ‘state’ provided me with the necessary distancing to be able to appreciate concerns on both sides. On a day-to-day

basis my fieldwork involved staying abreast of the latest happenings in the political realm that had a bearing on my research topic. I accomplished this by keeping a tab on the news, and also following discussions on political developments on social media sites such as Twitter (now X). I befriended people in activist circles and government departments who could offer expert opinion on the subject of right to information and interviewed them or casually hung out with them in larger group settings, such as at conferences, protest gatherings or government-sponsored conventions. I did not restrict my interactions to subject matter experts alone but also spoke to ordinary people who had no understanding of the information law or never participated in any transparency activism efforts. Speaking to non-experts allowed me to break out of the “activist bubble” and make sense of the larger social circumstance within which the events I was witnessing were happening. In Chapter Six I have attempted to contrast these ‘two worlds’ which I simultaneously inhabited during fieldwork —one of transparency activists and government officials, and the other of people outside of this space, who were neither activists nor state actors, but comprising the wider population. My methodology adapted to changing fieldwork circumstances. Not all government sources were forthcoming with respect to interview requests, which meant that I had to often rely on official reports, statements issued in the press, or secondary sources to fill in details that I could not obtain via primary research. The disruption caused by the COVID-19 pandemic also meant that I had to rely on social media and technology-mediated remote research methods such as telephone-interactions and Zoom interviews (where possible) to continue data collection. Even when I was physically cut-off from my fieldwork sites in New Delhi and Rajasthan, the remote research access meant that I was never really removed from “the field” in the conventional sense of anthropological research. This constant sense of connectedness

with the events unfolding in my fieldwork sites also meant that concluding the fieldwork seemed nearly impossible.

My methodology plan also included archival research, discourse analysis, a short social survey, and narrative research methods to supplement the ethnography. A mixed methods approach, I felt, would add to the richness of the research data gathered. Hurmerinta-Peltomaki and Nummela have argued that studies employing a mixed methods approach gain a deeper, broader understanding of the phenomenon (McKim, 2017). Anthropologists are often accused of appropriating the cultural knowledge of local communities in the course of their field research and influencing the ethnographic narrative by letting their own authorial voice take over (Kaminsky, 1992; Vargas-Cetina, 2013). I sought to incorporate the inputs of local communities as research collaborators through short surveys conducted in my field sites, which allowed me to overcome any personal research bias and truly represent the ground reality in areas chosen for study. The short survey was undertaken as part of my follow-up fieldwork between September and December 2021. The motive here was to overcome selection bias in case studies for ethnographic research. Other methods by which I collected information on the RTI Act, and its impact were by digging up newspaper archives, analysis of documents such as the Annual Reports of Information Commissions and analysing government responses to specific queries made by citizens under the RTI law. One of the things I did during fieldwork was to also file RTI applications with various government departments across New Delhi and Rajasthan to find clinching evidence of corruption if that was possible and to also gain firsthand experience of the use of the law to enrich my ethnographic accounts.

Discourse analysis

The word discourse figures right in the working title of my research project, in which I refer to the ‘Right-to-information movement and the anti-corruption “discourse”’. Therefore, an analysis of the discourses produced by movement actors, ordinary citizens, and government spokespersons on right to information and transparency in governance formed an integral part of the research methodology. Sally Hewitt notes that a definition of “discourse which encompasses social practices draws attention to how discourses are formed and shaped, and to the possibility of contrasting sets of influences producing divergent discourses” (2009, p. 1). Therefore, I would define discourse, for the purpose of my research, as not merely texts and speech acts but also social practices, which create ways of thinking and defining what is meant by a transparent or open government. In order to produce a discourse analysis, I perused reports and documents produced by the government and NGOs on transparency and accountability in governance, which invoked the RTI law. I also analysed political speeches and statements, and speeches made by activists on the need to use RTI to eradicate corruption, etc. This helped to uncover power relations produced by utterances and social practices, and “recognise the hidden assumptions and practices that form the rules of discourse formation” (2009, p. 3).

Historical research

The grassroots demand for a Right to Information law in India gained momentum in the 1980s, after the Allahabad High Court formally recognised the citizen’s “right to know” for the first time in a landmark case involving charges of electoral malpractice against then Prime Minister of India, Indira Gandhi, in 1975. Given the long history of the struggle to get the law passed, and the narratives of corruption and anti-corruption that drove the demand for it, I use narrative and

historical research methods to supplement the ethnography. Historical sensibilities have informed ethnographic explorations of the interplay between culture and power in diverse places, through time (Dube, 2007). The birth of the right-to-information movement is tied to the historical context of democracy and the formation of the modern state in India, therefore, I analysed historical accounts of these developments, including analysing narratives of corruption and the abuse of state power by political leaders and bureaucrats over the years, to understand how disgruntlement with democracy evolved over time. An especially dark period in Indian history I discuss in this context is the Emergency imposed in 1975. Besides interviewing knowledgeable informants, I conducted archival research for this purpose at the Nehru Memorial and Museum Library (NMML) in Delhi which had useful resources. Riessman has noted that narratives are composed for particular audiences at moments in history, and they draw on taken-for-granted discourses and values circulating in a particular culture (Riessman, 2008). Undertaking a narrative analysis involves interrogation of intention and language, how and why incidents are storied, and why the story was conducted and for whom (ibid). Such an approach would result in not just a mere compilation of historical facts in a chronological manner but allow for an appreciation of how certain narratives came up in specific moments in history and the circumstances that produced them. I am reminded of Geertz' statement about how "man is an animal suspended in webs of significance he himself has spun" (1973, p. 311). Narrative analysis allowed me to trace the cohesive narrative of existence, which functions as a mental map, guiding the action of the research subjects and see how it created meaning for them.

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Lastly, I wish to add some thoughts on research ethics here. As an anthropologist working on a politically sensitive subject, I focused on producing research that would benefit all relevant stakeholders: citizens, activists, journalists, lawyers, politicians, and bureaucrats, without malice towards anyone. However, given my background as a journalist and a campaigner on right-to-information issues, I leaned more towards the concerns of civil society. In that sense, my research inclination is more toward an activist and public anthropology that aims to actively contribute to the research problem rather than passively observing and documenting events in the field.

One of the persons I had interviewed for this thesis was arrested on doubtful corruption charges a year after I met him, which put me in a predicament regarding whether to retain his input on the subject of fighting corruption. In hindsight, I realise that many of the ideas he expressed during our conversation influenced some of my thinking about why the pro-transparency and anti-corruption discourse lost steam after the change in government in 2014. Since the corruption charges against this individual are as of yet unproven at the time of submission, and there are allegations that he is being framed with an ulterior motive, I have chosen not to discard the data I gathered during my research and use his input anonymously. Dealing with corruption does throw up moral dilemmas for the researcher. In this regard, I confer with Armbruster when she notes that turning ethics into the personal responsibility of the individual is mystifying, given how anthropological fieldwork takes place within certain political contexts and across asymmetries of power (Armbruster, 2010). Researchers are often implicated in wider systems of power, and their professional work might end up perpetuating those inequalities. Therefore, I have wilfully chosen to side with the oppressed and the less privileged in this thesis. I draw inspiration from

this quote: “By taking sides with the oppressed and asking questions about injustice, exploitation and inequality, the democratically committed intellectual would reinvent a more relevant science” (2010, p. 6).

While research ethics in anthropology does require the anthropologist to not harm others, given the current political climate in India and the negative effect of the Coronavirus pandemic, I cannot say that as a researcher, I was myself out of harm’s way as I continue to navigate choppy waters in the “field”, which is also my home country. I took all possible precautions to protect myself and my sources, including requesting an embargo on the thesis and anonymising informants where I perceived a risk of exposure to prevent undesirable consequences. However, the anonymisation of sources was not always welcome by my interlocutors in the field, who felt that it made it difficult for them to understand the intentionality behind why another person was saying a particular thing. I was also aware of the conflict of opinion among some of my research participants. However, in the interest of establishing the truth and producing a holistic view of the subject under scrutiny, I have anonymised sources wherever necessary and juxtaposed ideas and opinions of a conflicting nature to help readers arrive at a comprehensive understanding of right-to-information activism from the varied perspective of activists, lay citizens, and state authorities. I have also taken permission in written or oral formats from my research participants before interviewing to ensure that they have consented to my using their inputs. I have password-protected my research data stored in my personal electronic devices and SOAS server online to ensure no breach of privacy takes place. Despite these precautions, unforeseen risks prevail.

Chapter Two

Putting ‘politics’ back into the anti-corruption discourse

In the preface to the slim volume titled *Comparative Political Corruption* political scientist and anthropologist James C. Scott observes that corruption must be understood as a “regular, repetitive, integral part of the operation of most political systems” (1972, p. viii). He refrains from applying the logic of deviant pathology that is often invoked during discussions on corruption and urges us to consider the phenomenon as “normal channels for political activity”, which also explains his “pessimism about the capacity of competitive parliamentary regimes to undertake basic structural reforms” to address the phenomena (ibid.). For Scott, corruption is a mechanism of influencing political outcomes in one’s favour. This is secured in numerous ways: through a bribe, donations, or other means of persuasion. Sociologist Shiv Visvanathan, while discussing corruption specifically in the Indian context, notes: “Corruption extends the family into the state turning it into a giant milch cow...They (politicians) all know corruption is the juice, the extract that a family squeezes from its private commons, the state” (2011). The pervasive influence of such political corruption in development programmes has been well documented in India. Wade, for instance, has shown how some irrigation engineers in south India raise illegitimate income from the distribution of water and contracts and redistribute parts of it to superior officers and politicians. Such corruption ‘system’, centred on the control of personnel transfers, is shown to be ubiquitous and has a consistent effect on economic development (Wade, 1982). Michelutti and others have shown how the phenomenon of “Mafia Raj”, “a system of political and economic governance in which politics,

money, and crime have developed symbiotic relations” has become a regular feature of politics in India (2017, p. 696; Michelutti et al., 2018). The idea of corruption as not just something pervasive but even necessary for the sustenance of political power is the starting point of this chapter, which leads us to, therefore, think of any “anti-corruption” discourse as necessarily emanating from the contestation of such “corrupt” power. The key concept that I build upon in this chapter, and which is reiterated in different ways throughout this thesis, is that of the “hidden transcript” of power (J. Scott, 1990). What Gupta referred to as “narratives of corruption” that he found ubiquitous in India (2005) are what I consider to be the manifestation of this hidden transcript of political power, in which actors who lie outside of the state’s network of influence indulge in corruption talk as a discursive means to challenge those whom they cannot openly contest. Sometimes, such contestation of power comes from within the state as well, such as the political opposition or the courts, as demonstrated in this chapter. While Gupta only explores the semantic contours of such corruption narratives, I am also interested in exploring its empirical manifestation. In this chapter, I analyse India’s postcolonial history to understand how corruption narratives intersected with national politics and became constitutive of the “dissident subculture” within a democratic framework, which I referred to in Chapter One borrowing from Scott’s theorisation (1990). The analysis here lays greater emphasis on national rather than regional-level history and politics in India, as the purpose here is to sketch the broad contours of the national struggle against corruption. The arguments and historical narrative developed in this chapter will allow us to appreciate the evolution of the anti-corruption discourse at the national level that led to the demand for a countrywide right-to-information law.

In his treatise ‘What is History?’ historian E.H. Carr observes that to be effective, the historian must undertake a “selection and arrangement of the appropriate facts” in order to frame a narrative. He adds further: “It used to be said that facts speak for themselves. This is, of course, untrue. The facts speak only when the historian calls on them: it is he who decides to which facts to give the floor, and in what order or context...” (2008, p. 11). What I intend to accomplish in this chapter, therefore, is to draw upon specific aspects of India’s post-independence history, focussing on crucial events and political personalities, to trace the trajectory of the anti-corruption discourse. By doing so, I demonstrate how this narrative enabled the rise of political opposition to the Congress’s single-party domination in the 1970s. As an anthropologist engaging with history, I am aware of the crossing of disciplinary boundaries in pursuing this endeavour. However, as Geertz notes, both historians and anthropologists have been engaging in such crossing over to one another’s “feeding grounds” but the works share in common the aspect of being empirically grounded, which is what I hope to achieve here (1990, p. 324).

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Before discussing corruption narratives in India after independence, we must briefly address the colonial legacy with regards to corruption and secrecy, because what India experienced in this aspect after independence was only a continuation of what had transpired during the colonial era. With the advent of British rule in India in the late 18th century, a bureaucratic apparatus was put in place in order to help the colonial government administer the Indian people. A vast amount of official information was collected on the people by various means, which included surveys and censuses, and such information “formed the basis of their capacity to govern” (Cohn, 1996; p.3). The government also used intelligence and spy networks to monitor the

people (Bayly, 1996). On August 30, 1843, the colonial government in India issued a notification asking its personnel to not communicate to the outside world any information in their possession. Thus, gathering information or *knowing* became a way of controlling the governed; with those having access to information enjoying an upper hand over the other. As Bayly notes, successful intelligence-gathering was a critical feature of the British domination of India (1996; p.365). The practice of some bureaucrats supplying information on government matters to the press caused occasional embarrassment to the British Empire (Maheshwari, 1981). In 1889, Great Britain passed the Official Secrets Act (OSA) after a clerk in the Foreign Office disclosed the details of the Anglo-Russian treaty to *The Globe* newspaper, which publicised its details causing embarrassment to the Queen, the Prime Minister, and the Foreign Secretary. This law was applicable to ‘any part of Her Majesty’s dominions’ including India (ibid). This followed from the overriding British belief that secrets were imperial in nature and thus the statute enforcing it must be applicable to the Empire (ibid). The colonial administrator Lord Lansdowne, then the Viceroy of India, was the first to identify the potential of the British OSA to be employed as an effective tool to muzzle the press in India, which had been vociferous in its criticism of the colonial government. Though the British law was only envisaged as a measure to restrict information on military and naval matters, in India, the colonial government expanded the scope of the law to cover civil affairs as well (ibid). The OSA of 1889, was amended in 1904 in India, under the viceroyalty of Lord Curzon. Later, in 1923, the law was further amended to cover all affairs of the government as secret. The 1923 law envisaged harsh punishments for those who went to a government office “without lawful authority or permission” and recognised them as committing “an offence under the Act”, which was both cognizable and non-bailable (ibid). In actual usage, the OSA

limited the British government from arresting persons for “illegal” communication of official information, as the breach was difficult to prove in a court of law, however, what it did achieve was to create a culture in which governmental information was normally withheld from the public. Secrecy had thus become a precondition for the preservation of political power. As Maheshwari notes, the OSA encouraged a culture of professional reticence among officials who hesitated to discuss any governmental matter in their private and unofficial interactions with non-official persons and even with officers of Government belonging to other departments (ibid). If we have to appreciate the evolution of the anti-corruption discourse in India, we have to understand, first of all, the nexus that developed between secrecy and corruption, with one facilitating the other. Corruption has been acknowledged to be deeply entrenched in the Indian administrative system even prior to colonial rule (Gill, 1998). Activists fighting to implement the right to information in India have always emphasised how official secrecy made it difficult to uncover corrupt activities of the state. The culture of official secrecy shielded from public view how networks of patronage and privilege spawning corruption were exercised in relation to the colonial government, and later the Indian government. In colonial India, the state apparatus was intended to serve the capitalistic designs of Empire, which was literally about “looting Indian society” (Nehru, 2004; Tharoor, 2017). However, this did not stop native Indians from using proximity to the colonial state as an opportunity for self-aggrandisement. Thus, the culture of corruption associated with the colonial state was largely about exercising influence and accumulation of social and cultural capital. Pamela Price has pointed out that “in India, at least, some kinds of corruption are a function of complex cultural dynamics involving notions of the ontology of ranks and statuses, of the nature of authority, and of personal evaluation in political competition” (Price, 1999, p. 315).

Long after India attained political freedom, the democratically elected governments continued to adhere to the tenets of bureaucratic secrecy as envisaged under the Official Secrets Act, 1923. There were press inquiry commissions, such as the 1948 Press Laws Enquiry Committee and the 1954 Press Commission, and government-constituted committees such as the 1962 Santhanam Committee, and the 43rd report of the Law Commission of India released in 1971 (Jha, 2021), which deliberated upon the need to open up the Indian government and expressed reservation regarding excessive secrecy in Indian officialdom. However, a political consensus on reform was lacking. In independent India, the OSA was amended twice, in 1951 and 1967, even though the 1923 Act was never formally notified (Datta, 2008). The Indian Official Secrets (Amendment) Act of 1967 made the law much more draconian than it was under British rule (V. K. Singh, 2009). Maheshwari has noted how there was no major opposition to these amendments in Parliament in independent India compared to the OSA, 1904 amendment in colonial India when Indian members vehemently opposed the inclusion of civil affairs within the ambit of the law (1981). The Constitution of India that was adopted in 1949 and came into effect in 1950 became the empowering text that allowed for a discourse on citizen's rights to be imagined in postcolonial India. This guiding text on the duties of government in independent India guaranteed fundamental rights to citizens pertaining to freedom of speech and expression, among other things (India & Sankaranarayanan, 2014). However, if the example of amendments to the OSA in independent India are considered, it shows how the political leadership had not fully imbibed the value of upholding the freedom and rights of its citizens. B.R. Ambedkar, who played a key role in the framing of the Constitution of free India, emphasised the need for a strong state and put in place constitutional provisions that provided the state immense powers to

uphold its integrity in the face of resistance. Gyan Prakash has argued in his book on the Emergency how these constitutional provisions allowed the state to indulge in abuses of power that could be easily justified using legal provisions such as the power to invoke Emergency (2018). Chatterjee has engaged in length with the idea of democratic aspirations and the desire for freedom in postcolonial India as being derived from the West, further pointing to the “postcolonial misery” in “our surrender to the old forms of the modern state” (Chatterjee, 1994; p.11). He refers to the Indian independence movement as a “passive revolution” (borrowing from Antonio Gramsci) in which political freedom from the British had only resulted in a transfer of power to the elite members of the Indian National Congress; the legacy of the colonial state apparatus was yet to be undone. The project of freedom and the realisation of rights had become a secondary concern before the more urgent task of nation-building that absorbed the Indian political class in the first several years since Independence (Mehta, 2010).

It was thus only natural that corruption reared its ugly head early on in independent India, under the leadership of Jawaharlal Nehru, its first Prime Minister (Gill, 1998). If one were to hear Nehru’s famous tryst with destiny speech delivered on the eve of India’s independence in 1947, the picture that emerges is one of a leader committed to the eradication of poverty and ensuring equality of opportunity to all citizens. Nehru took a pledge “of dedication to the service of India and her people and to the still larger cause of humanity” (Nehru, 1947). However, the reality was something else, and though Nehru himself may not have indulged in corruption, the Congress leaders in his party did not hesitate to enrich themselves. The government-appointed Santhanam committee in 1962 observed, for instance, how some ministers in the Nehru-led government “who have held office in the last 16 years have enriched

themselves illegitimately, obtained good jobs for their sons and relations through nepotism, and have reaped other advantages inconsistent with any notion of purity in public life” (Gill, 1998; Santhanam, 1962, p. 101). The Jeep scandal of 1948—in which V. K. Krishna Menon, then the Indian high commissioner to Britain, purchased army jeeps from a foreign firm bypassing protocol, and was absorbed into the Nehru cabinet instead of being held accountable for corruption—is also well documented¹⁹. Gould has shown how in independent India a transformation occurred in people’s expectations from government for they were no longer mere “subjects” of colonial rule but “citizens” of free India now (Gould, 2011). The expectations of government changed “from a colonial stress on administrative authoritarianism, where corruption was presented as a regrettable but unavoidable facet of local power, to a sense of public accountability” (Gould, 2011, p. 33). Vithal has written about how there were efforts to decolonise the Indian bureaucracy, but in a few cases “where the peculiar mystique of these posts have been retained, they have sometimes become conduits of corruption involving officers of the higher echelons” (Vithal, 2008, p. 210). He also cites Vanaik that at the state-level, bureaucrats were often subordinated to the power of the rural rich, while at the Centre, they were subjected to pressures of the industrial bourgeoisie (ibid). Similarly, politicisation of the civil services also increased room for corruption within the bureaucracy (ibid). Gill has shown how the phenomenon of corruption, involving misuse of public office by a state official or elected political representative, became a regular feature of successive governments in India with little being done to remedy the situation (Gill, 1998). As regards the distribution of state welfare, only

¹⁹Greed, politics, bribery, dirty money: India rated among most corrupt in the world. (2006, July 6). *India Today*. <https://www.indiatoday.in/magazine/cover-story/story/20060703-india-rated-among-most-corrupt-in-the-world-785043-2006-07-03>

select citizens holding sway over government officials or enjoying political patronage were seen as beneficiaries, and those outside of this “corruption system” (Brass, 2011) came into conflict with the ones benefitting from it. Such a dynamic not only drove the formal political discourse on corruption and anti-corruption, as we will see in this chapter, but became the catalyst for a long debate that ensued on how the Indian state could be made more accessible to citizens to guarantee an equitable distribution of benefits originating from the state, instead of a small elite capturing it all.

Before I proceed to discussing the role of key political actors in driving an anti-corruption discourse in India, it is also necessary to present the lacunae in India’s anti-corruption legislation, prior to the passage of the RTI Act, as this provided an additional impetus for people to demand an information law that could address corruption. One of the long-standing grievances of anti-corruption activists in independent India has been the difficulty in securing the conviction of elected representatives on charges of corruption, which arose directly from various loopholes present in the existing legal frameworks. These loopholes included limitations on how the word corruption was interpreted and the definition of a public servant (Santosh Hegde & Singh, 2019). The Prevention of Corruption Act (PoCA) adopted in 1947 was the earliest anti-corruption law passed in India which lay out provisions for regulating corruption in the government. This law consolidated the provisions of the Indian Penal Code of 1860, which contained some basic provisions for initiating criminal proceedings against offences such as bribery and misappropriation of electoral funds but were deemed insufficient to deal with the matter²⁰. An Ordinance passed in 1944 by the colonial government sought to expand the scope of anti-corruption legislation

²⁰ Indian Penal Code, 1860, (1860). <http://indiacode.nic.in/handle/123456789/2263>

by including clauses to prevent the disposal or concealment of property procured by means of certain scheduled offences under the 1860 Code²¹. The 1947 PoC Act that consolidated these earlier provisions was especially relevant in the post-war scenario of newly independent India, where bureaucrats could make a killing issuing contracts and other administrative procedures required for trade-related transactions. But, in 1964, based on the recommendations of the Santhanam Committee report (1962), the 1947 PoCA was further amended to expand the scope of what was covered under corruption loosely defined as a criminal misconduct on the part of a state functionary. The Santhanam Committee report points to the difficulty of defining corruption as something that is ever-expanding. It is difficult to precisely define the word ‘corruption’, he notes. Section 161 of the Indian Penal Code states the most common form of corruption as follows: - Whoever, being or expecting to be a public servant, accepts, or obtains, or agrees to accept, or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Central or any State Government or Parliament or the Legislature of any State or with any public servant as such. Section 5 (1) of the Prevention of Corruption Act, 1947, defines criminal misconduct of a public servant in the discharge of his duty. Section 123 of the Representation of the People Act, 1951 defines corrupt practices in relation to elections. While it is true that the securing of some kind of pecuniary motive, material advantage directly or indirectly for oneself or

²¹ *History of Anti-Corruption Law in India | The Prevention of Corruption (Amendment) Bill, 2013 | Law Commission of India Reports | Law Library | AdvocateKhoj.* (n.d.). Retrieved 25 May 2021, from <https://tinyurl.com/anti-corruptionlaws>

one's family, relative or friends, constitutes the most common form of corruption, other forms of the evil are coming into existence in the ever-increasing complexities of modern society (Santhanam, 1962). The Committee's observation on the constantly expanding scope of defining corruption and what gets labelled as such, reproduced above, explains why one law was found insufficient to curb the phenomenon. The expanding scope for corruption necessitated a slew of legal reforms and the passing of the RTI Act was also a step in this direction, I argue, because secrecy aided the cause of corruption.

A perusal of the examples of corruption in independent India show how most such instances were fuelled by the 'license raj' which allowed the bureaucrats power to issue trading licenses to businessmen. Bribes became a regular part of any transaction requiring approval from the government (Gill, 1998; Visvanathan & Sethi, 1998). If we recall the discussion on the bureaucratic field in the Introduction, what we observe here is that the capital granting power of the state, which Bourdieu refers to, is what became the source of corruption in India. The increasing influence of business on politics was already apparent in the country and became prominent starting from the 1970s. Kochanek has noted how the industrial elite composed of India's large family-controlled houses played the most politically prominent role (1987). "The elite is highly organized into well-financed regional and national apex associations; it employs a large number of lobbyists; it is among the chief sources of campaign funds for political parties; and its members compete with each other and with foreign capital for political influence and growth" (1987, p. 1281). The political arena, therefore, was not only about competing for votes and popular support but also about being able to win industrial patronage in terms of funding for elections. This not only created an atmosphere of rivalry among political leaders seeking wealthy patrons but also created

opposition when one rival lost out to another in winning funding support for political work. This emerged as yet another fuel for anti-corruption politics because any collaboration between business and politics was seen as a contributing factor to “corruption.” To cite Kochanek further, “The business-Congress relationship underwent a significant change in the late 1960s after the Congress party suffered severe reverses in the 1967 Indian elections, largely at the hands of rightist parties like the Jana Sangh and Swatantra. These reverses and the perceived anti-Congress role of some sectors of the business elite touched off a major struggle for control of the party and a divisive debate over the role of business, money, and politics. The debate focused on two key issues and became intertwined with the factional battle for control. Both the Congress leadership and the rank and file resented the fact that the party's near monopoly over election funds had come to an end. Sections of the business elite, determined to reduce Congress majorities in an effort to enhance their leverage over Congress policy, had clearly provided considerable financial support to the Swatantra party and to a lesser extent, the Jana Sangh..” (1987, pp. 1288–1289). Thus, the evolution of anti-corruption legislation in India must also be viewed in the context of changing relations between business and politics. As the costs of election soared and the competition for securing political funding increased among rival groups, political groups had to conceive of ingenious ways to make money. After the Indira Gandhi government nationalised private banks and restricted corporate donations for political parties, the whole political financing process went underground. I reproduce a very apt quote cited by Kochanek in his paper: “A joke, reflecting the atmosphere of the time, was attributed to T.A. Pai, a former minister in Mrs. Gandhi's government: “If a peon accepted money, it was called *bakshish*; if a clerk took it, it was *mamool*

(custom); if an officer took it, it became a bribe; and if a minister took it, it was called party funds” (ibid.)

In the forthcoming sections I will elaborate on the roles played by three key political figures in pushing forward the anti-corruption struggle and how their interventions not only helped to expand the scope for anti-corruption legislation but also provided a political push for realising the right to information in India.

Charan Singh: the anti-corruption crusader

We must view the rise of political leaders from within the Congress ranks who began to resist the unethical conduct of native politicians and bureaucrats once India attained independence in the specific context of the evolving anti-corruption discourse. In the introduction, I have emphasised the role of individual actors in influencing the course of the right to information and the anti-corruption movement in India. Charan Singh is one such prominent historical figure who played an influential role in India’s right-to-information movement. Paul Brass’s three-volume life history of Charan Singh (1902-1987), based on the political leader’s collection of private papers, throws a rich insight into the anti-corruption discourse that had begun to evolve in India soon after independence. Singh emerged as among the earliest critics of corruption within the Congress Party, being a member who had participated in the freedom struggle along with M.K. Gandhi. Brass notes how through the 1950s and 1960s, Singh worked to ensure control over government expenditure as corruption became pervasive and government employees “ate up even more of the available funds for development” (2011, p. 5) and stood for stern measures to deal with corrupt officers. Brass notes that Singh’s private papers reflected his concern over his political rivals interfering with the police administration “which he saw as corroding its

integrity” (ibid.). The Jauhari corruption case, which Brass recounts in his book, demonstrates how the ‘permit-license-quota raj’— a term used to refer to political corruption involving a nexus between bureaucrats and the business community with regards to distribution of government licenses and permits to favoured parties— involved shopkeepers with Congress leanings being favoured for distribution of government quotas for the purchase of fine cloth, and the process also encouraging black marketing²² of goods with the connivance of the police (ibid.). So, in this case, the charge of corruption clearly revolved around distribution of government benefits on the basis of allegiance to the ruling party. Charan Singh sought to crack down on such practices and the Anticorruption Department (ACD) in Uttar Pradesh itself was charged with corruption in skewing the investigation in the said case (ibid.)! Although Singh himself was implicated in the case, for having favoured the officer accused of corrupt conduct, by the ACD, he was later vindicated by the UP administrative tribunal in 1948 after a detailed investigation was conducted into the charges. The tribunal concluded by remarking that it was “very unfortunate that the agency entrusted with the task of enquiring into the doubtful conduct of others should itself be of a doubtful character” (2011, p. 164). Brass rightly notes how this case demonstrated the “complex network of entanglements in the system of corruption” with allegations and counter-allegations being traded by rival parties, often for politically motivated purposes. By analysing the materials in the Jauhari case, Brass concludes that the centre of this “corruption system”, which began to evolve in early independent India, was often the “lowly subdivisional officer...who acted as the signing authority and distributor of state patronage, and most particularly of scarce, controlled commodities” (2011, p. 186).

²² Black marketing refers to illegal exchange of goods and services or buying and selling involving evasion of legitimate taxes to the government. See: <https://www.investopedia.com/articles/economics/12/mechanics-black-market.asp>

Bourdieu's idea of the bureaucratic field is again relevant in this context. Even if an officer was honest and did not facilitate corruption, he would inevitably be charged with corruption by those whom he denied a favour, Brass notes, citing Wade (1982, 1985), who has observed how the system operated with a minimum level of corruption and thus, no one could be spared engagement with some dishonest transaction or the other. Brass has also elaborated on the manner in which politics was increasingly associated with criminalisation, and the police was becoming embroiled in such politics, using the example of early post-independence Uttar Pradesh. Charan Singh, in fact, had prophetically observed in this regard in one of his addresses in the UP Legislative Assembly: "If criminals joined political parties, our future would be bleak" (2011, p. 275).

In a corrupt system such as this, a politician's reputation for integrity was crucial, Brass notes. He elaborates on the various efforts that were made to tarnish Charan Singh's reputation by those who were unable to extract favours from him. Some allegations were also levelled at Singh's father that he abused his son's privileged position within state politics to influence local officials to intervene on their behalf against rivals. Although not all such allegations were rebutted, some of these charges, Brass shows, were totally unfounded, and only aimed at tarnishing Singh's reputation as a man of integrity. I emphasise on these aspects of the anti-corruption dynamics here to demonstrate how, in a politically competitive field, charges of corruption levelled against a political leader or state official stems from power play among rival parties. It is part of the dynamics of the contestation of political power that I point to earlier. The fact that Singh was able to preserve his reputation as a man of integrity in politics affected other rivals who were succumbing to corrupt means of sustenance in politics (2011, p. 208). Brass notes how when non-Congress parties ascended to power,

it became the practice to appoint commissions of inquiry against the outgoing party, which led to voluminous reports but no convictions or any serious consequences for those implicated (2011, p. 209). He also notes how most political parties launched so-called “anti-corruption movements” to mobilise mass support in the interim between elections (ibid.). This observation speaks directly to what I refer to in the beginning of this chapter –as to why corruption and anti-corruption must be viewed in the context of acquisition of political power and its contestation by rivals. Singh moved out of the Congress into the opposition in 1967, playing a leading role thereafter, in the creation of the Janata Party, which formed the first non-Congress national government in India in 1977 (Brass, 2011). That Singh went on to become the first non-Congress Chief Minister of Uttar Pradesh and also played a key role in the rise of opposition to the Congress party, which dominated the political scene at that time, is just a manifestation of the dynamics of contesting political power I mention earlier. It would not be wrong to say, therefore, that the anti-corruption narrative facilitated the rise of opposition to the Congress, just as much as Charan Singh’s desire to represent the political aspirations of the peasant class in a bid to challenge the elitism inherent in that party. The Janata Party saw the coming together of several oppositional leaders, including breakaway factions from within the Congress, and smaller political parties to challenge the Congress after the Emergency. As Home Minister in the first non-Congress government led by the Janata Party in 1977, Charan Singh sought to amend the Official Secrets Act to make government information available to the public. This was directly related to concerns over Indira Gandhi’s government –which the Janata Party wrested power from in 1977– using official privileges as a means to suppress information regarding electoral corruption in the 1971 general election. I deal with this

case and its implication for the right-to-information movement in greater detail later on in this chapter.

The Emergency era

At this stage, it is important to delineate the events that transpired during the Emergency period in India between 1975 and 1977, in order to better appreciate what motivated the key political figures discussed in this chapter to form an oppositional alliance against the Congress at the national level. A discussion on the Emergency era is also necessary to make sense of how the definition of corruption came to be conflated with the idea of abuse of power by those in positions of political power in India that may or may not have necessarily involved monetary benefits for the accused party. In this sub-section we will also consider how the Emergency period led to a shift in India's single-party system and changed the attitude of the people towards the state. Brass has observed how the tension between authoritarian and democratic tendencies of the government has been a recurrent feature of Indian democracy (1994). During the reign of Indira Gandhi, the Congress party reached the pinnacle of its democratic decline. On June 25, 1975, the government led by Mrs. Gandhi imposed an internal Emergency, invoking Article 352 of the Constitution, which led to the curtailment of civil and political rights for a period of 21 months. As per this Constitutional provision the six freedoms under Right to Freedom are automatically suspended, if invoked. Though the government justified its move citing a foreign threat to the nation and growing internal instability, there were widespread allegations of abuse of authority and commission of excesses and malpractices on the government (*Shah Commission of Inquiry Interim Report -1*, 1978). This included clamping down on the press and arrest of activists and political adversaries of Mrs. Gandhi (ibid). The Bihar movement of 1974, initiated by students and led by the veteran Gandhian socialist Jayaprakash

Narayan was crushed during the Emergency. The political rally led by JP and other political opponents of Indira Gandhi held in Delhi's Ramlila Maidan in June, 1975 had attracted lakhs of people. The Emergency allowed Mrs. Gandhi to crack down on these dissidents. As per statistics reported by the Shah Commission of Enquiry, over one lakh persons were arrested under draconian preventive detention laws during the Emergency (1978). These excesses of abuse, I argue, evoked a response from within sections of the Indian society, such as the press and "non-party political processes" (Kothari, 1984) to address the abuse of political power that eventually led to the demand for a Right to Information (RTI) law, as we shall see in Chapter Three.

During the Emergency what India witnessed was a certain turn towards authoritarianism. As Dhar observes, the curtailment of fundamental rights, widespread censorship, and suppression of political dissent that occurred between 1975 and 1977 "changed the basic relationship between the citizen and the state and indeed threatened to change the character of the Indian state itself" (2012, p. 223). Soon after Independence, there was an innate faith in the goodwill of the Indian state, but that changed with the Emergency. After the Emergency was lifted in 1977, the student's protest led by Jayaprakash Narayan in Bihar snowballed into a popular social movement directed against Indira Gandhi and her "corrupt" government (Chandra, 2003). This movement also led to the formation of a political opposition to the Congress, in the form of the Janata Party, which was elected to power in 1977. It was for the first time that the Congress party had lost power in independent India, a turning point. The Janata Party fought the 1977 general election on the promise of instituting an "open government" and its Home Minister Charan Singh constituted a working committee to determine if the Official Secrets Act could be amended and official information made public, but the committee demurred and state secrecy

persisted (Jha, 2018b). But with this an important official precedent had been set for demanding the Right to Information in India. After facing heavy censorship and curtailment of freedom during the Emergency (Chandra, 2003), the press too revealed a definite shift in attitude with regards to official secrecy. If we recall the previous discussion in this chapter on the Official Secrets Act (OSA) 1923, Section 5 of that law placed limitations on press freedom. In this context, the 1948 Press Laws Inquiry Committee had noted: “We have no doubt that the Government must be the sole judge in this matter (of revealing official information), and we trust that a popular democratic government in India would utilise the provisions of this Act only in case of genuine necessity and in the larger interest of the state and the public” (1981, p. 105). In 1982, however, we see a complete shift in this perspective. The Indian Law Institute and The Press Council of India released an advocacy book arguing for greater access to governmental information for the press in 1982. The book’s author S.N. Jain notes: “India, with its pattern of mixed economy and socialistic state is one of the most governed states in the world. What is it that the state does not do? It fixes prices, acquires goods and property, regulates sale, purchase and distribution of goods through licensing and other means, carries on trade and business, itself runs industries and other services, controls, regulates and gives credit and money, gives bounties of various kinds, detains persons in preventive detention, affects personal liberty in various ways, and regulates and gives credit and money, gives bounties of various kinds, detains persons in preventive detention, affects personal liberty in various ways, and regulates the economic and social life of the people. The hegemony of the executive over the individual and the community is an accomplished fact... (there is) inherent danger that the vast powers of the executive may not be used for public welfare but used for private gain or with corrupt motives, or arbitrarily and capriciously” (1981, p.

108). As is evident, the tone of this book is markedly different from the report of the 1948 Press Laws Inquiry Committee cited earlier and shows how the inherent faith in the democratic system and the intention of the state had eroded completely since the Emergency. The 1982 report also underlines the linkages that were beginning to form between the evolving anti-corruption narrative and the need for right to information.

Jayaprakash Narayan and the idea of total revolution

In the post-Emergency period, Jayaprakash Narayan (JP) led a political struggle against the Indira Gandhi-led government which drew symbolic associations with the freedom struggle, only this time the oppressor being fought was not a foreign entity. His clarion calls for “total revolution” was aimed at decentralising governance and preventing corruption (Devasahayam 2004). However, the Rashtriya Swayamsevak Sangh’s (RSS) betrayal of JP’s efforts ensured that his vision for political transformation of Indian society did not materialise (Devasahayam 2018). Instead, as Devasahayam argues, the RSS-backed Janata Party usurped political power in 1977 riding on the back of JP’s anti-corruption movement but ignoring his transformational agenda²³. Although the Janata Party fought the election on the promise of “open government,” it did not pass a transparency law to make official information public even after constituting a working committee under then Home Minister Charan Singh to consider amending the Official Secrets Act, 1923.

²³ I have reproduced parts of these arguments in an essay I had previously published in the *Economic and Political Weekly* in 2019. Venkat, V. (2015) Despite Free and Fair Elections, Our Idea of the Republic Is at Risk. *Economic and Political Weekly*, 7–8.
<https://www.epw.in/engage/article/despite-free-and-fair-elections-our-idea-of-republic-is-at-risk>

Like his contemporary Charan Singh, Jayaprakash Narayan (1902-1979) (popularly known as 'JP') too was a political leader who had participated in the freedom struggle alongside M.K. Gandhi and carried the spirit of idealism from the independence era into his political vision. He founded the Janata Party in 1977 after the Indira Gandhi-imposed Emergency era came to an end. Here, we will see how JP's idea of total revolution evolved, in which he envisaged a reformed social, economic, and political future for India. His ideas were especially aimed at targeting the shortcomings of the Indira Gandhi government, which he saw as corrupt and authoritarian. In the Charter of Demands that JP had presented to Parliament on March 6, 1975, one of the objectives of the total revolution envisaged by the leader emphasised the removal of political corruption. "Corruption is eating into the vitals of our political life," the Charter noted. As Naik notes, under Nehru only the administration was corrupt, however, under the leadership of Indira Gandhi "political power had become an end in itself and corruption of political institutions had become inescapable with the rise of corrupt politicians and their pathological obsession with personal power" (Naik, 1977, p. 4).

JP's charter decried the inability to curb corruption in political institutions. Naik notes how corruption of the electoral system had emerged as a serious threat to democracy in India in those years. Scott's idea of the electoral "machine politics" as perpetuating systemic corruption is useful to understand this phenomenon (1972, p. 94). Scott has written about how candidates and parties are often obliged to offer material rewards as a means of persuasion to voters (ibid.). Not only that, but the dominant party also uses money and muscle power to win elections, a trend that has continued with every quinquennial electoral cycle in India (Vaishnav, 2017). Scott notes that machine politics is one in which a regime bases its authority on its

distributive activity, and thus inducements are an integral part of how the system operates (1972). In the 1978 movie *Kissa Kursi Ka*, a political satire on the state of corruption under Mrs. Gandhi's regime, filmmaker Amrit Nahata²⁴ shows how the electoral system is corrupted when rival candidates are purchased ahead of the election to ensure certain victory for the dominant party in the fray (Nahata, 1978). The allegorical reference to the *Janata* (the people) as a mute force in the film, which only has false promises and provisional allurements to satisfy itself with, is particularly poignant in the context of Indian electoral politics. JP wanted to cleanse this electoral system of such corrupt practices. In a 1973 letter addressed to the Youth for Democracy, JP lamented that "the most serious danger (to the country) comes from violation of the democratic process since independence, elections have been growing more and more irrelevant to people and to the democratic process..." and "the reason is that money, falsehood, corruption and physical force have combined to erode steadily the very meaning and substance of elections" (1977, pp. 4–5). As regards addressing the problem of corruption, JP's solution was that investigation against the corrupt must be led by the people because they knew best which officials were indulging in corruption at the local level. He envisaged district level anti-corruption courts and tribunals where corrupt MPs, MLAs and municipal office-bearers could be tried. JP felt that state-level anti-corruption agencies could easily get corrupted and it would be time-consuming for ordinary citizens to chase after state-level officials to redress their corruption-related grievances (Naik, 1977, p. 98). He further suggested a time-bound mechanism to make the administration accountable in cases of corruption, so that complaints were investigated promptly without dragging them on for too long (1977, p.99). These discourses from the JP-era, in fact, set the tone for the

²⁴ Amrit Nahata was a three-time Lok Sabha member, who, like Charan Singh and JP, started his political career as a Congress politician and joined the Janata Party after the Emergency.

right-to-information movement later on, which demanded accountability from the ruling classes. Some of these concerns, in fact, continue to be articulated within the space of information activism in present-day India, as I explore in chapters Four and Five of the thesis.

In 1971, during the general elections in India, the Opposition parties formed an alliance against Indira Gandhi and announced Raj Narain as the candidate against her in Rae Bareilly constituency in Uttar Pradesh. The opposition used the slogan of 'Indira hatao' (remove Indira) and their main charge was that she was responsible for the corruption in government (Bhushan, 1978, p. 5). Narain was very sure of his victory, however, when the results were announced, and Mrs. Gandhi was declared winner he became suspicious that allegations of voter fraud and tampering with ballot papers might be true (1978). This prompted him to approach the Allahabad High Court and file a petition challenging the validity of Mrs. Gandhi's election victory. Narain hired Shanti Bhushan, a lawyer affiliated with the rival faction Congress (O) formed after the split in the Congress party in 1969, for the job (1978). Prashant Bhushan notes that at the time of filing the case, rigging of the election results was the primary concern, and corrupt practices in the conduct of elections were only subsidiary issues (ibid.). However, the rigging allegation was disproven when Justice Broome of the Allahabad High Court investigated the sample ballot papers and found no evidence of tampering (ibid.). This compelled the petitioners to make the charge of corrupt practices their sole focus. Among the main charges in this regard was that Mrs. Gandhi had procured the services of a gazetted officer to further her election prospects, that Air Force staff arranged planes and helicopters for her election meetings, and that voters were bribed with blankets, quilts, and liquor to influence votes in her favour. To substantiate these charges it was necessary to access the 'Blue Book' entitled *Rules and Instructions for*

the Protection of the Prime Minister When on Tour or Travel, apart from the correspondences exchanged between the Prime Minister and the UP Chief Minister regarding her security arrangements (Bhushan, 1978). However, the state claimed privilege in this regard citing Section 123 of the Evidence Act²⁵ and refused to produce the documents before the court. But the high court rejected these claims and demanded that the said documents be produced. The privilege matter then went before the Supreme Court where Bhushan argued against the state's claim observing that since the state here was a prejudiced party in the matter, it could not solely decide whether the disclosure of documents would injure public interest or not (1978). Shanti Bhushan cited the US Supreme Court in the case concerning President Richard Nixon's presidential tapes where the court had allowed the trial judge to hear the tapes to decide whether they should be brought on record or not (1978). The Supreme Court directed the high court to determine whether the documents belonged to the privileged class based on the affidavit of the relevant minister or head of department. On 24th January 1975, a five-member Constitution Bench of the Supreme Court ruled that the people's right to know was implied within the meaning and scope of the freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution. While disposing the petition seeking disclosure of the contents of the "Blue Book", Justice K.K. Mathew explained the importance of the people's right to know in the following words²⁶:

"In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can but few secrets. The people of this

²⁵ Section 123 in The Indian Evidence Act, 1872. Retrieved 26 July 2022, from <https://indiankanoon.org/doc/208203/>

²⁶ The quote has been reproduced from the contents in this link: <http://www.rtifoundationofindia.com/pm-people-have-right-know-where-funds-political-pa#.YTDSYI5Kg2w>

country have a right to know every public act, everything, that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security. To cover with veil secrecy the common routine business, is not in the interest of the public. Such secrecy can seldom be legitimately desired. It is generally desired for the purpose of parties and politics or personal self-interest or bureaucratic routine. The responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption.”

*

Eventually, the privilege issue was set aside as parts of the ‘Blue Book’ that were marked ‘Secret’ were already in the public domain, and the documents were examined by the court as it contained key information to verify the charges. It was on the basis of the examination of these documents that charges of corruption against Mrs. Gandhi were finally upheld in some instances leading to a verdict against her in the high court. A perusal of the above case proceedings helps us establish two things: 1) That the anti-corruption discourse arising out of political opposition to the Congress was essentially aimed at not addressing corruption *per se* but using the charge of corruption to oust the Prime Minister in this case. 2) The task could not be accomplished without accessing vital government records, in this case the ‘Blue Book’, underlining the importance of right to information in proving a charge of corruption against an official.

The 1975 high court case was a watershed moment in the history of independent India as it set the tone for the right-to-information movement in the years to come. Andersen and Damle have referred to the 1973-75 anti-corruption movement led by the Jana Sangh, the precursor of the Janata Party, as an example of the anti-corruption agenda being used to mobilise voters prior to an election (2019). The atmosphere of charges and counter-charges of corruption led to the need to purify the entire system of parliamentary democracy, as Brass notes citing Jaffrelot (2011, p. 210). JP's idea of Total Revolution was a part of this dynamic. But, as Brass notes, the purifiers themselves hid behind the mask of purity to cover their own misdeeds (ibid.). Brass cites Morris-Jones to explain the idiom of corruption in Indian politics. "Corruption is at once what one political language calls the other and what happens when one is displacing the other" (2011, p. 210; 1987, p. 63). The right-wing paramilitary organisation Rashtriya Swayamsevak Sangh (RSS) was closely involved in the rise of the Janata Party. Andersen and Damle have noted that the student wing of the RSS –Vidyarthi Parishad– had participated in the people's movement led by JP in Bihar based on his concept of Total Revolution, which eventually set the stage for a confrontation with Indira Gandhi's government (2019, p. 219). JP also was recorded as praising the RSS, and at a Jana Sangh session in 1975, he dismissed the charges that the Sangh was 'fascist' (2019, p. 220). He was also seen complimenting the RSS "for its effort to reduce economic inequality and corruption" (Andersen & Damle, 2019, p. 220).

What we witness here is not only the framing of an anti-corruption narrative against the ruling powers of the time, but a consequent convergence of a coalition of political interests around the anti-corruption agenda that was to set the stage for the rise of a strong opposition to the Congress in the coming year. This is the first historical

instance of an anti-corruption “assemblage” forming in the Indian political scene after independence at the national level, which later served as a prototype for the 2011 anti-corruption movement. In his essay *The Congress ‘System’ in India*, Rajni Kothari (1964) has elaborated on the idea of India being essentially a single-party domination model of political system, in which the oppositional forces checked the powers of the dominant party, and the margin of pressure within the dominant party could tip the scales in favour of the opposition if those in power strayed too far (Venkat, 2015). In Kothari’s conception, outside of the margin lie groups whose “role is to constantly pressurize, criticize, censure and influence it (the dominant party) by influencing opinion and interests inside the margin and, above all, exert a latent threat that if the ruling group strays away too far from the balance of effective public opinion, and if the factional system within it is not mobilized to restore the balance, it will be displaced from power by the opposition groups” (Kothari, 1964, p. 1162). My argument here is that this is exactly what India witnessed in 1977, after India’s Congress-led single-party domination model began to shatter slowly in 1967, when regional parties began to capture power in various states. The emergence of the Bharatiya Janata Party (BJP) on the national scene, and the expansion of the political sphere in the post-Mandal era in the 1980s further reduced the might of the grand old party (Jaffrelot 1999). Both the anti-corruption discourse and the right-to-information movement witnessed a convergence after the Emergency with oppositional forces forming alliances.

VP Singh as the ‘JP of the Congress’

After the regime of Indira Gandhi ended with her assassination in October 1984, her son Rajiv Gandhi ascended to power with a thumping majority in the general

elections that year. Though the Janata Party won the general elections in 1977 soon after the Emergency was called off, the non-Congress government could not bring to fruition the vision of a Total Revolution as articulated by its leader JP, when Morarji Desai and later Charan Singh occupied leadership positions. This failure to offer a strong non-Congress political alternative was one of the reasons why the Janata Party could not sustain power and the Congress stormed back at the Centre in 1980. So, when Rajiv Gandhi assumed the country's leadership in 1984, several of the problems related to corruption in India still loomed large. The incomplete nature of the radical transformation envisaged by political leaders within Indian democracy became the motivating factor for new social movements to arise aimed at democratising governance and eradicating corruption in India. A famous statement of Mr. Gandhi as Prime Minister summed up the challenge that the Indian state continued to face; he observed that out of every rupee the government spent for the welfare of the downtrodden, only fifteen paise actually reached the intended persons²⁷. Not only that, but the increasing influence of private corporations over the government was also becoming a cause for scandal in the newly elected Rajiv Gandhi government. The 1984 Bhopal Gas Tragedy, in which deadly methyl isocyanate gas was leaked into the city of Bhopal, killing, and injuring several lakhs of residents, was poorly handled by the Congress governments both at the centre and the state (Madhya Pradesh) creating room for controversy. The government at the Centre was accused of letting the Union Carbide chief Warren Anderson escape from India and accepting a lower amount of compensation for the industrial disaster as an out-of-court settlement, raising suspicion of some corrupt quid-pro-quo taking place between the parties involved (A.

²⁷ Devendra, S. (2017, August 10). The 85-paise riddle! *The Statesman*.
<https://www.thestatesman.com/opinion/the-85-paise-riddle-1502398034.html>

T. Singh, 2015; Yadav, 2017). The court battle that ensued with regards to securing justice for the gas tragedy victims also emphasised the right to information of citizens in India with ripple effects in the US as well, because the case brought to the fore the importance of citizen's right to know about hazardous industrial materials that are environmentally toxic (Jasanoff, 2007).

It is in this context that we must view the rise of Vishwanath Pratap Singh as an anti-corruption crusader from within the Congress government, who also became a vocal proponent of right to information later. Hailing from an erstwhile princely family (Raja of Manda) in Uttar Pradesh, V.P. Singh entered politics after his elder brother Sant Bux Singh introduced him to Indira Gandhi in 1969. He initially gained experience as a member of the legislative assembly in Uttar Pradesh (UP), eventually becoming Chief Minister of UP in 1980 when the Congress government led by Mrs. Gandhi returned to power at the centre after losing to the Janata Party in 1977. Later, under the Rajiv Gandhi government, V.P. Singh became Finance Minister, during which time he gained a reputation for being tough against corrupt industrialists (Thakur, 1989). Thakur's book is a sarcastic take on what he terms as V.P. Singh's quest for power (1989). Though, the onetime zamindar had been a Congress loyalist and was considered close to both Mrs. Gandhi and later her son Rajiv, his anti-corruption activism betrayed this image of being a supporter. Much in the vein of predecessors Charan Singh and JP, V.P. Singh too became an opponent from within the Congress party ranks. Thakur quotes Singh's own statement from a press conference in this regard "I am to the Congress what JP was to the Janata" (1989, p. 7). The manner in which he pursued corporate tax evaders and conducted raids in the premises of big industrialists brought him into conflict with the Congress leadership and he was relieved of his post as Finance Minister (Thakur, 1989). Thakur has noted

that V.P. Singh was deeply influenced by JP during his student days and wanted to fashion a similar image for himself (1989). The same manner in which JP took advantage of Mrs. Gandhi's political blunders, Singh too thrived on Rajiv's misdemeanours. "The more Rajiv Gandhi slipped and blundered, the more Vishwanath's image shone," notes Thakur (1989, p. 8). When V.P. Singh was appointed Defence Minister in 1987, he began to look into corruption in defence procurements. Singh was relieved of this post too, soon enough, but the allegations of corruption in the purchase of Bofors howitzer guns for the Indian Army provided Singh with the perfect opportunity to unleash his crusader instinct. As Lt. Gen. (retired) M. Mayadas notes in his book, V.P. Singh was "looking for a cause célèbre with which to topple the (Rajiv Gandhi) government" and the Bofors scandal provided him with just that (1999, p. X). In fact, Mayadas, who was the Chairman of the Technical Evaluation Committee to recommend purchase of guns for the Indian Army in 1984, concedes that he was one who suggested the Bofors scandal as a case of corruption to be investigated further to V.P. Singh, when the leader approached him for advice on what issues could potentially be raised to topple the Rajiv Gandhi government (ibid.). Mayadas states that the fact that corrupt dealings took place in the purchase of guns was obvious as the Bofors gun was not the best among the options available for purchase at that time and the Committee he headed had placed the gun at position three, after the Austrian and French guns (1999). There were allegations that the Bofors company in Sweden paid kickbacks to the Congress government to secure a defence contract beating other rival manufacturers, which cost the government heavily in the 1989 elections, when V.P. Singh, as the leader of the newly formed Janata Dal, heading a coalition of opposition parties under the banner of the

National Front, wrested power. The Janata Dal was formed in 1988 by V.P. Singh consolidating various factions of the erstwhile Janata Party²⁸.

In 1987, when the Bofors corruption scandal surfaced during the Rajiv Gandhi government for the first time, it once again shone the light on political corruption in high office. Though the Swedish and Indian press had discovered documents supporting the payment of bribes to Congress party members and government officials handling the deal and published sensational news stories on the matter, such news reports were not admissible in a court of law as evidence of corruption. Lt. Gen. (retd.) Mayadas has noted in his book that V.P. Singh was most concerned about obtaining information regarding the arms deal that could conclusively prove that the Prime Minister and other top government staff were directly involved in earning bribes from the Swedish arms manufacturer (1999). While the press reports did help generate public opinion against the Rajiv Gandhi government, helping to topple the Congress government in the 1989 elections, what it could not accomplish was secure the conviction of those charged with corruption. Former Central Bureau of Investigation chief R.K. Raghavan has been quoted as saying in his memoir: “It is possible some of the payments (in the Bofors arms deal) were meant for the Congress party. It is difficult, however, to confirm this.²⁹” It is interesting to note here that Mayadas does not actually blame Rajiv Gandhi for the Bofors scandal, although as the Prime Minister he had sanctioned the purchase of the guns in his capacity as Prime Minister. The same was recently stated by the Swedish whistle-blower in the Bofors scandal Sten Lindström that no evidence exists of Rajiv Gandhi personally taking bribes in the arms

²⁸ Crossette, B., & Times, S. T. the N. Y. (1988, September 18). New Opposition Front in India Stages Lively Rally. *The New York Times*. <https://www.nytimes.com/1988/09/18/world/new-opposition-front-in-india-stages-lively-rally.html>

²⁹ PTI. (2020, October 21). Bofors is example of case sabotaged by party with lot to hide: Former CBI chief Raghavan. *The Hindu*. <https://www.thehindu.com/news/national/bofors-is-example-of-case-sabotaged-by-party-with-lot-to-hide-former-cbi-chief-raghavan/article32909155.ece>

deal³⁰. Mayadas refers to Mr. Gandhi—who was only 40 at the time he became Prime Minister in 1984, and rather inexperienced in the murky affairs of Indian politics— as an “innocent amateur as far as defence matters were concerned” and squarely blames the then Army General Krishnaswamy “Sundarji” Sundararajan for getting the government “to sign the Bofors deal in a great hurry” (1999, p. 18). This observation, coming from someone who was close to the decision makers in the context of the deal, only goes on to strengthen the argument I make earlier in this chapter about how the anti-corruption narrative gets enmeshed in the political power play between rivals. Framing Rajiv as the culprit in the Bofors deal helped to strengthen VP’s anti-corruption credentials as a politician. Ultimately, while the issue of corruption itself remains unaddressed, what happens is that such a narrative helps facilitate power capture by rival parties when a strong coalition of interests emerge. The following observation by Girilal Jain, a journalist and editor with Hindutva sympathies, in the foreword to Thakur’s book (1989) is also revealing in this matter:

“A decline in (moral) standards (in politics) is not sui generis and cannot be reversed just by a change of guards. That was why I was critical of Jayaprakash Narayan when he campaigned against Indira Gandhi on the single point platform of public morality; it was immaterial to me that he did not seek office for himself. For the same reason, I was critical of Rajiv Gandhi when, apparently under the influence of novices, if not self-seekers, he promised to rid the ruling Congress party of power brokers. And I have been critical of Vishwanath for the same reason. We are in a terrible bind. Corruption in public life and government (up to the highest level) must increase if it is not somehow checked; that must in turn undermine to a dangerous extent not only the moral authority of those in office but

³⁰ Bofors arms deal: ‘No evidence Rajiv Gandhi took bribe’. (2012, April 25). *BBC News*. <https://www.bbc.com/news/world-asia-india-17835886>

also the very basis of orderly government and development in the country through the expansion of all kinds of illegal activities...and yet moves to bring down the government through street action on this count must be regarded as dangerous; for our experience so far is that such agitations have only aggravated the malady....I am unable to dismiss the ugly feeling that Vishwanath has not shown sufficient awareness of the existence of this cruel dilemma.”

The Bofors affair gave India’s anti-corruption legislative reform process, traced earlier in this chapter, an additional impetus. To regain citizen’s trust after the Bofors scandal, the executive wing of the government consolidated the 1947 PoCA, the Criminal Law Amendment Acts and the IPC provisions into the PoCA (Prevention of Corruption Act) 1988. Other Indian laws that also applied in this situation were the Benami Transactions Prevention Act (1988) and the Prevention of Money Laundering Act (2002). Put together, these legal measures sought to curb any fraudulent monetary transactions involving government officials. However, these measures did not entirely address the problem of securing the conviction of a bureaucrat on charges of “criminal misconduct” as defined under the law. This is because while the PoCA defines criminal misconduct by a public servant and covers instances of personal gratification, fraudulent misappropriation, and abuse of position as a public servant to obtain pecuniary advantage, it also qualifies the act of corruption as lying outside the remit of public interest. Section 13(1)(d)(iii) of the 1988 PoCA defines criminal misconduct thus—“while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage *without any public interest*” (emphasis mine) (Debroy, 2013). The definition of public interest remains vague and is subject to interpretation by the courts; further, the aforementioned section also makes any public servant risk-

averse (2013). This clause renders an act of corruption as not culpable unless there is a guilty mind that goes along with it (2013).

In the 1980s, when the Rajiv Gandhi government became embroiled in the Bofors scam, the main allegation made by rival politicians, leading among them, V.P. Singh, was that the defence scandal resulted in kickbacks that went into the party coffers of the Indian National Congress. But if we were to consider the existing provisions of the PoCA, there was nothing in the existing legislation that allowed for such activities to be reported or investigated as involving corruption. And given the secretive nature of these transactions gathering concrete evidence of corruption to try the accused politician was also not possible. This was what prompted the government to bring in the amendments to the PoCA later in 1988. However, even after the amendments were brought in it did not resolve the problem of secrecy aiding corruption. Thus, the culpability of the political class or bureaucracy could never be established. V.P. Singh played a key role in the right-to-information movement in India and strongly supported Aruna Roy and her activist colleagues when they founded the Mazdoor Kisan Shakti Sangathan in 1987 to enlist support from the bottom-up for the cause of ending state secrecy. While it is obvious why V.P. Singh might have liked to support a movement demanding a law that would empower citizens to demand official records from the government to hold them accountable, a speech that he delivered at the 20th conference of State Ministers of Information and Cinematography in 1990 titled 'Free Flow of Information', make his intentions fairly obvious in this regard. Singh, who was Prime Minister at the time of delivering this speech, underlined the importance of disseminating information regarding the activities of the government to the general public (V. P. Singh, 1993, pp. 25–26):

“Free flow of information from the government to the people will not only create an enlightened and informed public opinion but also render those in authority accountable. In the recent past we have witnessed many distortions in our information system. The veil of secrecy was lowered many a time not in the interest of national security but to shield the guilty, vested interests or gross errors of judgment. Therefore, the National Front government has decided to make the Right to Information a fundamental right....In tune with our firm commitment for transparent functioning of our government, we propose to suitably amend the Official Secrets Act...Much of the current secrecy stems from the prevailing negative administrative culture...The states as well as the Centre can take steps to see that unnecessary blockage of information is avoided...”

Thus, we can see how the framing of an anti-corruption discourse in independent India aimed at the dominant national party, the Congress, cannot be fully understood without placing political motives at the centre of such analysis. The consolidation of political opposition involved the assembling of political actors after the Emergency-era abuse of state power created the necessary grounds for demanding greater openness in the running of governmental affairs.

Chapter Three

Another Freedom Struggle: How the Right to Information Act was demanded and passed in India

In the previous chapter, I traced the evolution of the anti-corruption discourse in India after independence focussing specifically on national political events. The focus in the previous chapter was also on actors in the political mainstream who contributed to the evolving anti-corruption discourse. In this chapter, I shift my attention to grassroots social movements, which similarly built a narrative of anti-corruption and claimed the right to information on the ground. The challenges of governance that accompanied the decline of the Congress party and the subsequent identification of corruption as a national problem form the relevant background against which we can trace the trajectory of this grassroots right-to-information struggle in India. Atul Kohli associates India's crisis of governance with the decline of the Congress as a nationwide political party starting in 1967 when the party lost in assembly elections in seven states. The Janata Party government, which succeeded the Congress government in 1977, was not able to make any great stride with regards to addressing corruption either, and JP's vision for a 'Total Revolution' did not materialise (Devasahayam, 2018). To address the problem of governance, therefore, the Mazdoor Kisan Shakti Sangathan (MKSS), a non-party political formation based in Rajasthan, began to organise a grassroots struggle for the right to information starting in the late 1980s. Although the MKSS was not the only organisation fighting for the right to information, I foreground their work and that of similar grassroots groups in this chapter to emphasise the role of activists and ordinary citizens in building consensus in favour of the law. This is not only to counter the view of the

right-to-information movement being an elitist movement as espoused by some scholars (P. Sharma, 2015) but also to demonstrate how disgruntlement with the political class had percolated to the bottom rung of society, and was not merely a manifestation of the struggle for power among rival politicians or rebellion from within the state. The leadership of MKSS, including bureaucrat-turned-activist Aruna Roy, started with the premise that the political freedom India won in 1947 was not true to the ideals envisaged by India's founding fathers. The ordinary masses were still living in various states of deprivation, and the welfare funds disbursed by the Indian state were not reaching those who needed it the most (Roy and MKSS Collective 2018). As with the political figures discussed in the previous chapter, grassroots activists, too, suffered from a sense of betrayal by the ruling political class and felt the need to revive some of the democratic ideals that were articulated during the anti-colonial freedom struggle. These democratic ideals have been voiced strongly by ordinary citizens who participated in the RTI movement as well, whom I have interviewed in this chapter. During my master's thesis fieldwork in Rajasthan —conducted across Rajsamand, Ajmer, and Bikaner districts in 2012— I interacted with villagers who had participated in the various strikes and protest marches led by the MKSS in Beawar and elsewhere to demand the passage of the RTI Act. These people said that fighting for the RTI Act was akin to waging another freedom struggle (Venkat 2012).

In this chapter, I draw upon the concept of assemblage and contentious politics to demonstrate how various interest groups converged to demand the right to information and also interacted with formal institutional politics to undo the damage done to India's democratic fabric after the dark days of the Emergency. I use the idea of translation in this chapter to demonstrate how a diverse group of people with varying interests converged around the idea of calling for transparency and

accountability from the state because each group saw some benefit in it for themselves. For the rural poor, it was about seeking wage entitlements as part of public work programmes; for journalists, it was about improving access to information after the brutal censorship of the Emergency era; and for politicians, it was about gaining some political advantage or pro-poor posturing. Thus, the act of translation involved interpreting the goals of the right-to-information movement as something that would be meaningful for each category of actor, who then began to associate with others. The MKSS leaders, in this context, played the role of brokers and translators “using their particular knowledge, skills and authority, to bridge gaps between populations, usually disadvantaged, and powerholders”(Koster & Van Leynseele, 2018, p. 803). I demonstrate in this chapter how state representatives, too, had their own interest in having a right-to-information law to ensure accountability. In this chapter, I use primary research interviews and archival research to develop the discourses emanating from within the grassroots struggle for the right to information and trace the trajectory of events leading to the final adoption of the RTI Act as a nationwide legislation.

Grassroots struggle for the right to information

[* Names of people, places, and organisations have been changed to protect identity.]

In 2019, I conducted a series of interviews with veteran activists who were at the forefront of the grassroots struggle for the right to information in Rajasthan. These conversations not only validate the anti-corruption narrative I have traced in the previous chapter but also establish how ordinary people were equally invested in the right-to-information movement, beyond those in the political mainstream. These

interviews also bring to light the role played by undemocratic means of suppressing civil liberties, including freedom of speech and expression during the Emergency era, in generating a strong backlash from within sections of the Indian society calling for stern measures to hold elected representatives accountable for their actions whilst holding high office. The evolution of the grassroots struggle that I describe here has to be viewed in the light of such a visceral response to the abuse of political power by state representatives. In his essay on the non-party political process, Kothari sums up the unique role of grassroots movements in a democracy:

“They are to be seen as attempts to open alternative political spaces outside the usual arenas of party and government though not outside the State, rather as new forms of organisation and struggle meant to rejuvenate the State and to make it once again an instrument of liberation from exploitative structures (both traditional and modern), in which the underprivileged and the poor are trapped.” (1984, p. 219)

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Lachhman Singh* has worked as a warden at one of the activist centres run by ‘The Union’ in Rajasthan since 2014. Donning a colourful turban, Lachhman is quite active in local politics despite being in his seventies now. I have seen this energetic man take part in most of the street marches and other forms of social protests organised by ‘The Union’ for making various demands on behalf of poor farmers and wage labourers. I first met him in 2012 while working on my M.A. thesis at SOAS. He has been a part of the struggle for the right to information law since the early days of the social movement in Rajasthan in the late 1980s. Like other ‘saathis’ (friends) from ‘The Union’, he draws a minimum wage of Rs. 6000 per month. All

permanent members of ‘The Union’ who have dedicated themselves entirely to the cause of activism are entitled to this basic wage. ‘The Union’ raises money through donations, and also runs a chain of fair price shops in its operational areas to cover its functional expenses. Singh narrated to me how he came to join ‘The Union’, and what his journey has been like till now, which also in a way summed up for me the trajectory of the grassroots struggle for right to information in Rajasthan.

“When India became independent, the people were enthused about creating a new nation and contributing to its development. The earlier generation, which was fresh from the experience of the freedom movement, was idealistic. I was born around the time India became a free country. As a child, I saw elders in my village save food grains during times of drought or any calamity and donate it to those who are needy because they cared for the nation’s welfare. The *desh* (nation) was important. But the generation that came next had other priorities. They were not as sacrificing as the previous generation. When people from this new generation came into politics, they prioritised their self-preservation and survival over the cause of contributing to the nation’s well-being. The 1975 Emergency under Indira Gandhi was the result of such politics of self-preservation...”

Thus, Lachhman* began to narrate the story of how he was convinced to join ‘The Union’, which began its journey from a nondescript village in Rajasthan in the late eighties. He was a *daroga* (inspector) in the Rajasthan police when the Emergency was imposed in 1975. Lachhman* said that Mrs. Gandhi imposed the Emergency solely to save her prime ministerial seat after the Allahabad High Court verdict disqualified her 1971 election victory. Even though Mrs. Gandhi’s government did bring some radical measures like abolishing the privy purses of erstwhile royal

families in India, which was necessary in a democratic country, a lot of mistakes were made as well. While political opponents of the Congress were jailed during the Emergency, the common man suffered more, he pointed out. Lachhman had first-hand knowledge of how the forced sterilisations carried out by the government to implement population control measures caused much hardship among the poor during the Emergency. He described to me, in absolute horror, how in Rajasthan as in the other states, targets were set in every district for executing family planning (tubectomy /vasectomy) operations, and often this was coercively enforced on the population with little regard for their consent. Such abuse of state power unleashed on a population leaves a scar. Lachhman was posted in Udaipur division of the Rajasthan police at that time and saw how the government authorities did not even bother to choose those who had already had two children or more for such birth control interventions.

“They did not care about who they were picking up. People were treated like animals, as mere numbers to meet a government target. I saw how people went hiding into jungles out of fear of forced sterilisation. Women often used to take food for their husbands hiding in these jungles. This created an atmosphere of fear nationwide. After witnessing all this, I reached the conclusion that politics is just like business, in which leaders do not care for the well-being of the masses, rather they only care about preserving their own power. People saw at that time how selfish interests were dictating the politics of the day and citizen groups began to emerge to oppose this trend. This created a space for alternative politics, in which common people could organise into groups and fight for their Constitutional rights and right to information was one such vital right.”

Singh's interview clearly establishes how the Emergency era abuse of power committed by the government created the initial impulse among citizens to demand accountability from the state. The days of blindly trusting in the benevolence of the state was now over. Lachhman's description of the growth of the grassroots movement for right to information in Rajasthan evokes the imagery of a river that started with a trickle and gathered force as it flowed along. "We organised the social movement in a sequential manner, going from one place to another. But there is an international narrative where foreign agencies (he's referring to the World Bank), want to claim that their (neoliberal) policies brought the RTI law in India. This is nothing but an appropriation of our grassroots efforts..."

Lachhman shared details of his personal life with me. We developed a deep bond during the course of my fieldwork, and he often shared anecdotes and stories from his personal life as well as his work for 'The Union', which provided deep insights into the lives and aspirations of the people. Lachhman has two sons, one of whom he regrettably shared was addicted to alcohol, and the other one makes sparse money driving taxis and doing other odd jobs. Life in the village is hard, he says. The minimum wage he earns as salary for his work for 'The Union' is of course, insufficient, and most of the time the man is worrying about his sons and grandchildren... I asked him why he chose to remain with 'The Union' despite the hardships. He told me that 'The Union' was like a family to him, and no one leaves their family whatever the challenges maybe. During the *dharnas* and the struggles that the villagers waged to get the RTI law passed, they became like one big family. He recalled how during the Beawar dharna in 1996 –when a large group of activists and citizens had sieged the Chang Gate in Beawar town for over forty days demanding a RTI law– the entire group of villagers, their numbers running into thousands, had come together

to fight unitedly for the cause of right to information. He also shared another anecdote from the past. Ajitha* who led the RTI protests was also a taskmaster of sorts. She demanded utmost dedication from the movement actors who worked with her. Once, during the Beawar dharna, Lachhman and a few other ‘saathis’ decided to go back home in the night, to visit their families. Ajitha was livid when she found this out. She lashed out at Lachhman and his colleagues for leaving the dharna site without her prior knowledge.

“I was hurt by the way she treated us, but I also realised that being part of a social movement involved making plenty of sacrifices. It was a tough life, but we had to accept it no matter how hard it seemed.”

These reflections made me think about how much idealism and sacrifice was required on part of the villagers who joined the grassroots RTI movement. In mainstream academic literature there has been a tendency to undermine these efforts made by ordinary people with very little resources to fight for a transparency law. Lachhman, like many of my other rural interlocutors was suspicious that like other “foreign” scholars I too would ultimately appropriate their work and knowledge for my own career benefit. I convinced him that unlike other disciplines anthropology required the scholar to live with and understand the inner worlds of the people she was studying, so her interlocutor’s concerns became her own concerns as well. This put some of his fears to rest.

In most discussions on right to information in India, it is the leadership of the social movement that receives prominence, but after meeting Sheela* in Jalpura* I realised that much of the wisdom on why right to information was an important right

to secure for citizens came from ordinary people who joined the social movement on the ground and contributed to it. The story of Sheela*, a primary school drop-out, allows us to appreciate the manner in which grassroots activists translated the objectives of the right to information law and helped to define the very objective of such a law and how it could be useful in the course of the everyday struggles of citizens. Sheela's husband worked for an NGO that was run by prominent social activist Ajitha*'s husband. Ajitha, in fact, often cites a slogan that became the clarion call of the right-to-information movement in Rajasthan: *Hamara paisa, hamara hisaab* (Our money, our accounts). Sheela was the brain behind this phrase. When I asked her how she coined it, Sheela said that when she sent her son to the grocery shop, she would ask him to account for what money he spent on the groceries and make sure that he returned the unspent money to her, instead of pocketing it. Similarly, the money that the government spent on development programmes, be it for road-laying or building public hospitals, are sourced from taxpayer's money, therefore, citizens have the right to seek accountability from the government to understand how much money was spent where and why. Today, across the villages of Rajasthan, one finds her slogan etched on the walls as graffiti. Sheela says that there is a tendency to view the struggle for the right to information as an elite struggle. But if that was the case, then why do we not find rich people out on the streets demanding the right to information each time the government thwarts it? She asks pointedly. "This fight for information is for people who are living in poverty. It is a *sangharsh* (struggle)."

Sheela* joined 'The Union' in 1996 when the struggle had already gained momentum in several villages across Rajasthan. There were many women participating in the movement. She reiterated that the assumption that if you are uneducated, you cannot use RTI is wrong. "Villagers are not stupid. They know the

value of information. We gathered the support of thousands of people from villages around here to fight for the RTI Act. A movement cannot be successful without ordinary people's contributions." One of the concerns that came up at that time among the villagers in Jalpura* was how the participants would get food and other facilities if they went on protest for days together. Most participants in the grassroots struggle for RTI were wage labourers and small farmers. Sheela recalls how they had hired a truck, which all the villagers joining the protests would board, armed with only a small bag containing essential items, and they travelled from one place to another, stopping by and meeting people on the way, explaining to them the importance of having a law to access government information, and thus gathering support for the RTI law *en route*. It was a *yatra* (journey). Villagers they met on the way donated wheat. Some others donated money. She recalls how before a major dharna in Beawar, 'The Union' members collected 14 quintals of wheat flour. The group would load them onto the trucks and use it for making *rotis* to feed the protestors. Sheela spoke about how among all the participants there was a sense that this (the struggle for RTI) was *their* fight. "We were fighting for a cause that touched the life of every Indian citizen. It was not only for the sake of those sitting in the dharna. So, everyone started joining us and the tribe of citizens demanding RTI kept growing bigger. The protest ran for several years, but we were determined that until the law is passed, we will not give up..." In 2005, when a national-level RTI Act was passed, grassroots workers like her felt overjoyed. It felt like a personal victory for her: "When women in my village set out to join the protest marches held to demand the RTI law in Rajasthan, we were scorned upon by the urban class as *ghaghra paltan*³¹ who knew nothing. But today, the whole country is reaping the benefits of the law we fought for..."

³¹ A derogatory reference in Rajasthan to women who wear decorated, long skirts (*ghaghra*) and move about in large groups.

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Another grassroots RTI activist I interviewed in Rajasthan was Shankar Singh of the Mazdoor Kisan Shakti Sangathan (MKSS), whom we fondly referred to as *mamaji* (uncle in Hindi) in the group. An elderly man of average built Shankar *ji*³² has a youthful energy about him and speaks in an animated, engaging manner. He explained to me how the right-to-information struggle was part of a larger *talaash* (quest) for democratic justice. The dilemma of the average citizen in India was that he was caught in the five-year election cycle where he had to choose from a list of candidates who appealed for his vote during election season but did not account for their actions after assuming power. The effort of MKSS was to find a way out of this trap for the average citizen, he explained. The logic behind RTI was to bring in a process of continuous assessment of those in power, so voters could choose wisely during election season.

Singh's journey as an activist was the result of a serendipitous meeting with Aruna Roy in the early 1980s. "I was never interested in becoming a social worker back then. I had a family to feed. I married very young and started a series of odd manual jobs first in Palanpur, Gujarat and then in Ajmer, Rajasthan to make ends meet. It was a challenging time for me as none of these jobs were stable. Later, I completed teacher training and started looking for a stable government job when I landed this position in the communications wing of the NGO that Aruna Roy's husband (Bunker Roy) was running in Tilonia, Rajasthan (Social Work and Research Centre)³³ and used this as an opportunity to develop my rapport with the people in rural areas. Aruna was interested in using my skill in puppetry and street theatre for building the social movement on

³² The suffix 'ji' is used in Hindi to address an elderly person respectfully.

³³ *Social Work and Research Centre*. (n.d.). Barefoot College. Retrieved 25 October 2021, from <https://www.barefootcollegetilonia.org>

the ground. We wanted to get out of the NGO project management mindset because the issues we were tackling regarding rural poverty and employment rights required a creative approach. I started using folk songs and street plays to mirror the social reality of the villages and this drew people to us. The RTI movement was built from the ground up through a process of engagement with rural people and their daily struggles. As someone who had seen the hard life and struggled to find work in my youth, I could relate to the struggles of the village poor. The demand for information resonated with all classes of people. There were even ministers and bureaucrats in Rajasthan who were converted to our side after they saw the value in implementing transparency in governance as it helped to build trust among citizens.”

Singh’s interview allows us to reflect upon the organic nature of building the social movement for right to information. The energetic songs sung by Shankar Singh help to draw the participating crowds to join in the efforts to raise their voice against pressing issues. Some of the songs that I have heard Shankar *ji* sing, such as *Choriwado ghano ho gyo re koi to munde bolo*³⁴ (there is a lot of corruption happening, someone please talk about it) have been very popular within the RTI movement. Another song *Main nahi maanga*³⁵ (I did not ask for it) draws attention to the perks enjoyed by bureaucrats and politicians such as subsidised breakfast and lunch in government canteens, which the ordinary citizen does not demand, and notes that the lay man does not need these luxuries but he needs information about how taxpayer money was spent. These songs go right to the heart of the issue of a privileged minority pocketing all the public resources leaving the majority of the poor people to

³⁴ Mazdoor Kisan Shakti Sangathan, Rajasthan, India (Director). (2019, September 16). *Choriwado ghano ho gyo re koi to munde bolo*—MKSS Song. <https://www.youtube.com/watch?v=yUpzzWo2fcc>

³⁵ Mazdoor Kisan Shakti Sangathan, Rajasthan, India (Director). (2019, September 16). *Main Nahin Maanga- MKSS Song on RTI Demand*. <https://www.youtube.com/watch?v=2QUXniFkKqA>

fight over crumbs. Singh compares the state exchequer to the honey pot that everyone wants to get a taste of after dipping their fingers in. I recall vividly watching a play titled 'Khazana' which Shankar ji and his colleagues from the MKSS had staged during the Jaipur Literature Festival in 2011, addressing this subject. Originally written by Tripurari Sharma, an alumnus of the National School of Drama, the play was inspired by the culture of corruption and abuse of state power experienced by the masses during the Emergency. It was my first time interacting with the MKSS activists in 2011 and the play left a strong impression. Dealing with the subject of appropriation of public money by state officials, it questions received wisdom about the munificent nature of the welfare state, a subject that I explore in greater detail in Chapter Five.

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Another long-time MKSS activist I spoke to was Kesar Singh, who joined the struggle for RTI in 1995 after a series of disappointing experiences trying to recover money owed to him for contractual work in the panchayats Baghmāl and Asan near his home in Ajmer district of Rajasthan. After 18 years of work in the military as a *havildar* Singh took retirement from service, and purchased a farm tractor, hoping to earn through agricultural and transportation work in his home village in Baghmāl. He owned some land, which he cultivated, but a significant source of income for him was supplying stones for panchayat construction works. He recalls getting into a dispute with the local panchayat officials when they consistently denied Rs. 17,000 owed to him for works that he had completed. "I had paid the labourers out of my own pocket for stone breaking work and was unable to recover these expenses. I escalated my complaint to the Block Development Officer (BDO), and finally matters reached till the Collector's office but I was surprised to see how nobody was bothered about addressing my grievances. I wasted three years chasing after the panchayat officials. The local BJP

MLA told me that my money will not be settled as someone else had already misappropriated the funds. At that time Aruna Roy and Nikhil Dey were looking for people to join the MKSS movement. I approached them with my grievances and they decided to take it up. Shankar Singh and Aruna prepared a letter addressing the BDO, demanding to know why my dues were not settled, and also demanded five years' records of public work from him. Kesar Singh sent this letter in the MKSS letterhead. The BDO got scared that the Sangathan will extract the entire tranche of public work records and the misappropriation of funds will be exposed, so he gave me one hour to retract my complaint and offered me a bribe of Rs. 24,000. But I refused to take the money and said: Give me the documents we have demanded. In order to increase the pressure on me to take back the complaint, the panchayat officials brought my relatives and friends home who also tried to convince me not to take on power people in the panchayat. When that did not work, they offered me Rs. 40,000 including the interest accrued on money owed, and also reimbursing the rent I paid to lodge workers at the site, but I remained steadfast on my stance –“we will inspect the panchayat records”. The sarpanch, the village pradhan, the BDO everyone came to my house and they even tried to get the villagers to ostracise me and my immediate family out of the community. But the trick to turn people in the village against me backfired. About 12 villages in the neighbourhood got together to discuss my case, and they reached the conclusion that I was fighting against state authorities for a just case and started to side with me. Remember, there was no right to information law back then, but we managed to extract five years of public work records from the BDO office after escalating the complaint to the sub-divisional magistrate (SDM) in Beawar. The documents were submitted at the SDM office after the SDM issued an inspection order on the basis of our complaint. About five to six of my colleagues from the MKSS got

together and we met the Beawar SDM. Shankar Singh, Nikhil, and I went there armed with pencils and a notebook to take notes from the records. No photocopying facility was available at that time. We discovered a number of false entries in these records. For example, in one village the officials had claimed a large sum of money to engage camel carts for transporting construction material, but when the MKSS activists verified this information with the contractor mentioned in the record, he said that he had not supplied camel carts, and only possessed donkeys! The muster roll was also fudged to include names of people who had migrated to Gujarat for work, and salary claims were falsely settled in their names, while the panchayat officials took it. We also uncovered the case of a sarpanch who had built a house under the Indira Awas Yojana³⁶ using his son as a beneficiary. We took the findings from the inspection of documents back to the village and conducted a social audit of the public works. Eventually the government settled my pending dues. Later, the rural affairs minister C.P. Joshi asked this sarpanch to resign from his position for misusing public money to benefit his son.”

What is evident from the interview of Kesar Singh is that the right-to-information movement in Rajasthan comprised a rebellion of the working class against the state authorities, often with help from empathetic members within the government who stepped up to help them because of the Sangathan’s intervention. It is also evident from each of the above discussed examples of ordinary people joining the movement, how they were able to enrich the grassroots struggle through their own experience of dealing with the bureaucracy at various levels. This is the work of translation achieved on the ground that helped build consensus for demanding a right-to-information law.

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³⁶ A government housing scheme for poor people who are identified as Below Poverty Line.

Social activist Aruna Roy's book co-authored with members of the Mazdoor Kisan Shakti Sangathan (MKSS) narrates the story of how the activist group she led mobilised several villagers to demand the right to information law (2018). Roy was an Indian Administrative Service (IAS) officer but resigned from the job in 1975 as she was unhappy with life as a civil servant. She realised that her calling was in social work and started organising rural women to raise awareness on labour rights and issues of social justice and development. She was joined in this endeavour by Nikhil Dey, the son of a retired Air Force officer who had dropped out of an American university undergraduate programme to become a full-time activist, and Shankar Singh. Together, they formed the Mazdoor Kisan Shakti Sangathan in 1987. Dey recalled in a conversation during a drive from Delhi to Rajasthan how the collapse of the Soviet Union in 1991 had compelled people like him, who empathised with the Communist ideology, to devise alternative ways to practice pro-people and pro-poor politics outside of mainstream party politics. Though the MKSS shies away from formal party politics, its leadership maintains close ties with the Indian Left parties and Roy is currently president of the National Federation of Indian Women, the women's wing of the Communist Party of India. As of today, the Sangathan has more than 10,000 members, and also enjoys connections with several civil society organisations in Rajasthan and other parts of India.

One of the MKSS' earliest efforts to organise the rural poor came much before their group had been formally established. In 1981, Naurti Bai, a village woman from Harmara panchayat in Ajmer district, led a strike against the denial of minimum wages to workers there (A. Roy & MKSS Collective, 2018). Often during these early struggles, the villagers found themselves handicapped by the lack of official information contained in government files and documents. A corrupt administrative machinery,

together with local feudal men wielding power, manipulated official records and the information contained within it for their own benefit (ibid.). In 1989, Roy and her colleagues sought support from the National Wastelands Development Board to support social forestry by women for which they were conducting research on the delivery of government programmes for the rural poor in Bhim and Deogarh tehsil in Udaipur. This study was funded by the Ministry of Human Resource Development and routed through the Institute for Development Studies in Jaipur. The work that was conducted on this research project allowed them to deepen their engagement with the rural poor and address their grievances pertaining to the state. It is the realisation that the rural poor needed state accountability for bettering their lives that led the MKSS activists to formulate the demand for a right to inspect government records. That way they could access muster rolls of public works, land records, beneficiary lists of state welfare programmes, and other related documents. Roy asserts that claiming the right to information was not an abstract demand but stemmed from the common sense of the village poor, who saw a clear connection between the denial of legitimate public information held in government records and their own material impoverishment.

In 1989, MKSS activists reclaimed community-owned land appropriated by the elite family of Hari Singh in Sohargarh, who had held power in the panchayat for several years. The struggle concerned reclaiming 25 hectares of forest land and after the task was accomplished, the land was handed over to a women-led social forestry group for common resource management. The idea of community-led management of forest development received the active support of forest department officials and the work within the government. It must be noted here that MKSS members found documents held with the government to verify land ownership in Sohargarh prior to the information law being passed and this was made possible only due to the



MKSS activist Lal Singh posing in front of the community forest land they reclaimed in Sohargarh in 1989. Photo: Vidya Venkat

sympathetic officers at the district level who wished to help the activists. secretary of Rajasthan government which shows the support MKSS enjoyed for its The Sohargarh land struggle only reinforced for the

activists the importance of having a formal mechanism in place to facilitate such access to information to villagers who did not enjoy much clout within government circles. In 1990 and 1991, the MKSS staged two hunger strikes for rural workers to realise the payment of minimum wages for public works commissioned as part of the Famine Relief Code to counter drought in Rajasthan (A. Roy & MKSS Collective, 2018). These hunger strikes by the MKSS also resulted in a lot of confrontation with the local district authorities such as the sub-divisional magistrate and the district collector, and the matter was eventually escalated to the office of the Chief Minister, who assured the workers that they would be paid a fair wage for their work, but these remained empty assurances. The demand to access muster rolls of workers in the course of the wage struggle became the starting point of the struggle for right to information as fudging of worker attendance records was often the reason why labourers were denied legitimate pay (2018). India's Environmental Protection Act has a provision for public hearings to be conducted to discuss the ecological impact of development projects. The

MKSS started using this idea to gather villagers in their operational areas in one place to publicly discuss the progress of development works (A. Roy & MKSS Collective, 2018). The first set of public hearings were organised in 1994-95. In Kot Kirana, Pali district, MKSS took up the case of complaints around non-payment of minimum wages on public works, and in the process discovered incomplete public buildings for which falsified records were created by the panchayat members and the fudging of worker records engaged in these projects. Here, a sympathetic IAS officer who had met Aruna and Nikhil as a trainee officer at the Lal Bahadur Shastri National Academy of Administration, helped the MKSS activists access the bills, vouchers, and muster rolls of public works (ibid.). Similar public evaluations of development works were carried out in Bhim, Vijayapura, Jawaja, and Thana village panchayats, where comparable stories of appropriation of public money were found. This generated a public uproar for transparency in implementing government programmes. MKSS activists recall how money siphoned off from public funds was returned and criminal cases were filed against officials involved in corrupt dealings due to these hearings. These hearings served as a model for the sort of activism that could potentially be mobilised at the village level to expose corruption on a large-scale using access to government records. In 1995, Aruna Roy also met officials in the rural development ministry in Delhi to garner further support for state-backed audits of development works. Quite naturally, when the public hearings threw up data on the misuse of public funds, it generated resistance from the lower-level government staff as they feared the consequences of activist interventions. The matter escalated soon to the state government. Following pressure from citizen groups, the Rajasthan chief minister Bhairon Singh Shekhawat of the Bharatiya Janata Party (BJP) agreed to make government records on state welfare programmes open to inspection by lay citizens. He made an announcement to

this effect while addressing the state assembly in 1995. But nothing much came out of this step as lower-level bureaucrats continued to resist citizen's access to state records.

A major protest spanning 40 days demanding access to information organised in the town of Beawar in 1996 met with considerable success. Part of the success of these mobilisations was also due to the urban intellectuals, including journalists; retired and serving bureaucrats, and activists extending moral support to the MKSS. Roy's book explains how involving the educated, English-speaking elite from urban centres in the right-to-information movement provided an opportunity to reflect on the steep divide between the haves and the have-nots in India. This coming together of people from a wide segment of actors ensured that the movement was enriched by perspectives drawn from different sections of society, which fed into the aims and objectives of framing a law to uphold government accountability. The journalist Prabhash Joshi, founder of the newspaper *Jansatta*, was one such urban intellectual who supported the movement. MKSS activists invited him to participate in the 1996 Beawar dharna. In one of his columns for the newspaper, Joshi describes the simple lifestyle of the MKSS leaders which helped them to attract participants for the movement. He wrote: "As a part of a Sangathan, these people don't fight their battles as leaders-volunteers of some union. These are not any organised workers of some firm or factory. They live like those for whom they fight." (2018, p. 130) Such amplification of the RTI movement's efforts on the ground and propagation of the vision of the movement's leadership by urban intellectuals in the press helped the movement to cast a wide net, attracting more people into their fold. At a meeting organised in Jaipur in September 2019 as part of the launch of the Rajasthan government's information portal (elaborated in Chapter Five), I had the opportunity to interact with several former and senior bureaucrats, journalists, and social activists

who had joined the grassroots struggle to get the RTI law passed in Rajasthan in the 1990s. In her book, Roy credits over 300 such individuals from various walks of life who joined the national struggle for RTI. While it is impossible to profile them all within the scope of one chapter, a broad categorisation of the type of actors that were drawn to this movement will allow us to appreciate the social composition of this grassroots movement. Besides the farmers, wage labourers, small traders, and social activists drawn in large numbers from different parts of Rajasthan, prominent members from the media; serving and retired bureaucrats, and politicians too supported the movement. One of the early supporters of the MKSS struggle is Kavita Shrivastava, affiliated with the People's Union for Civil Liberties (PUCL), a civil rights organisation formed by Jayaprakash Narayan in 1986 after the Emergency. Shrivastava was an active member of the women's rights movement; and became a part of the drafting committee for the Rajasthan state RTI Act and managed the state secretariat of the National Campaign for People's Right to Information (NCPRI) in Jaipur since 1996. The NCPRI was formed in 1996 to consolidate grassroots efforts and amplify the demand for an RTI Act at the national level. Ajit Bhattacharjee, a journalist who served as editor for major Indian newspapers such as 'The Hindustan Times' and 'The Indian Express' and later served as Director of Press Institute of India was a strong advocate for the right to information as well and supported the MKSS in its grassroots struggle. He, too, was a close associate of Jayaprakash Narayan and even wrote a biography of him. Another prominent supporter who joined the right-to-information movement was Ashok Gehlot, who served as Chief Minister of Rajasthan most recently in 2018-23. He supported the 1996 dharna in Beawar, as a Congress party member, and the party took up the issue of enacting a right-to-information law at the state level as a poll issue in the assembly elections in 1998. Two years after the

success of the dharna, Gehlot was appointed as Chief Minister for the first time in Rajasthan. Another Congress party member from Rajasthan who supported the movement was C.P. Joshi, who as rural affairs minister in the state had already extended moral support when the Sangathan undertook social audits in villages. Serving bureaucrats such as EAS Sarma and Harsh Mander joined the NCPRI in 1996. Sarma joined the Indian Administrative Service in 1965 and held senior positions in the Government of Andhra Pradesh and later as Secretary to the Government of India in the Ministries of Power and Finance. Mander was a 1980 batch IAS officer, who carried out the MKSS model of social audit in Madhya Pradesh and Chhattisgarh, where he was assigned government duty. Then, we have members from the intellectual left and Congress party persons in Delhi who were also supportive of the movement. Roy also mentions Congress politician Sheila Dikshit in her book, who was instrumental in passing the Delhi state RTI Act as Chief Minister in 2001.

A brief note is also merited here to explain why journalists were drawn to the RTI movement. Besides the obvious reason that journalists deal with the business of information and thereby stand to benefit from a law providing greater access to information, the Indian state's turn towards authoritarianism is also seen as a push factor for journalists to seek a legal right to information. In this context, an interview I conducted with human rights activist and former journalist John Dayal, who lived through the Emergency era and also co-authored a book on the subject (Bose & Dayal, 2018), was illuminating. Recalling the brutal censorship and crackdown on the press under the Emergency era, Dayal notes that reporters like him who covered news in the national capital in those days had to either take notes from Sanjay Gandhi (Prime Minister Indira Gandhi's son) or Jagjivan Ram, the Minister of Defence at that time.

The only news they were allowed to publish was what was dictated to them by the Congress high command. In 1976, when the Supreme Court gave a verdict in the controversial *ADM Jabalpur vs Shivkant Shukla* case suspending the right to life and personal liberty of individuals and deterring the courts from stepping in to protect people's fundamental rights when held under draconian preventive detention laws, it alerted journalists, and other classes of citizens having close encounters with the state on a daily basis, of the dangers of executive overreach. Dayal worked for a left leaning publication in those days called *The Patriot* but he noted wryly that ideological leanings did not matter, and that people were brutalised whether Left or Right under Mrs. Gandhi's rule. The secrecy used by Mrs. Gandhi's government to suppress news of riots breaking out in different parts of Delhi and the rest of India opposing the draconian Emergency-era forced sterilisations, for instance, riled the journalist community which could not openly report on or document these atrocities. "I remember when there was demolition of shops around the Jama Masjid area, I struggled to get information on the exact details of what transpired on the spot because there were unverified reports that some people had been killed there. Being in the dark and having no information was frustrating."

*

At this juncture, let me briefly address Sharma's arguments pertaining to the RTI movement as an outcome of being embedded within the "ruling elite" and supported by the "urban, educated, high-caste, upper-middle-class elite" which determined its success (P. Sharma, 2012). Such a view of the movement fails to recognise the composite nature of the right-to-information movement, which saw more of an alliance emerging between different classes of citizens. As we have discussed in this chapter so far, consensus building for the law was a gradual process

and faced much resistance on the ground. Also, calling the RTI movement an elite, middle-class project has the effect of undermining the grassroots effort to build a consensus for RTI, which not only informed the framing of the law, but also cultivated a strong user base for the law once the RTI Act was adopted in 2005. By describing the RTI movement as an elite project, Sharma overlooks the diversity of perspectives that influenced the shaping of the law.

In order to better appreciate how the grassroots struggle contributed to the right-to-information movement, it is vital to look at the deliberations that took place in the course of drafting the law. A right-to-information law purely driven by the state's need to satisfy international investors and aid agencies demanding an accountability mechanism under the neoliberal policy regime would have looked very different when compared to the actual draft of the final RTI Act created with civil society inputs. For example, when the Sekhawati government in Rajasthan opened government files for inspection by citizens in 1995, he only permitted a physical inspection of these records held in the gram panchayat office. Through the intervention of the Sangathan activists, the state government in Rajasthan eventually incorporated the right to photocopy such documents into its official disclosure policy despite the administration's resistance. Aruna Roy addressed the state government in a letter where she observed that “denying the right to obtain photocopies or certified copies relating to public works restricted where and how the information could be used. She observed that the records relating to development expenditure were difficult to copy by hand, even for highly literate ones. The note also pointed out that physical inspection of records alone would increase dependence on intermediaries, lacked legal validity, and ultimately prevented an in-depth study of the document as most of the evidence, such as signatures and thumb impressions of workers involved in public works, would not be available for

cross-checking with the local people for accuracy”³⁷. Another critical intervention of the social movement was securing a penalty clause in the RTI Act. This demand, too, emerged out of the efforts made on the ground by activists. “When MKSS activists sought information regarding public works executed in Janawad from 1995 to 2000 under the Rajasthan Panchayati Raj rules, they were denied information for three months despite the CEO of the Panchayati Raj department issuing a letter facilitating access. The public works claimed to have been executed in Janawad existed only on paper, and the villagers could not verify the works at the site. Therefore, the activists needed to access the bills, vouchers, and other documents about the execution of work. The former sarpanch of Janawad resisted the release of files and got the gram sabha to pass a resolution stating that giving information would cause law and order problems. The Sangathan activists protested against district and state officials opposing this move. These resolutions were cancelled with the intervention of the minister and secretary of Rajasthan's Panchayati Raj department. When the state government demanded the relevant records for inspection, the gram sewak (village council secretary) disappeared with them and obtained a stay order from the Jodhpur High Court against their disclosure. Though the Rajasthan Panchayati Raj rules stipulated that officials should provide copies of files demanded by the public within four days of receiving a written request, in the case of Janawad, this requirement was not met for more than a year. This experience made the activists realise how officials could blatantly flout the law with the tacit backing of the district administration. These experiences pushed the activists to demand a penalty clause for non-compliance with

³⁷ This has been reproduced from the original letter accessed in the NMML Archives. I have also cited this letter in an article I published in Seminar journal in 2022.

the disclosure law, provisions for independent appeal, and fixing liability for providing information”³⁸.

Drafting the law

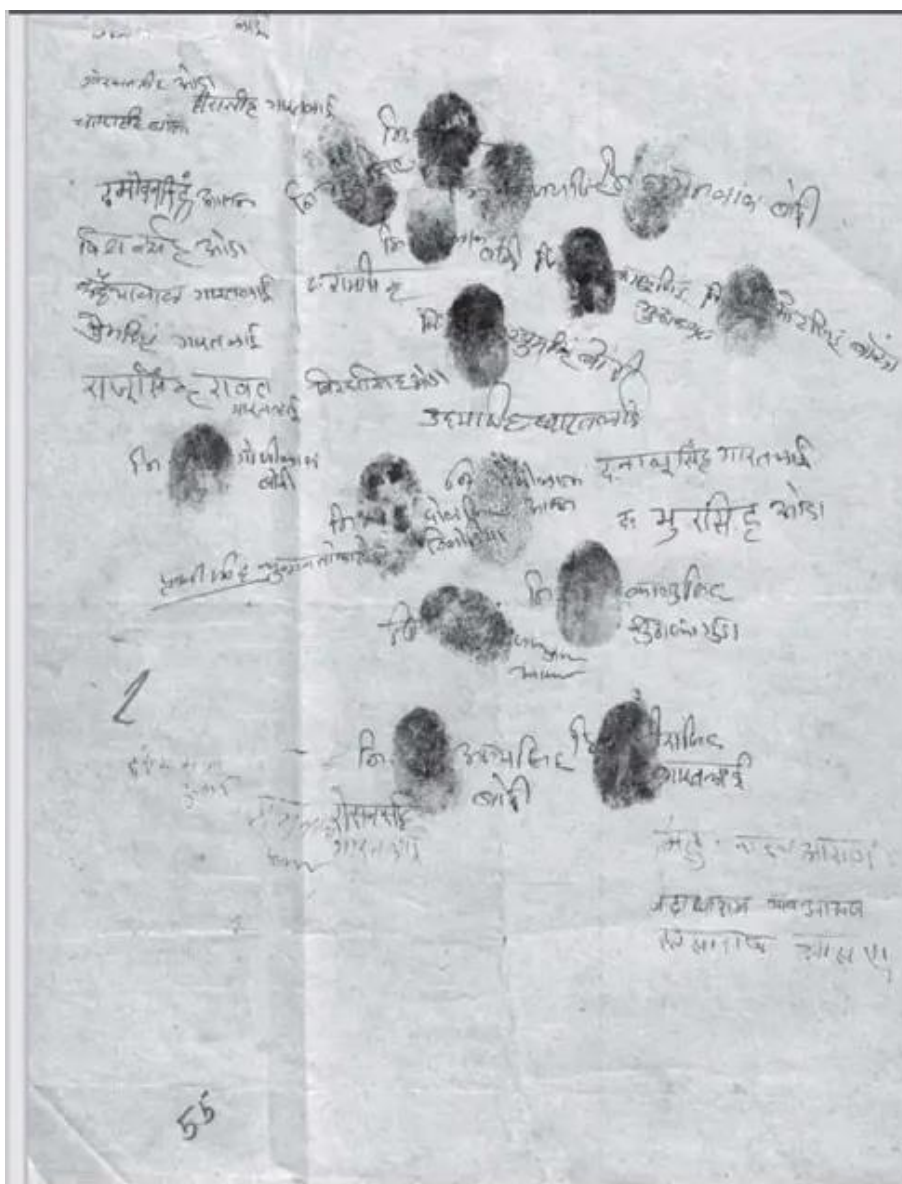
In 1993, the Consumer Education and Research Council in Ahmedabad proposed a draft RTI law which was primarily aimed at redressing consumer grievances³⁹. However, from 1996 onward, several versions of a national law to facilitate access to information for citizens were drafted covering a wider ground. The Press Council of India – a statutory organisation that functions as a self-regulatory watchdog of the press— convened a National Conference in August 1996 in New Delhi under the Chairmanship of Justice P.B. Sawant to discuss a draft bill on the Right to Information. This workshop was attended by serving editors of leading national dailies, retired editors of eminence, retired Supreme Court Justices, the Attorney General, and distinguished lawyers, politicians, civil servants, activists, and journalists. The Bill that emerged from this consultation was formally presented to members of the Lok Sabha in September 1996. Its copies were also sent to all Chief Ministers, which set the legislative ball rolling. Another significant seminar was organised in 1996 at the Lal Bahadur Shastri National Academy of Administration, which imparts training to India’s civil services recruits. Here, the then director of the Academy N.C. Saxena played an influential role in shaping the scope of the RTI law. His suggestion that any official information, which cannot be denied to Parliament or state legislatures, should also be provided to citizens under this law was incorporated

³⁸ These details have been accessed from the files and records of the MKSS archived at the NMML. I have also reproduced this archival material in an article published in Seminar journal in 2022.

³⁹ CERC Right to Information Bill, (1993).

https://www.humanrightsinitiative.org/programs/ai/rti/india/national/cerc_rti_bill.pdf

into Sawant's draft RTI law, and eventually made it to the final version of the RTI Act as adopted in 2005. Civil society organisations favoured the PCI's draft law, but the Government of India did not fully adopt this version. In 1997, the Bharatiya Janata Party-led National Democratic Alliance government formed a committee headed by the consumer activist H.D. Shourie to draft a Freedom of Information Bill. This Bill



Signatures and thumb impressions of MKSS members who took part in a meeting to discuss the draft RTI Bill. Source: NMML Archives

and its later versions reintroduced in 1999 and 2000, were criticised for their widespread exemptions and a citizen-unfriendly approach. In 2000, the BJP's Vasundhara Raje introduced this Freedom of Information Bill in Lok Sabha. A critical intervention that the MKSS made to make the RTI law more "citizen-friendly" was to push for access to information to be recognised as a fundamental 'right'

instead of merely 'freedom'. In a democracy, rights are inalienable, but freedom is subject to restrictions, so this was a crucial intervention. In a submission to the

Parliamentary Standing Committee on Home Affairs on the FoI Bill 2000⁴⁰ MKSS noted that the Bill suggested that this law was *creating* a right in favour of citizens whereas the Constitution already had such a provision. The most important work accomplished by the Sangathan in this regard was to make the connections between the various other rights guaranteed to the citizens under the Constitution —such as the right to life and liberty— and the right to information. The FoI Bill placed the burden of seeking information on the citizen, overlooking the state’s duty to disclose information proactively. The MKSS also highlighted that the competent authority under the law, such as the Speaker, Chief Justice of India, or the President/Governor, only empowered the state-level authorities, and no aspect of decentralisation was envisaged within the Bill. It objected to the absence of an appeal mechanism in the Bill directed at an independent body which could help the citizen access information in case a public authority denied it. Further, the MKSS was also highly critical of the blanket exemptions given to intelligence and security organisations in the Bill under the pretext of safeguarding national security. In his comments submitted to the parliamentary committee, lawyer Prashant Bhushan rued that the FoI Bill did not facilitate access to file notings, correspondences, and opinions issued by public servants. He also noted that the Bill’s lack of penalty provisions for mala fide non-disclosure of information would compel citizens to seek laborious and time-consuming appeals.

At the state level in Rajasthan, the MKSS pushed for similar citizen-friendly provisions to be included in the law. Even before the RTI Act was passed in Rajasthan, state laws for RTI were passed in Goa and Tamil Nadu in 1997. The Tamil Nadu RTI

⁴⁰ Freedom of Information Bill 2000. (n.d.). Commonwealth Human Rights Initiative. Retrieved 25 May 2022, from https://www.humanrightsinitiative.org/programs/ai/rti/india/legislation/foi_bill_2000.pdf

Act, for instance, had a longer list of what information could be denied under the law rather than listing what information citizens could hope to get from it⁴¹! In the absence of a grassroots effort at influencing the legislative process, these other state RTI laws did not contain the many citizen-friendly clauses that the MKSS managed to negotiate for inclusion in the Rajasthan state RTI Act. In 1999, when the Rajasthan government formed the P.N. Bhandari Committee to make recommendations for drafting a state RTI law, the NCPRI served as the nodal agency for preparing a model draft of the Bill. The Campaign organised a series of open discussions in various public meetings held across six districts of Rajasthan, and the feedback gathered here was conveyed back to the committee. When deliberations were on to discuss the framing of the Rajasthan state RTI law, one concern that came up was whether the state was the competent authority to pass such a law. This was because in 1998 the state government in Madhya Pradesh had framed the Right to Information Act and sent it to the President for his assent, who returned it back saying the state could not enact such a legislation. The Commission, therefore, consulted the Law Secretary in Rajasthan on the matter who carried out his due diligence and advised that the State Legislative Assembly was indeed competent to pass the Right to Information Bill and that it can come into force after receiving the assent of the Governor. The report of the P.N. Bhandari Committee notes that the Chairman attended a workshop organized by the NCPRI, in which leading journalist and Member of Parliament Kuldip Nayyar participated as the chief guest. Nayyar was a senior journalist who supported the MKSS movement for a right-to-information law and was critical of the Emergency era highhandedness displayed by the government, which other journalists had resented as well. The Bhandari

⁴¹ Tamil Nadu Right to Information Act, 1997, (1997).
https://www.humanrightsinitiative.org/programs/ai/rti/india/legislation/tamilnadu_rti_act.pdf

Committee held a meeting with the Chief Minister Ashok Gehlot before finalising its recommendations, primarily stressing these three broad principles for disclosure:

- Disclosure of information should be the rule, and secrecy, the exception.
- The exceptions should be clearly defined.
- There should be an independent mechanism to adjudicate disputes between the citizens and public authorities.

When the Rajasthan RTI Act was passed in 2001, it incorporated several of the empowering clauses suggested by the grassroots movement. Once the law was passed those who had participated in the grassroots struggle in Rajasthan started coming forward to use the law to hold public institutions accountable in their villages and towns. One story that illustrates the success of grassroots public engagement with the law very well was shared by Sheela* whose interview I have discussed earlier in this chapter. Sheela's filed her first right-to-information query demanding five years' records from the public hospital in Jalpura*. Most government hospitals receive a set of medicines to supply freely to the public as required, such as tuberculosis drugs, rabies injections, snake bite medicine, and the like. Pregnant women were also entitled to free medicines if they gave birth in the hospital. So, Sheela filed an RTI query with the hospital demanding details of what medicines were supplied for free distribution and how many patients had availed of these medicines. The hospital took a month to respond to the RTI query. When Sheela got the patient's records, she went to the village with the records and began to verify if the names of the beneficiaries were indeed correct. Much to her surprise, she found out that many women who had given birth in the hospital were charged up to Rs. 1000 for the treatment, and the hospital had billed them separately for these medicines, though these were covered in the list of free medicines meant for them. She also discovered inconsistencies in the records. 'The

Union’ organised a *jan sunwai* (public hearing) here in 2001. All the people from Jalpura and even nearby villagers gathered, totalling about 3000 men and women. Doctors and senior health department officials from Jaipur also came for the hearing. When the villagers openly testified that they were not getting the benefits they were entitled to, the hospital staff got fired for their misconduct. Also, the hospital lacked any information board publicising the details of free medicines that the villagers were entitled to receive. Upon the insistence of ‘The Union’ members, the hospital installed a display board next to the pharmacy counter listing all the medicines available and stock details. ‘The Union’ members also got together to clean the hospital premises, which was very dirty. Sheela recalls the experience with pride and says that even today, the public hospital near the village maintains that display board they installed in 2001.⁴²

Struggle for right to information in Delhi

Around the same time, MKSS started collaborating with Delhi-based advocacy organisations, including Arvind Kejriwal’s Parivartan, to push for a national RTI law that was genuinely empowering. Kejriwal, who was working in the Income Tax Department in Delhi at that time, experimented with the Rajasthan model of social audit in the local shantytowns of northeast Delhi. In 2001, when the Delhi government under Chief Minister Sheila Dikshit adopted a state RTI Act⁴³, Kejriwal and his activist colleagues started using the law to address citizen grievances in Delhi.

⁴² I have also recounted this case study in an essay I published in Seminar journal.

⁴³ *Delhi Right to Information Act 2001*. (n.d.). Delhi Jal Board. Retrieved 25 May 2022, from http://delhijalboard.nic.in/sites/default/files/DelhiRTIAct2001_0.pdf

दिल्ली विद्युत बोर्ड से परेशान?

गलत बिल, नया कनेक्शन, खराब मीटर, खराब street lights इत्यादि

क्या आप दिल्ली विद्युत बोर्ड के चक्कर काट – काट कर परेशान हो गए हैं? क्या आप दिल्ली विद्युत बोर्ड को अनगिनत चिट्ठियाँ लिख चुके हैं पर कोई सुनवाई नहीं हो रही? क्या कोई आपसे रिश्वत मांग रहा है या रिश्वत की उम्मीद रखता है या रिश्वत न मिलने पर आपका काम नहीं कर रहा? क्या आपके इलाके की street lights सदियों से खराब पड़ी है पर कोई सुनवाई नहीं होती?

तो दिल्ली सरकार द्वारा हाल ही में पारित "दिल्ली सूचना का अधिकार अधिनियम, 2001" का सहारा लीजिए। अभी तक कई पीड़ित उपभोक्ता इस कानून का सहारा लेकर अपनी व अपने इलाके की समस्याओं का निवारण करा चुके हैं।

कुछ उदाहरण :-

- श्री एस. एस. वैद का मीटर पांच साल तक खराब रहने के बाद सन 2000 में बड़ी मुश्किल से बदला गया। विधि अनुसार यदि मीटर खराब होता है तो दिल्ली विद्युत बोर्ड तीन साल से अधिक का बिल नहीं ले सकता। श्री वैद का पांच साल का बिल बनाकर भेज दिया गया। अनेक बार चक्कर लगाने पर भी बिल ठीक नहीं किया गया। हारकर इस कानून के तहत जब आवेदन किया गया तो 10 दिन के भीतर बिल ठीक कर उनके घर पहुँचा दिया गया।
- श्री के.पी.सक्सेना जवाहरलाल विश्वविद्यालय से सेवानिवृत्त प्रोफेसर हैं। इन्हें परेशान करने में दि. वि. बो. के अधिकारियों और कर्मचारियों ने कोई कसर नहीं छोड़ी। 50000 रूपया से ज्यादा का बिल बनाकर इन्हें भेज दिया गया। जिसका कोई सिर पैर नहीं था। नवम्बर 2001 के आखरी सप्ताह में दि. वि. बो. के कर्मचारी उनकी बिजली काटने पहुँच गये। उसे रोकने के लिए सक्सेना जी को कुछ राशि जमा करानी पड़ी। हारकर इस कानून के तहत जब आवेदन किया गया तो उनका बिल 14,000 रूपया मात्र का बनाकर उनके घर भेज दिया गया।
- नवकला अपार्टमेंट के सामने की Street Light पिछले 10 साल से खराब थी। न जाने कितनी शिकायतें की गयीं। Chairman साहब के कार्यालय में भी शिकायत की गयी पर कोई इलाज नहीं हुआ। इस कानून में अर्जी डालते ही 15 दिन के अंदर बलियाँ जल उठीं।
- श्री अशोक गुप्ता ने एक साल पहले नए कनेक्शन के लिये आवेदन दिया। उनसे रिश्वत मांगी गयी। उन्होंने मना कर दिया। नतीजा यह हुआ कि उनका कनेक्शन नहीं लगा। उनके मित्रों ने उनके बाद आवेदन किया और रिश्वत देकर कनेक्शन लगवा लिये। अंततः इन्होंने इस कानून के तहत आवेदन किया और महीने भर में इनका कनेक्शन लग गया।
- श्री रवी चन्दर दास अपने गलत विल आने के कारण परेशान थे। जनवरी 2002 में काफी बड़ी राशि का विल भेज दिया गया। वे विद्युत कार्यालय कई बार गए परन्तु उनकी बात किसी ने नहीं सुनी। फिर उन्होंने इस कानून के तहत एक अर्जी दी जिससे उनका काम 15 दिन के अंदर हो गया।
- श्री प्रेम चंद जैन एक उद्योगपति हैं जिनकी फैक्टरी को सुप्रीम कोर्ट के आदेशानुसार नवम्बर 2000 में बंद कर दिया गया था। परन्तु दिल्ली विद्युत बोर्ड उनको मिनीमम विल भेजता रहा। उन्होंने विभाग के एक साल तक कई चक्कर लगाये परन्तु कोई भी सुनवाई नहीं हुई। परन्तु जब उन्होंने सूचना अधिकार कानून के तहत अपनी अर्जी लगाई तो उनकी समस्या का हल 15 दिन में ही हो गया।

इस तरह से कई उपभोक्ता हैं जिनके काम इस कानून के इस्तेमाल से हुए हैं। परिवर्तन को अभी तक एक भी व्यक्ति ऐसा नहीं मिला जिसने इस कानून के तहत आवेदन किया हो और कार्य न हुआ हो। दि.वि.बो. से संबंधित बहुत सी समस्याओं के लिए सूचना का अधिकार एक रामबाण है। तो आइये आज से हम दि. वि. बो. में रिश्वत देना बंद करें और इस कानून का सहारा लेकर अपना काम करायें।

आइये हम सरकारी विभागों में रिश्वतखोरी व कामचोरी के खिलाफ युद्ध का ऐलान करें

(अधिक जानकारी के लिए इस पृष्ठ के पीछे पढ़ें।)

A pamphlet distributed by Parivartan to encourage citizens to come forward with complaints regarding the Delhi Vidyut Board (Delhi state electricity board) and take proactive steps against bribery in the state agency.

The group used the Delhi RTI Act to seek information on a range of issues such as the provision of municipal sanitation services, delivery of subsidized food grains via the Public Distribution System (PDS), provision of electricity, and the laying of roads. Between 2000 and 2005, Parivartan organised many social audits focussing on the quality of public service delivery. Not only that the voluntary group also undertook anti-corruption campaigns within government departments and invited the general public to reach out to their volunteers with complaints. They assisted the citizens to file RTIs with government departments as a means to resolve their grievances. A report produced by Parivartan volunteers notes that as part of the 2002 public hearing, Mohalla Samitis (Local Area Committees) with representatives from each street for each block in Sunder Nagri was formed. These committees were entrusted with assessing what residents in their blocks required and communicating this to the government so that public funds were not squandered away. The Samitis were to monitor the execution of all civil works and prevent projects from starting until its contract was made public as per the RTI Act. The report notes that several MLAs met Mrs. Dikshit and requested her to prevent another public hearing as it adversely affected their electoral prospects. Local politicians with a vested interest in making money out of public works tried to discredit Parivartan, albeit with little success.

The use of the Delhi state RTI Act was not without its backlash. In September 2003, a ration shop owner and his henchmen attacked two activists of Parivartan who were helping residents of North East Delhi access records of ration distribution at the Assistant Commissioner's office in the Food and Supplies department. An NCPRI release on the incident notes that when the volunteer proceeded to go to the Nand Nagri Police Station to lodge a complaint on the attack, one of them was hit with a brick. Parivartan volunteers decided to go to the Commissioner's office after a public

meeting was conducted in August 2003 where participants drawn from across 300 resettlement colonies in Delhi had complained about the poor functioning of the public distribution system meant to provide them with state-subsidised foodgrains. The resettlement colonies of Delhi comprise of the poor and lower middle-class residents mostly, and in 2000, the total population in these colonies exceeded a million residents⁴⁴. Since most of them depended on the PDS for their foodgrains, the gaps in delivery of grains were an emotive issue that immediately caught a lot of attention.

Another significant intervention made by Parivartan through the use of the right to information in Delhi was in 2004, when documents accessed under the Delhi RTI Act revealed how the World Bank tried to persuade the Delhi government to privatize water supply across the capital city. Kejriwal and his activist colleagues exposed wrongdoing in awarding tenders in the project. They found that the private agency PricewaterhouseCoopers was unduly favoured for a million-dollar consultancy disregarding the opinion of Indian civil servants in the matter. The proposal to privatize water supply was also condemned on the grounds that it would lead to hikes in water tariffs, thus depriving poor residents of access to water (Sehgal, 2007). Parivartan raised a hue and cry over the proposal, stating that it would result in a lack of accountability from water companies and censured the Bank loan's impact on the state government's finances (ibid.).

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Aarti Sharma* started her activist journey in the year 2000 when she joined a civil society organisation working on issues of citizen rights and corruption named

⁴⁴ *Categorisation of Settlement in Delhi* (Cities of Delhi). (2015). Centre for Policy Research. <https://cprindia.org/wp-content/uploads/2021/12/Categorisation-of-Settlement-in-Delhi.pdf>

Sampoorna Parivartan. Two decades later now, she runs her own activist organisation that rallies poor and marginalised slum dwellers in New Delhi to use the RTI Act, 2005 to help them claim their entitlements from the government. In a detailed interaction with me, she spoke at length about the early phase of information activism in New Delhi, prior to the passage of the national RTI law in 2005, as this had helped gather support for a demand for a national-level RTI Act among citizens in the national capital. I am sharing edited excerpts of my exchange with her below, followed by a short commentary on how this early phase of activism was crucial for the right-to-information movement in India.

“It started with a group of us meeting in Delhi over a period of time in 2000. There was Arvind Kejriwal, Manish Sisodia, a few lawyers, and volunteers who had joined us in this effort. Our common goal was to put an end to corruption in development works in the city. In those days, trying to get any work done in government departments in Delhi, like getting a driving license or applying for a loan from a national bank required bribes. Nothing moved within government departments without a bribe. I was working with the World Bank as an economic consultant at that time in their poverty reduction unit, and I confronted a lot of challenges with corruption in the course of executing our projects, so I started looking for ways to address those concerns through activist engagement. I also felt very restrained in my job at that time to do anything radical. Corruption was a pressing issue and debilitating for most people at that time. As part of the activist group, we would set up a desk outside the Income Tax department, for example, and tell people visiting the office to not pay bribes. We encouraged ordinary

citizens to resist corruption. In 2001, the Delhi state RTI Act was passed⁴⁵, and we started using this law to gather evidence of corruption in government programmes. After the Bofors scandal, the Congress government at the Centre and the state was keen to pursue anti-corruption administrative reforms. The Delhi RTI law was part of such an effort. The CM Sheila Dixit passed the RTI Act in the state without any pressure from activists. As part of our group's work, we borrowed the MKSS model of RTI activism and *jan sunwais* and applied it in Delhi to undertake social audits of public works. We used the state RTI law to find out how public funds were being spent. The media, the government, the local MLAs everyone started taking an interest in the idea of right to information because of the work we were doing in the urban poor colonies. The public hearings we organised helped generate popular support in favour of a national-level RTI law. We also started doing capacity building among citizen groups to use the law. We realised that people were very interested in the issue of corruption in the Public Distribution System, for instance. I vividly remember one of the interactions I had with a woman who lived in one of the slums where we worked, and she said, we don't get rations (subsidised food grains under the Public Distribution System) on time, what will we do with information? It made me realise that people are not interested in information for the sake of information. They are more interested in availing their basic entitlements. This got us to explore the link between information and other rights such as food and housing. Thanks to the state RTI law, for the first time, we were able to produce hard evidence of corruption. We started seeing the power of information at work. And the people realised it too. And this awareness generated interest in pushing for a national level RTI Act. In 2002, I parted ways with

⁴⁵ Delhi Right to Information Act.

https://delhijalboard.delhi.gov.in/sites/default/files/Jalboard/generic_multiple_files/delhirtiact2001_0.pdf

Kejriwal's organisation Parivartan to start my own organisation. In 2004, we conducted a major public hearing on PDS ration related issues. This helped us to mobilise support for the right-to-information movement on the ground. It was clear to us that transparency was the best tool to fight corruption."

The *jan sunwai* organised by Kejriwal's organisation Parivartan in Sunder Nagri in 2002 was the first of its kind in New Delhi. There was a demand within the residents of the colony, who were mostly poor migrants working in the informal sector in the city, for a platform of this nature to address corruption in public works. A report produced soon after this public hearing notes as follows: "Most people, especially the women who participated in the hearing, spoke fearlessly. The meeting had a tremendous effect on the morale and perceptions of the people of Sundernagari and Seemapuri. For the first time (the people) felt greatly empowered; they saw that the government could be held accountable under full public scrutiny. Before the *jan sunwai*, the public would hold the government officials like Executive Engineers and political representatives like MLAs in great awe but now they realised that it was the public who were the true masters."⁴⁶

The report notes that as part of the public hearing, Mohalla Samitis (Local Area Committees), with representatives from each street for each block in Sunder Nagri, were formed. These committees were entrusted with the task of assessing what residents in their blocks required and communicating this to the government, so that public funds were not squandered away but used for executing public works of value to the public. The samitis were to monitor the execution of all civil works; they also had the authority to prevent a work from starting till its contract was made public. The

⁴⁶ *Jan sunwai: Showcasing grassroots democracy*. (n.d.). Retrieved 19 November 2023, from http://asu.thehoot.org/story_popup/jan_sunwai-showcasing-grass-roots-democracy-747

report notes: “The re-laying of a road in F-1 block, Sundernagari, had begun in January 2003. But till the details of the contract were made public, the residents stopped the work from taking place. Subsequently, the assistant engineer (AE) visited the area and read out the specific contract details... Equipped with this information, the public made sure that this amount of material was used. Resultantly, the quality of road that was made was far better than those made previously in Sundernagari.” (ibid.)

This testifies to the power of right to information and how citizens could hold government officials directly accountable for the public works they were executing. Such work undertaken by citizens in Sunder Nagri popularised a culture of citizen vigilance. This also evoked fear of retribution among government employees for any acts of negligence on their behalf. Here’s another example from the report: “A new street was being laid in E-57 block (in Sunder Nagri). The residents of the area saw that ordinary sand was being used instead of the stipulated coarse sand. They also knew that the cement, which should have been mixed with sand in a certain proportion, was not being followed by the contractor. The people immediately stopped the work and the contractor, and the junior engineer (JE) were summoned. Both of them apologized and offered to replace the material but the residents wanted more stern action. About 30 people went and met the executive engineer and demanded that the JE be suspended immediately. Ultimately, the residents offered to pardon the JE if he was transferred out of this area; if copies of the contract were made available to the public and, finally, if the work would take place under public supervision. The executive engineer immediately agreed. The entire material was replaced, and the work took place under community supervision...” (ibid.)

The report also notes how there was resistance to providing information regarding public works contracts under the Delhi RTI law, but the municipal engineers

succumbed to public pressure in the end. The report notes that after the *jan sunwai*, there was a marked difference in the attitude of officials towards the public. They were more responsive and respectful in their dealings with the public, and also tried to resolve grievances when reported. But not all was fine and the information activism of Parivartan generated political backlash too. The report on the 2002 *jan sunwai* states that a number of MLAs met the Delhi Chief Minister Sheila Dixit and requested her to prevent another such public hearing from taking place as it adversely affected their electoral prospects. Local politicians with a vested interest in cutting corners on public works attempted to discredit the volunteers of Parivartan by misleading the CM that ordinary residents of the colony did not attend the hearing but people from other states had been brought in trucks. The disgruntled MLAs also said that people who spoke at the gathering belonged to rival political parties. These allegations compelled the Parivartan workers to meet the CM and present their own version of the events. Sheila Dixit received the group positively and promised an enquiry into any inconsistencies and assured them that their recommendations regarding transparency in public works would be considered. After this meeting, four recommendations made by Parivartan were accepted by the MCD which stated that every public work site should have a display board giving basic information about the project. The municipal body also agreed to put up a list of all public works completed in the last one month on the notice boards of all division offices and paste the details of all ongoing works in an area on the walls of the MCD stores located in that area. They also agreed to provide official files containing details of old contracts in MCD stores that the public could inspect at any time⁴⁷.

⁴⁷ *Jan sunwai: Showcasing grass roots democracy*. (n.d.). Retrieved 19 November 2022, from http://asu.thehoot.org/story_popup/jan_sunwai-showcasing-grass-roots-democracy-747

The Parivartan *jan sunwai* and the subsequent demands to disclose records of public works to the residents had stirred up the hornet's nest. The local MLA started organising parallel public meetings in which an effort was made to discredit the organisation's activities. The MLA publicly alleged that Parivartan had demanded extortion money from him, although no such thing had actually happened. Slowly, the allegations gave way to threats of physical attacks. The residents of Sunder Nagri were also pressurised not to associate themselves with Parivartan. Two days before the *jan sunwai* when Parivartan workers first met the local MLA he questioned their source of funding and threatened that the public hearing would not be allowed to take place. But when that did not work, the MLA brought 40 supporters along to disrupt the public hearing. However, the support for the meeting was so overwhelming that the MLA's followers could not succeed in disrupting it.

Two months after the *jan sunwai*, Parivartan volunteers received a call from the MLA's office inviting them for dinner. At this meeting, the MLA accused Parivartan of damaging his political career. Since elections were due shortly, he asked Parivartan workers to lay low and promised to implement their recommendations to bring transparency in the implementation of public works after the polls concluded. But the volunteers insisted that all they wanted was a copy of the contract of public works to be made public and distribute it in the community before any new work started. The MLA refused. He complained that Rs. 2.5 crore (25 million rupees) worth of public works lay pending in Sunder Nagri as no contractor was willing to take up the job. The contractors were unwilling to make the contract public till the work was over, as otherwise, it would affect their profit margins. The MLA conceded that contractors were corrupt, but he reasoned that if the people stopped all the work, the entire amount allocated would lapse, resulting in a more significant loss.

A month after the confrontation with the local MLA, the people of Sunder Nagri stopped almost every civil work till its details were made public. Finally, in the last week of March 2002, the MLA's brother visited the Parivartan office and offered to make the contracts available to the public but only through the MLA's workers and not via Parivartan volunteers. The volunteers agreed to the offer. This case of the MCD public hearing and its repercussions shows how there was an awakening among the urban poor in Delhi that the right to information could be a powerful tool to pressurise government agencies to improve their services and resist political interference. These experiences prior to 2005 went a long way in consolidating support for a national-level RTI Act among ordinary citizens.

The state and RTI

The institutional apparatus of the state in India, comprising the parliament, the courts, and the legislatures have also played a vital role in the adoption of the right to information law. While the focus in this chapter has been to foreground the grassroots struggle for RTI, I also felt it was necessary to document some of the salient contributions from within state institutions, because the business of law-making is after all vested with state authorities. Foremost in this regard is the role of the judiciary, which interpreted the Constitutional guarantee of freedom of speech and expression under Article 19(1)(a) to create the necessary grounds for demanding a law of this nature. Other than the 1975 High Court verdict discussed in Chapter Two, there were similar verdicts from the court such as the 1981 S.P. Gupta vs Union of India case in the Supreme Court underlining the importance of citizen's right to information. The Court was hearing the arguments of the central government, which sought protection

against disclosure of correspondences between the Law Minister, the Chief Justice of Delhi, and the Chief Justice of India regarding the appointment and transfer of judges. The Court ordered the disclosure of the said files arguing that this was in the public interest and must be released. Another interesting development that occurred was the Supreme Court lawyer Ram Jethmalani, who held the portfolio of Minister for Urban Development, issuing an office memorandum in October 1998 allowing citizens access to files in his ministry. Responding to objections raised by his move from the Ministry of Home Affairs, the Minister wrote that the citizens in India already had the right to know as per the Constitution and even without a formal law being framed for the said purpose, they could seek inspection of relevant government records if it befitted the public interest. “Every document must be open to inspection unless the Minister or anyone acting under his express delegated authority decides that public interest will be gravely jeopardized by the disclosure”⁴⁸ he observed. He also chided the MHA for invoking the OSA 1923 in the context of not allowing citizens to peruse government records.

Around the same time that the grassroots struggle for RTI was being waged on the ground, similar ideas were also voiced in international development fora such as the 1995 World Summit for Social Development in Copenhagen, which observed that ‘democracy and transparent and accountable governance and administration in all sectors of society are indispensable foundations for the realisation of social and people-centred sustainable development’⁴⁹. A 1992 publication of the World Bank called for transparency and accountability as necessary factors for better governance. It observes: “A competitive market economy requires that economic actors have access

⁴⁸ Reproduced from the original note of the Minister accessed from the NMML archives.

⁴⁹ Reproduced from archival material accessed at the Nehru Memorial and Museum Library, Delhi.

to relevant, timely, and reliable information” (World Bank, 1992). As a major recipient of international aid, the government of India must have found it necessary to enact a transparency legislation, however, a perusal of the draft Indian RTI law makes it evident that the text of the law was not purely a product of international discourses addressing the needs of a “market economy”. Sharma’s argument seeking to dismiss the grassroots Indian struggle for RTI as the “dominant narrative” and prioritising instead the role of transnational institutions and international development narratives in influencing the adoption of India’s RTI Act, because other nations too were adopting similar laws like India around the same time, runs the risk of ignoring the vital contribution made by the grassroots struggle in generating popular consensus for the law (P. Sharma, 2012). It is not my intention in this thesis to project India as insular when it comes to international development discourses but rather to discourage any tendency to singularly credit select institutions and actors as instrumental in pushing for RTI in India. If anything, then the material presented in this chapter allows us to see how the right-to-information movement in India emerged out of an “assemblage” built on discourses emanating from multiple trajectories with the grassroots effort playing a significant role in imbuing the law with a democratic, pro-citizen impulse.

In 2002, the Lok Sabha passed the Freedom of Information Bill following widespread demands for a countrywide RTI legislation. However, Nikhil Dey said that this Bill was never notified as a law and had several exemptions and exclusions. In 2004, the Congress-led United Progressive Alliance government listed adoption and strengthening of the RTI Act as an administrative reform agenda under its obligations as part of the Common Minimum Programme⁵⁰. In a recommendation submitted to

⁵⁰ The Common Minimum Programme was a plan of action that the Congress party had negotiated with its UPA allies, including the Left parties extending outside support to the government, for implementing in its first term in government. See: <http://www.panjab.org.uk/english/cmp.htm>

the UPA government in 2004, the Commonwealth Human Rights Initiative, an international NGO, pointed out that the 2002 Act was “deficient in many respects, including its limited scope (specifically, the exclusion of private bodies from coverage), the breadth of its exemptions, the failure to include a public interest override of exemptions, the absence of an effective independent appeals mechanism, and the failure to include public education and monitoring provisions”. Social activist Aruna Roy further influenced this legislative process as a member of the National Advisory Council appointed in 2004. The NAC came up with its own draft RTI Bill to influence the framing of the national RTI Act.

In an interaction, Roy told me that the political leadership of the UPA led by Congress president Sonia Gandhi helped push for the RTI Act knowing fully well that one day it might be used against them. “She put justice above self-interest and very few politicians do that”. When the law was tabled before the UPA-I government, Prime Minister Manmohan Singh expressed some reservations about the law rattling the iron cage of bureaucracy⁵¹, but the overwhelming public opinion was in favour of the law, and it was finally approved by the Cabinet. In 2005, when the UPA government passed the RTI Act, it incorporated many of the empowering provisions for citizens missing in earlier drafts of the Bill, a triumph of the grassroots struggle.

Thus, we see in this chapter how the passage of the right to information law at the national level was the outcome of a process of translation whereby several actors brought their own interpretation and understanding of the need for such a law into the discourse whilst activists such as the leadership of MKSS played the role of brokers and translators in conveying ideas from the grassroots to the policy-making circles.

⁵¹ Reproduced from my interview notes with NAC members.

Chapter Four

Making a government fall: How transparency activism derailed the UPA government (2004-2014)

In the previous chapter, we saw how various actors came together to demand the right to information law that was adopted in 2005. The purpose of this chapter is to demonstrate how after the law was passed, ideas of transparency, accountability and right to information became central to the construction of an anti-corruption discourse aimed at the Congress-led United Progressive Alliance (UPA) government during its two-term run. The focus here, as I have stated in the thesis introduction, is not only on dealing with aspects of the formal uses of the RTI Act 2005 to “expose” corruption *per se* but to show how both formal and informal means of information gathering were employed to build and sustain a narrative of corruption within the government, with the 2G Spectrum and the Commonwealth Games corruption scandals taking centre stage. This chapter uses the actor-network theory as a scaffolding (Andersson, 2014) to demonstrate how and why transparency activism managed to assemble a wide cast of actors –politicians, journalists, social activists, lay citizens– around the idea of upholding government accountability. I use a variety of sources here, including, but not limited to books written by political leaders implicated in these “scams” (such as A. Raja of the Dravida Munnetra Kazhagam) or political opponents who went to court (such as the BJP’s Subramanian Swamy) to develop this chapter. I use interview notes gathered in the course of fieldwork, besides examining court orders, news reports, and other relevant secondary literature such as government reports, to demonstrate how an anti-corruption narrative was built and

sustained during the UPA regime, which eventually resulted in the collapse of the government in 2014.

To make sense of what was happening in the context of right to information in India after 2005, let us consider the concept of an “object-oriented democracy” (Latour & Weibel, 2005). In their doorstopper of a tome, editors Latour and Weibel invoke this concept in the context of needing to infuse realism into the analysis of politics (ibid.). They use the term *Dingpolitik* as a reference for assemblies of humans, such as the parliament, where one gets to observe power relations on display (2005, p. 22). Taking the discussion forward, the editors explain the idea of democratic politics as a function of various forms of assemblages, which form and dismantle around shifting concerns that often manifest as specific “things” or objects. These “things” are what people gather around, and associate via them. “Things are mediums, meeting grounds, apogees of communities” (Davidson, 2006, p. 326). For the purposes of this chapter, I build upon this idea to demonstrate how the desire to hold the Congress-led United Progressive Alliance (UPA) government “accountable” was what became the focal point of various assemblies of individuals –politicians, journalists, and lay citizens– acting often not in alignment with one specific cause, but more so thrown together into this arena by virtue of various different intentions that were clubbed under the broad umbrella of “accountability”. As Latour notes: “We don’t assemble because we agree, look alike, feel good, are socially compatible or wish to fuse together but because we are brought by divisive matters of concern into some neutral, isolated place in order to come to some sort of provisional makeshift (dis)agreement. ‘Ding’ designates both those who assemble because they are concerned as well as what causes their concerns and divisions” (2005, p.23). Latour and Weibel further use the idea to describe democracy itself. “The people, the demos are made up of those who share the

same space and are divided by the same contradictory worries” (2005, p. 26). Further explaining the idea of the object, they note: “Each object gathers around itself a different assembly of relevant parties”. (2005, p.15). The question one must ask is *what* is at issue, the object of concern that brings them together? (2005, p. 16).

In the context of the UPA government since 2004 we will see how the idea of transparency and accountability became the object of concern alongside that of addressing corruption. It is my endeavour to demonstrate in this chapter how an assembly of disparate forces was formed around this idea of upholding government accountability. Together with the idea of assembly, another key idea this chapter builds upon is that of the public trial and its role in the construction of an anti-corruption discourse during the UPA government. An essay in Latour’s volume looks especially at how, in popular culture, the modern trial stands as an icon of the rule of law (Silbey S. & Cavicchi, 2005). The authors note how “the trial appears as a carefully orchestrated process through which indeterminate aggregation of persons, words, stories, and material are transformed into facts of intention, causality, responsibility or property” (2005, p. 556). Yet, the trial is merely the tip of a giant iceberg of matters that come to legal agencies for reconstruction and containment (ibid.). Silbey and Cavicchi’s observation that the trial is outpaced by the proliferation of expectations, norms, signs, and objects in which the traces of professional and official legal work have been well hidden (2005), is useful in the context of understanding the anti-corruption trial that the UPA government was subjected to before 2014. The procedure of law here became the grounds for constructing *legalfacts* (2005; p.556). Niels van Dijk explains this aspect well when he discusses what it means to “do law” in the context of a dispute: “A focus on the proceeding of the matter of dispute also shows all the processes in which the proceeding of the matter of dispute is gradually grounded

and transformed into a matter of fact and a legal object, and how, as a cause of action, it undergoes a series of *performations* by which it is gradually carried into its legal effects”(2015, p. 180). It is my endeavour to show here how the “fact” of corruption in the UPA government was as much a legal *effect* created by the process of law beyond its real empirical manifestation. Jurisprudence recognises at its core that its truths are created only through its particular processes and that the relationship between *legalfacts*, and empirical facts is at best only approximate (2005). Although much of the time legal forms go unnoticed and cognitively disappear, they are imperfectly naturalised, and at any moment the stabilised historical *legalfact* can reappear, perhaps becoming a matter of concern, debate, challenge, or resistance (2005). The analogy of the iceberg, which Silbey and Cavicchi refer to, is useful to demonstrate the dynamics of the anti-corruption narrative too: just the same way that fractures appear when a passing ship hits the new iceberg, every new charge of corruption against a public authority creates fissures that can be politically exploited. The way in which law mediates public matters of concern “trace the frail conduits” (2005) that have produced common place *legalfacts* we encounter as familiar objects. This becomes a subject of continual struggle and debate, as we shall see in this chapter with regards to the anti-corruption discourse. We have already seen in Chapter Two how corruption as an idea evolved through legal processes of struggle and debate. The ability of law to organise everyday life, and without appearing prominently on the scene that Silbey and Cavicchi discuss in their chapter (2005), is applicable in the context of right to information and anti-corruption activism as well, as *legalfacts* change the terms of the debate constantly, implicating a wide range of actors within it. Going forward, in this chapter I will progressively trace the evolution of the anti-corruption discourse under the UPA government, starting with a discussion on how transparency as an idea came

to be operationalised after 2005, and how it eventually led to the “unearthing” of corruption scandals, culminating in the 2011 anti-corruption movement. As discussed in the introduction, this chapter will also explore the sociological/anthropological aspects of the legal discourse emanating from the adoption of the RTI Act, 2005 in keeping with the theoretical discussion in this chapter. This will allow us to get a sense of the social life of the law.

i) Transparency in the UPA government

In 2005, when the Right to Information Act was passed by the Indian Parliament and the law came into effect in October that year, it was seen as the triumph of decades of activism in favour of the law. The press, which had a huge stake in a law of this nature, hailed the law’s passage with celebratory editorials. The law brought hope that citizens in free India will finally have the freedom to hold their elected representatives and government officials accountable for their conduct and that there would be complete accountability with regards to expenditures made from the state’s public coffers. On the first anniversary of the passage of the RTI Act in 2006, the then Prime Minister Manmohan Singh was reported as drawing satisfaction from the manner in which people “owned this Act with their arms wide open” and made it into a “People’s Law”⁵². But alongside such cheerful acceptance, there were concerns too regarding the changed rules of the game. Because the democratic participation of citizens was no longer limited to voting in elections; people were now empowered to question those holding political office. In the same event commemorating one year of the RTI Act, Mr. Singh also noted: “we must guard against allowing it (the RTI Act) to

⁵² RTI cannot be privilege of a few: PM. (2006, October 16). *The Hindu*.
<https://www.thehindu.com/todays-paper/rti-cannot-be-privilege-of-a-few-pm/article3062008.ece>

become a tool for promotion of an adversarial relationship between different stakeholders as it would only serve to weaken the Act” (ibid.) This might have been an oblique reference as to why the UPA-I government had proposed a step to remove file notings from the purview of the Act in 2006. File notings are important government records, in which bureaucrats record their observations as to why a certain government decision was made and the thought process informing such a decision. It can reveal the manner in which power and influence works *through* bureaucracy to influence specific outcomes. The fact that the UPA government was compelled to consider amending the RTI Act within one year of its passage belied its otherwise pro-transparency rhetoric. Ruchi Gupta, an NCPRI member, observes that within the first five years of the passage of the Act the shift in power equations between the citizen and the state was distinctly palpable⁵³.

Early attempts made by the UPA government to amend the law met with strong resistance. The presence of a group of active citizens and non-governmental organisations invested in upkeeping the idea of transparency in governance meant that any move on the part of the government to reinforce official secrecy was met with strong resistance. The presence of NCPRI members in the National Advisory Council (NAC)- a government-civil-society interface helmed by Congress President Sonia Gandhi- gave civil society actors the opportunity to influence government policies and decisions, including resisting any changes proposed to the RTI law from time to

⁵³ Gupta, R. (2011, March 15). Five Years of RTI – An Expanding Narrative [Blog]. *Bourgeois Inspirations*. <https://bourgeoisinspirations.wordpress.com/2011/03/15/five-years-of-rti-%E2%80%93-an-expanding-narrative/>

time⁵⁴⁵⁵. The NCPRI members who served on the NAC are Aruna Roy, Harsh Mander, N.C. Saxena, and the development economist Jean Dreze. Among the reasons cited by the Prime Minister's Office (PMO) for favouring the non-disclosure of file notings were legitimate fears that "disclosure of these may cast a reflection on the reputation of an officer or place him under threat or danger; the fear that exposure to public glare may inhibit the expression of frank views by officers; and the belief that a measure of confidentiality was not only desirable but necessary for the smooth functioning of government"⁵⁶.

In a letter written in 2006 addressed to the then Prime Minister Manmohan Singh, the former PM V.P. Singh noted that he found the government's argument in favour of the amendment to remove access to file notings under the RTI law totally unacceptable. In this letter, he opposes the government's argument as grossly misleading, expressing concern that the PM may have been misinformed in this regard. The government had also argued that similar transparency laws elsewhere in the world did not allow such access to official file notings. V.P. Singh's criticism of Manmohan Singh's statement on the proposed amendment exposes the unique dilemma that the UPA government found itself in; while on the one hand it portrayed an image of being amenable to the idea of right to information, given that the Congress party wanted to claim political credit for enacting the legislation, yet on the other hand, it felt the need to shield itself from the prying eyes of RTI users who were now watching every move of the government closely. In an interaction, social activist Aruna Roy said that when the provisions of the RTI Act were being discussed between civil society

⁵⁴ NCPRI. (n.d.). *95,030 people signed and won this petition*. Change.Org. Retrieved 18 December 2022, from <https://www.change.org/p/shri-manmohan-singh-save-rti-act-from-amendments>

⁵⁵ NAC to take up single-subject rule for RTI with govt. (2011, March 25). *The Times of India*. <https://timesofindia.indiatimes.com/india/nac-to-take-up-single-subject-rule-for-rti-with-govt/articleshow/7784130.cms>

⁵⁶ Reproduced from the original letter accessed in NMML archives.

organisations and the government before 2005, the understanding was that (government) policy includes file notings and thus it must be part of the records opened up for public scrutiny. When the government started resisting this provision, the intervention at the level of the Information Commission won the case for the people of India in favour of transparency. In his letter, V.P. Singh cites an order of the Central Information Commission and the Chief Information Commissioner of India in which it had upheld that: “a combined reading of Sections 2(t), (i)&(j)⁵⁷ would indicate that a citizen has the right of access to a file of which the file notings are an integral part. If the legislature had intended that “file notings” are to be exempted from disclosure, while defining a file it could have specifically provided so. Therefore, we are of the firm view, that, in terms of the existing provisions of the RTI Act, a citizen has the right to seek information contained in “file notings” unless the same relates to matters covered under Section 8 of the Act.”⁵⁸ Further, the Second Administrative Reforms Commission had spoken about providing access to file notings in its report to the government on Right to Information and had recommended that the Manual of Official Procedure be duly modified. This shows that the official justification of the UPA government to remove access to file notings under RTI — as it was not standard practice under similar transparency laws elsewhere— was misplaced, as argued by V.P. Singh in his letter.

At a meeting to discuss the amendment of the RTI Act in 2019, Wajahat Habibullah⁵⁹, the first Central Information Commissioner appointed after the law was enacted in 2005, said that of the two progressive legislations passed by the UPA

⁵⁷ *Section 2 in The Right To Information Act, 2005*. (n.d.). Retrieved 30 December 2021, from <https://indiankanoon.org/doc/277989/>

⁵⁸ Reproduced from the letter accessed as part of the MKSS Files at the NMML, Delhi.

⁵⁹ I am not anonymising Habibullah in this passage as the comments were made at the venue of a public event where he had been invited to speak, and he had no objections with regard to these views being attributed to him in writing anywhere.

government —the RTI Act and the MGNREGA— the RTI Act witnessed the least resistance within government circles as the bureaucrats did not anticipate any significant financial implications arising out of the adoption of this law. On the contrary, the MGNREGA required substantial government funding for implementation and was, therefore, met with greater resistance prior to its passage, Habibullah noted. However, after the RTI Act was passed, when citizens started asking tough questions of various government officials and elected representatives, the attitude of the government shifted with respect to the law. “It was all new for both bureaucrats and elected representatives, who were not used to being subjected to such intense public scrutiny regarding their conduct,” Habibullah said with a chuckle. The RTI Assessment and Analysis Group (RAAG) study estimates that Indian citizens filed about two million requests for information under the law in the first two and half years of its implementation (Roberts, 2010). As someone who had previously served as a civil servant and enjoyed proximity to various senior leaders of the Congress party, Habibullah said that he was aware of the apprehensions expressed privately to him by many IAS officers in Delhi that losing the protection of “official secrecy” may leave them vulnerable to attacks for taking any decisions in their official capacity. I discuss this aspect in greater detail in the section of this chapter where I discuss the 2G corruption scandal. Thus, what we observe here is a growing tension between the desire to uphold secrecy and maintain transparency within the UPA government. This was obvious in the cases of disputes heard by the Central Information Commission, which overruled several efforts by the government of the day to deny information under the RTI Act, thus aiding the cause of openness in government. The examples I discuss below are vital for our understanding of how a pro-transparency discourse was

beginning to gain momentum in India after the RTI Act was passed, which aided the evolution of an anti-corruption discourse under the UPA government.

In November 2006, the PMO refused to part with expenditure details of salaries of central government employees deducted towards the Prime Minister's National Relief Fund (PMNRF), meant to provide relief to families affected by natural calamities. When an employee of the South Eastern Coalfields Ltd., a public sector company, suspected that his salary contribution might not have been utilised for the stated purposes, he sought information from the PMO in this regard under the RTI Act. But the PMO refused the information arguing that the PMNRF was not a "public authority" and that there was no statutory obligation to provide information under the RTI Act and that the PMO was not aware of the break-up and methodology of the collections (Express News Service, 2007). When the disgruntled government employee went to the Central Information Commission (CIC) with a complaint that his information request had not been heeded, the Commission issued a notice to the PMO. The PMO replied that when the application was received, it was of the view that the PMNRF was not covered under the purview of the RTI Act and accordingly not bound to provide relevant information. After this response, the CIC observed that the PMNRF was covered under the purview of the RTI Act and replies had to be furnished accordingly. The agency complied thereafter.

Another instance of the CIC intervening in a case of the government denying information under RTI is its judgment dated August 8, 2006, which concerned the disclosure of all the letters sent between February and March 2002 by the former President K.R. Narayanan to the then Prime Minister Atal Bihari Vajpayee, in relation

to the Gujarat riots⁶⁰. The appellant C. Ramesh requested the Central Public Information Officer (CPIO) to provide all the necessary documents in this regard but the CPIO denied this information on the grounds that the Justice Nanavati/Justice Shah commission of enquiry that was investigating the Gujarat riots had also demanded access to these correspondences, but the government cited official privilege under Section 123 & 124 of the Indian Evidence Act, 1872⁶¹ and Article 74(2)⁶² read with Article 78⁶³ and 361⁶⁴ of the Constitution of India to deny their disclosure. The CPIO also cited Section 8(1)(a) of the RTI Act, which lists exemptions under the law, stating that the information sought by the applicant, if disclosed, “would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, etc.” (cited from the case summary). The applicant thereafter filed an appeal before the Additional Secretary of the Department of Personnel and Training, the designated first appellate authority under the Act, challenging the order of the CPIO. He argued that the transparency law has an overriding effect over the Indian Evidence Act, 1872 and that the document he wished to access was not protected under Section 8 of the Right to Information Act, 2005 or Articles 74(2), 78 and 361 of the Constitution of India. But the first appellate authority dismissed his appeal in January 2006. After this, Mr. Ramesh filed a second appeal before the Central Information Commission, which heard the case and upheld the

⁶⁰ Union Of India vs Central Information Commission, (Delhi High Court 11 July 2012). <https://indiankanoon.org/doc/151302580/>

⁶¹ *Government Privileges Not to Produce Documents*. (n.d.). Retrieved 12 July 2022, from <https://legalserviceindia.com/legal/article-6351-government-privileges-not-to-produce-documents.html>

⁶² *Article 74 in The Constitution Of India 1949*. (n.d.). Retrieved 10 July 2022, from <https://indiankanoon.org/doc/127060/>

⁶³ *Article 78 in The Constitution Of India 1949*. (n.d.). Retrieved 10 July 2022, from <https://indiankanoon.org/doc/220543/>

⁶⁴ *Article 361 in The Constitution Of India 1949*. (n.d.). Retrieved 10 July 2022, from <https://indiankanoon.org/doc/1470888/>

applicant's contentions made in previous appeals, and passed an order calling for the correspondences, so that the Commissioner could examine whether their disclosure would indeed harm the public interest as was being claimed. The CIC observed that reading Section 22 of the RTI Act made it clear that the law not only over-rides the Official Secrets Act, but also all other laws encouraging state secrecy and that it includes the Indian Evidence Act as well⁶⁵. Therefore, it held that no public authority could claim to deny any information on the ground that it happens to be a "privileged" one under the Indian Evidence Act. It was also observed that Section 2 of the RTI Act cast an obligation on all public authorities to provide the information so demanded and that the right thus conferred is only subject to other provisions of the Act and to no other law.

The examples discussed above demonstrate the manner in which the information commissions interpreted the RTI Act so as to facilitate the disclosure of information. It set a precedent during the UPA regime to use the Commissions to pressurise the government into opening itself up to public scrutiny. Any resistance to such demand of transparency on behalf of the government was subject to a test of public interest often through media trials, activism, and judicial trials that placed the government of the day and the rights-bearing citizen on opposite ends of the scales of justice. If we recall the idea of *legalfacts* invoked earlier in the chapter, it is clear as to how the notion of transparency as a legitimate public interest was constructed by the Commission here through the legal orders it passed. In his study of the Conseil d'Etat, a French legal advisory body, Latour shows us how "law becomes a way in which the

⁶⁵The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. *Section 22 in The Right To Information Act, 2005*. (n.d.). Retrieved 22 June 2021, from <https://indiankanoon.org/doc/1971086/>

world is assembled, an attribute that is attached to events, people, documents, and other objects when they become part of the decision-making process” (Levi & Valverde, 2008). Similarly, we can see here how the information commissions created as part of the new transparency regime were beginning to assemble a wide cast of actors who were united in the purpose of opening up the state for further scrutiny.

During a private interaction in Delhi, Habibullah said that being the first information commissioner since the law was adopted in 2005, he had a challenging task before him wherein he had to set the standards regarding how to balance the interest of the government and the “public interest”. But this did not mean that the Commission was an extra-judicial institution meant to undermine the power of the state. “The Commission was a part of the state apparatus entrusted with the task of holding it accountable from within,” he observed. He also noted that being a state institution, it often fell upon the Commissioners to protect the state from disclosures that could have compromised its functioning and the task of adjudicating information disputes was therefore akin to walking on eggshells.

Thus, while the Commissions were largely in favour of encouraging transparency in the public interest, it did not mean they blindly approved of any demand for information. For example, in an order delivered in July 2006, Information Commissioner A.N. Tiwari turned down the appeal of a Supreme Court advocate Ravinder Kumar who had requested a photocopy of the entry in the visitor’s register maintained at the Police Head Quarters (PHQ) in Delhi. The visitors concerning whom the query was made were one Mr. Vijender Sethi and his wife Meet Sethi. This advocate wanted to know why they went to the G-12 Kirti Nagar, Delhi police station on July 25, 2005 to meet the Joint Commissioner of Police (Special Cell) Karnail Singh⁶⁶. This

⁶⁶ Sourced from the Central Information Commission website [Decision | CIC](#)

information was not provided to the appellant for the reason that a number of visitors visit the PHQ to supply secret information to police officers besides registering their grievances and complaints. Their identity is concealed for their personal security. Section 8(1)(g) of RTI Act, 2005 provides that information disclosure that can endanger the life and physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes is exempted. To protect the identity of citizens providing assistance to the police in confidence, the PHQ declined the information sought under RTI. The Information Commissioner upheld this decision of the public authority as their reasoning for declining information was found valid.

Despite such efforts to balance its decisions, one thing that is evident from the orders passed by the Commission during the early years of the passage of the RTI Act is that it did not hesitate to call a spade a spade when it came to pulling up the government for failure to comply with the provisions of the information law. Consider, for instance, the language of this order dated May 2, 2006, in which the Commission chided the government for its lackadaisical attitude towards providing information under the law. A central government employee, Mahavir Singhvi, had sought information from the Ministry of External Affairs regarding the reason why he was terminated from duty⁶⁷. The Ministry denied him this information arguing that this was information of a private nature. The Commission directed Singhvi to club all his appeals and provide copies of the appeals to the Ministry of External Affairs, the respondent, which was directed to reply to the appeal within 15 days from the date of its receipt. The Commission also directed Singhvi to ask for the copies of the

⁶⁷ Shri Mahaveer Singhvi vs Central Public Information, (Central Information Commission 7 July 2006). <https://indiankanoon.org/doc/1432533/>

documents containing the information he desired and not to seek opinions through a questionnaire. The Commission said it would respond to the appellant after receiving the Ministry's response. Accordingly, the Appellant supplied a consolidated list of the information, documents, and files for inspection to the CPIO, Ministry of External Affairs. A few days later, the CPIO informed the Appellant that the information sought was of a personal nature and does not serve any public interest, citing Rule 8(1)(j) of Chapter II of the RTI Act, and that the matter was sub-judice, as the Delhi High Court was hearing an appeal challenging the Ministry's decision, and therefore, the requested documents could not be given. Dissatisfied with the response of the CPIO Singhvi filed an appeal with the Central Information Commission in May 2006 alleging that the denial of information was illegal and was intended to deceive him. The Commission heard the dispute on July 4, 2006 and issued notices to the parties involved. Information Commissioner O.P. Kejariwal heard the case. No one appeared on behalf of the Ministry. In its decision, the Commission accepted the petitioner's plea that Section 8(1)(j) of RTI Act was not applicable to the information sought by him. "The personal information which is the subject matter of the appeal comes within the public domain and the public authority has taken these decisions in the discharge of public activity in an official capacity. Disclosure of this information serves the vital public interest as it brings about transparency in the organization as well as makes the decision-making authorities accountable for the decisions taken. As regards the Respondents' reply that the matter is presently sub judice and, therefore, the requested document cannot be given, the Commission is unable to appreciate their view point. The Government decision in discharging the Appellant from service has been challenged in the Delhi High Court on the ground of illegality and unconstitutionality. The Government does not seem to be within its right to deny the

affected party the information regarding the basis and the reasons for its decision, in view of the provisions of Section 4(1)(d) of RTI Act which makes it incumbent upon every public authority to provide reasons for its administrative or quasi-judicial decisions to affected persons. Moreover, there are no directions of the Hon'ble High Court of Delhi expressly forbidding the disclosure of information to the Appellant. The Commission found that the PIO has not given the reasons for rejection of the request for information as required under Section 7(8)(i). Merely quoting the bare clause of the Act does not imply that the reasons have been given. The PIO should have intimated as to how he had come to the conclusion that Rule 8(1)(j) was applicable in this case. This only shows the casual approach of the public authority to deal with a request under the RTI Act. The Commission is unable to appreciate this lackadaisical attitude. The Commission, therefore, directs that the information asked by the Appellant in his letter dated 2nd May 2006 to CPIO and annexed to his appeal to this Commission...except third party information asked for in items (5) and (5A) for which the CPIO should follow the procedure laid down in Section 11 of the RTI Act, shall be supplied to the Appellant within 15 days and compliance of the decision reported to the Commission within 21 days of the issue of this order.”

I have reproduced the full order of the Commission above in its original language here only to drive home the point about how the institution was unafraid to call out the government when it was necessary to do so. This helped to create an enabling climate for transparency activists who sought to know how decisions were made within the government and also encouraged information seekers to come forward and ask questions of public authorities. And such initiatives were not limited to government departments or Ministries alone. We shall see going forward how this spirit of public inquiry was extended to other state institutions as well.

A significant order passed by the CIC came in 2008, when the Commission allowed citizens access to the Income Tax returns filed by political parties. In a landmark decision delivered in response to an appeal filed by the Association of Democratic Reforms⁶⁸ (ADR), the Information Commissioner A.N. Tiwari observed: “The laws of the land do not make it mandatory for political parties to disclose sources of their funding and even less so the manner of expending those funds. In the absence of such laws, the only way a citizen can gain access to the details of funding of political parties is through IT returns filed annually with IT authorities” (PTI, 2008). Encouraged by this order, RTI activists started seeking information from political parties about their funding sources. But political parties resisted this call to openness. In 2013, a year before the nation was due to elect a new government at the centre, the CIC issued an order asking the six national political parties to open up their finances for public scrutiny⁶⁹. This followed from an RTI application filed in October, 2010 by the National Convenor of ADR, Anil Bairwal, who had addressed the secretaries of the six national political parties —Indian National Congress (INC), Bharatiya Janata Party (BJP), Nationalist Congress Party (NCP), Communist Party of India (CPI), Communist Party of India (Marxist) [CPI(M)], and Bahujan Samaj Party (BSP)— demanding details of their sources of funding and how this contribution was made. To this, only two parties, NCP and CPI responded, with NCP stating that they had filed details of Income Tax returns to the Election Commission and directed the appellant to gather details from the relevant tax authorities. Only the CPI was happy to provide details of ten maximum voluntary contributions received by them. The rest of the political

⁶⁸ The Association for Democratic Reforms is a non-profit organisation started in 1999 by professors at the Indian Institute of Management, Ahmedabad, to address the problem of criminalisation of politics. They regularly conduct campaigns on voter awareness and citizen’s political rights.

⁶⁹ *Complaints relating to the disclosure of the accounts and funding of Political Parties*. (2013).

Association of Democratic Reforms.

https://adrindia.org/sites/default/files/CIC_order_dated_3rd_June_2013.pdf

parties did not respond to this query. Later, in May 2011, when the anti-corruption movement started capturing nationwide attention (discussed later here), RTI activist Subhash Agrawal and Bairwal filed another RTI appeal addressing the Presidents and Secretaries of the INC and BJP asking them to come clean on their party funding sources. Besides funding information, their RTI application also sought details regarding the election manifestoes released by both the parties in previous elections, and whether the BJP's previous NDA government under Atal Behari Vajpayee, and the Congress's current and past national governments had fulfilled their past promises. It is clear that the applicant's intention here was to assess how well these national parties had performed in their prior stints in government, and also if the voters could trust them to work in favour of the people and not be subject to any hidden agendas dictated by private funding sources. The RTI appeal also sought information on whether these parties had identified cases of corruption or malpractices indulged by party members elected to various legislatures and if any action had been taken on these. In response, both the national parties denied the information sought arguing that they did not fall under the purview of the RTI Act. This compelled the appellants to approach the Election Commission and plead them to declare political parties as public authorities under the RTI Act, 2005. Agrawal's argument in favour of this demand was that political parties received subsidised land and other benefits such as cheap rental accommodation for their members from the state; they were exempt from Income Tax; they also held the power to disqualify legislators as per constitutional provisions; pass laws; and decide which government came to power. In light of their privilege to influence public life and the perks they enjoyed from the state, these political parties functioned very much like public authorities, and must, therefore, be liable under the RTI Act, was the argument pushed forth by the appellants. The appellants also argued

that political parties enjoyed free airtime on All India Radio and Doordarshan, India's public broadcaster, which translated into benefits from the state. Bairwal also lodged an appeal in the Central Information Commission (CIC) making similar arguments. Bairwal further cited the Law Commission of India's 170th report on 'Reform of Electoral Laws' put out in 1999, which observed: "...if democracy and accountability constitute the core of our constitutional system, the same concepts must also apply to and bind the Political Parties which are integral to parliamentary democracy...It is therefore, necessary to introduce internal democracy, financial transparency, and accountability in the working of the Political Parties... A political party which does not respect democratic principles in its internal working cannot be expected to respect those principles in the governance of the country."⁷⁰ The political parties, for their part, argued that being a beneficiary of the state did not necessarily make them a public authority. They also argued that state support was given to political parties as a statutory requirement. There was also fear among political parties that RTI could be used to monitor their internal decision-making processes, which could compromise their electoral competitiveness. The CIC held a series of hearings on the matter between 2012 and 2013, in which it verified from the government whether the details of the state support given to political parties submitted by the appellants were correct. It also dwelt upon aspects of registration and other democratic duties discharged by members of political parties in their official capacity. After much deliberation on the matter, the CIC bench led by Chief Information Commissioner Satyanand Mishra upheld the view that the political parties must be declared as public authorities under RTI. However, the political parties did not comply with this order. Most political parties did not appoint any nodal officer in the position of a CPIO to handle

⁷⁰ *Reform of the Electoral Laws (Report No. 170) [1999] INLC 5*. (n.d.). Retrieved 2 December 2022, from <http://www.commonlii.org/in/other/lawreform/INLC/1999/5.html>

information queries. The non-compliance underlined the helplessness of the CIC as a government body trying to push through radical efforts to open up public institutions to scrutiny. Soon after this verdict, political parties unanimously moved a resolution in Parliament to amend the RTI Act in order to negate the CIC verdict declaring political parties as public authorities under the RTI Act⁷¹. What we witness here is a conflict ensuing between the Commission and the executive and legislative wings of the state that is vested with law-making power. Although the Congress and the Left parties that formed the UPA government had vehemently supported the cause of right to information at the time of the law's adoption in 2005, when the long arm of the sunshine law threatened to open up their own opaque affairs, it sent the parties scurrying for cover. In the end, owing to a vociferous public campaign led by the NCPRI aimed at preventing amendments to the RTI Act (Phillip, 2013), the bill was stalled and sent to a Parliamentary Standing Committee for further evaluation. As someone who had enthusiastically participated in this campaign back in 2013⁷², I recall the triumphant mood among activists and journalists when the amendment bill did not go through. Citizens who supported the call for opening up political parties for public scrutiny expressed righteous indignation at the unanimity with which the political class sought to conceal itself from the public gaze. The net effect of this pro-transparency discourse mobilised through RTI activism was to generate a sense of disenchantment with the state and the political class and propagate the view that all politicians are corrupt and that the citizen was condemned to suffer them. The decision

⁷¹ *The Right To Information (Amendment) Bill, 2013*. (2013).

[https://prsindia.org/files/bills_acts/bills_parliament/2013/RTI_\(A\)_Bill_2013.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2013/RTI_(A)_Bill_2013.pdf)

⁷² As a communications officer at the Commonwealth Human Rights Initiative (CHRI), in New Delhi, I was responsible for promoting this online petition to gather support for stalling amendments to the RTI Act *20,593 people signed and won this petition*. (n.d.). Change.Org. Retrieved 18 December 2022, from <https://www.change.org/p/speaker-of-the-lok-sabha-shrimati-meira-kumar-send-the-rti-amendment-bill-2013-to-a-standing-committee-select-committee>

to amend the RTI Act to keep political parties out of the law's ambit also lent credence to the view that the Congress did not mean business when it claimed to fight corruption by adopting the RTI Act (Ramesh, 2012).

ii) Transparency in the judiciary

One of the aspects that have puzzled many transparency activists in recent years is why has the judiciary, which at one point was instrumental in building consensus in favour of adopting the sunshine law in India, taken such a volte-face, and passed orders that are antithetical to the interests of promoting the right to information? While I elaborate on these regressive orders in greater detail in Chapter Six of the thesis, where I discuss the dismantling of the pro-transparency project, the answer to this puzzle lies in what transpired in the first few years since the adoption of the RTI Act. Around the time the RTI Act was adopted, the judiciary was widely seen as a corrupt body, with judges often being accused of taking bribes or passing orders under the influence of powerbrokers within the government. During my fieldwork in Delhi, RTI activist Subhash Chandra Agrawal spoke about his struggles while fighting a property dispute within his family where his uncle had influenced the judge. This episode became the starting point for him to seek transparency in the judiciary by bringing their functioning under the purview of the RTI Act. When Agrawal's uncle held his granddaughter's wedding in the official residence of one of the judges hearing the appeal, it violated the code of conduct for judges due to the implied conflict of interest affecting the judge's neutrality. Agrawal used the wedding invitation as evidence to lodge a complaint against the judge before the then Chief Justice of India (CJI). In 2005, Agrawal heard Arvind Kejriwal speak at the Rotary Club about the forthcoming Right to Information Act that would empower the common man to obtain

public records. “Kejriwal assured me that the Supreme Court (SC) would also be covered under the ambit of the new law. On October 12, 2005, the day the RTI Act came into force, I filed an RTI application with the Supreme Court seeking an Action Taken Report on my complaint. Initially, the Court refused the information. Then, I shot off an RTI application to the President’s Secretariat, which transferred my application to the SC registrar under Sec 6(3) of the RTI Act. That is when the Court registry became aware they were covered under the new law” (personal communication, 2019). The court registry issued a vague response to this application, saying that his complaint had been put on the relevant high court file. Unsatisfied, Agrawal went in for a first appeal. The file notings he received revealed that the First Appellate Authority and the CJI had endorsed this response from the Central Public Information Officer (CPIO). Thereafter, the case went before the Central Information Commission (CIC), which chided the Court for its vague response and also warned that a ₹25,000 penalty could be imposed on the CPIO for giving a delayed response. Wajahat Habibullah, then Chief Information Commissioner, directed the Appellate Authority to provide the details of action taken on Agrawal’s complaint. To recuse itself of liability in addressing the judge’s conflict of interest, the CJI’s office responded in writing that “neither the CJI nor the SC is a disciplinary or appointing authority for judges of higher courts including of high courts.” However, Agrawal found that such a claim was inconsistent with the existence of a collegium system where the senior most Supreme Court judges decided appointments of other judges and the fact that there existed an in-house procedure to probe complaints against judges. Meanwhile, an English daily flashed the story of the CIC hearing and the Court’s harassment of Agrawal’s family, compelling his uncle to reach a compromise solution. “Later, I saw a news report in an English daily that said judges of the High Court and Supreme Court

would submit asset details to the respective Chief Justices, but that this would be secretive,” Agrawal said. Spotting an opportunity to demand accountability from the judiciary, Agrawal quickly demanded a copy of this unanimous resolution. “The SC registrar provided me with a copy of the resolution but refused to inform me if SC judges were declaring their assets to the CJI. On January 6, 2009, the CIC disclosed this information in my favour, which prompted the SC CPIO to approach the Delhi High Court to challenge that decision.” When the Delhi HC judge upheld the CIC decision, Agrawal finally received information that SC judges were submitting their asset details before the CJI. However, the Supreme Court CPIO wanted to pull the office of the CJI out of the purview of RTI and pursued a further appeal in the case before a larger bench of the Delhi HC. After losing the court battle, the CPIO approached the apex court. This case was later sent before a Constitution Bench of the SC, whose verdict pronouncing that the office of the CJI came under the RTI Act finally came through in November 2019, 14 years after the original battle for transparency in the judiciary began. However, even this judgment remains vague on questions of political influence within the judiciary and how it affects the elevation of judges.

Around the same that Agrawal started transparency activism against the judiciary in 2005, Supreme Court lawyer Prashant Bhushan, an NCPRI member, also spoke about corruption within the judiciary in a widely discussed interview given to the magazine *Tehelka*. I quote Bhushan from the magazine: “In my view, out of the last 16 to 17 Chief Justices, half have been corrupt. I cannot prove this, though we had evidence against (Madan Mohan) Punchhi, (Adarsh Sein) Anand, and (Yogesh Kumar) Sabharwal on the basis of which we sought their impeachment.” When the RTI Act was passed in 2005, other judges too similarly became the target of anti-corruption activism, and citizens started using the law to demand details regarding the salaries

and perks of judges, and their Income Tax returns, which met with stiff resistance within the judiciary⁷³. In response to an RTI petition demanding his salary information, CJI Balakrishnan cited Section 8 (j) of the RTI Act 2005, which states: “Personal information, the disclosure of which has no relationship to any public activity or interest ... are completely exempted from the disclosure unless the Central Public Information Officer or the State Public Information Officer of the appellate authority...is satisfied that the larger public interest justifies the disclosure...”

In response to such increased citizen monitoring of the functioning of the Courts, the judiciary too started coming up with creative ways to circumvent accountability. The Supreme Court, for instance, sought to increase opacity by demanding information seekers to provide reasons for asking courts details related to judicial proceedings. This, in spite of the fact that the RTI Act, under Section 6, clearly stipulates that no reason needs to be given by citizens while filing RTI applications⁷⁴. The High Courts have powers under Section 28 of the RTI Act to formulate rules to implement the provisions of the law. The courts have employed this provision under the law to formulate such rules that increase the exemptions under the Act, and at least thirteen high courts have been reported as doing this. A standard refrain repeated by many High Courts to RTI queries received by them was: ‘Information was not [to be] in the public domain,’ meaning that since something is not already in the public domain it cannot be provided⁷⁵. Often such vague responses from the court deter the

⁷³ Babu, R. (2011, February 15). Balakrishnan wants his I-T info out of RTI loop. *Hindustan Times*. <https://www.hindustantimes.com/india/balakrishnan-wants-his-i-t-info-out-of-rti-loop/story-UFTeS4Vuxojvu6QoZbpBTN.html>

⁷⁴ Misra, V. (2020, April 24). *How India's Judiciary Is Curbing Citizens' Right to Information* [Legal]. Vidhi Legal Policy. <https://vidhilegalpolicy.in/blog/how-indias-judiciary-is-curbing-citizens-right-to-information/>

⁷⁵ Misra, V., Jain, C., Jain, T., & Tripathy, S. (2019). *Sunshine in the Courts: Ranking the High Courts on Their Compliance With the RTI Act*. Vidhi Centre for Legal Policy. https://vidhilegalpolicy.in/wp-content/uploads/2020/06/SitC_Digital_Final.pdf

information seeker by making waste of their effort to find things out. Many high courts have also levied increased fees from information seekers as a means to deter them. Such tactics of evasion under RTI have been witnessed in other public institutions as well, and more recently, the right to privacy has been repeatedly invoked to stall RTI requests (Bhatnagar, 2022; Gandhi, 2023).

What we are witnessing here is, how in the context of the UPA government, the *object* of concern that assembled disparate actors together was the “need to make the state accountable”. This was a direct outcome of the passage of the RTI Act in 2005 which mobilised a discourse in favour of state transparency and accountability. And when empowered ordinary citizens started coming forward to pose questions before state institutions, it began to unravel the networks of patronage and privilege that are associated with corruption. This prompted the state to come up with creative ways to secure its own interests. But before we go deeper into that, let us turn our attention to the corruption scandals that began to rock the boat of the UPA government.

iii) Smelling the 2G rat

In the winter of 2021, after the restrictions imposed by the Coronavirus pandemic had been somewhat relaxed in New Delhi, I met an investigative reporter at the Press Club on Raisina Road. This reporter —let us call him Mr. R— had sourced information via a mole in the Department of Telecom that the Union Minister A. Raja was distributing telecom spectrum licenses to favoured corporations on a first-come-first-served basis, ignoring the advice of bureaucrats and superiors in the UPA government. What notably generated an uproar was that after announcing the allocation of 2G spectrum licenses, which provided access to limited radio frequencies

that can help cellular operators expand their markets, the Minister advanced the cutoff date to select only 120 out of 575 applications, which amounted to openly favouring some telecom operators over others, denying all companies vying for a license a fair chance at securing this resource (Bhandari, 2012; Swamy, 2011). The stories ‘R’ published on this subject kicked up a storm in New Delhi, eventually costing the Minister his political post and earning the Congress-led coalition government the black mark of being “corrupt”. ‘R’ told me that he regularly corresponded with the now BJP politician Subramanian Swamy, who filed a case in the Supreme Court in 2008 accusing the government of foregoing higher revenues for the exchequer through the sale of spectrum at old and outdated prices. In his book on the subject, Swamy notes that he wrote to the then PM Manmohan Singh in November 2008 demanding a sanction under Section 19 of the Prevention of Corruption Act (1988) seeking to prosecute A. Raja by filing a private complaint before the designated sessions court. However, the PM procrastinated, so he went to the SC (Swamy, 2011). It must be noted here that both the newspaper ‘R’ writes for and the Opposition leader he collaborated with are affiliated to the right-wing BJP, with a political stake in derailing the Congress government. The mole in question currently occupies a plum job within the BJP, ‘R’ let slip with a chuckle. ‘R’ broke the story for his publication a month after Swamy had written to the PM on this matter and received no response. At the time this scandal erupted, Swamy was still a President of the Janata Party, the precursor to the BJP, and he moved over to the BJP only in 2013, a year before the general elections.

It was ‘R’'s contention that the credit for bringing this scandal to light belonged solely to him and to the mole in the Ministry, his primary source, who also deposed anonymously before the Supreme Court when the 2G spectrum corruption case filed by Swamy came up for hearing. He asserted that the right to information had little to

no role in bringing the scandal to light, although RTI activists will refute such a claim. A senior Congress party leader also acknowledged that R's reports in the press first drew attention to the discrepancy in the distribution of 2G spectrum licenses. The rest of the press picked up the story after that. Therefore, in this sub-section, I have two aims. One is to compare the formal and informal means of information gathering and their varied uses when it comes to constructing corruption narratives. The other is to demonstrate how information obtained under RTI and the consequent discourse produced based on its revelations lent credence to these corruption narratives. The 2G spectrum scandal case is also an opportunity to reflect on how legal enunciations lend tangibility to corruption discourses.

'R' said that the mole in the Ministry who worked under A. Raja was able to sneak out documents such as official correspondences between the Minister and other state representatives responsible for making decisions about the 2G spectrum licensing as soon as these left his table. He said that such swift access to information was not possible under RTI because bureaucrats would drag their feet or cases would take forever to be heard by the Information Commission. He noted further that sensitive government documents could simply be removed or denied under RTI. The mole in question was able to pass on confidential papers, including incriminating evidence that helped frame the Minister on corruption charges. This way, R managed to expose the secret list of companies floated by Raja's relatives to establish the money trail that could confirm monetary benefit to the Minister through the corrupt dealings he allegedly encouraged. What R's reports in the press achieved was that it helped to frame A. Raja as the guilty party while Swamy's case was being heard in court. Out of the eight companies that had received the 2G spectrum licenses in the first round of distribution, three companies were proven to have flipped their licences at a massive

premium by selling their stake to international telecom companies (Bhandari, 2012). As a result, the SC judges cancelled 122 licences handed out by A. Raja, with the court pronouncing this distribution as arbitrary and unconstitutional (ibid.). Also consider this statement issued by NCPRI member and Supreme Court lawyer Prashant Bhushan, who fought this case on behalf of Swamy in court: “The judgment will send a strong signal to the whole country, in particular the corporate world, that this country is no longer willing to allow these *corrupt* corporations and *corrupt* public officials to retain the benefits of illegal and *corrupt* acts” (emphasis mine)(Bhandari, 2012, p. 4). What we see here is how the press reports and the Court verdict cancelling the issue of licenses, along with the repeated enunciation by the court/lawyers declaring the Minister and his acts as “corrupt”, allowed the elusive phenomenon of corruption taking place behind closed doors to assume a concrete reality.

If we recall the earlier discussion in this chapter about the government’s resistance to allowing access to file notings under RTI, I noted that accessing these documents could allow citizens to precisely trace the manner in which decisions were being made within the government and pinpoint the role of various actors influencing bureaucratic outcomes. This is what happened when RTI users sought information regarding the UPA government’s decision to issue 2G telecom spectrum licenses to preferred private firms. Advocate and activist Vivek Garg, who now heads the BJP’s RTI cell, ferreted out documents from the Prime Minister’s Office on the 2G spectrum allocation revealing the PM’s advice issued to A. Raja, in November 2007 to follow the auction method for 2G spectrum allocation and use benchmark pricing of 2007 rates instead of 2001 rates (which Raja had adopted), but Raja refused to follow the PM’s advice on the matter and took an arbitrary decision (Correspondent, 2011; Garg, 2012). Garg also dug out a note signed by P. Chidambaram on spectrum in January

2008, where the then Finance Minister observed that spectrum is a scarce resource and advised auction as the best method for its allocation. Another critical document Garg unearthed on the subject using RTI was in 2011, which contained the Official Memorandum establishing the involvement of P. Chidambaram in the 2G spectrum sale on a first-come-first-served basis. Subramanian Swamy appended this Office Memorandum issued by the Finance Ministry in his Court submission, which became the basis for a fresh plea in the SC demanding a probe against Chidambaram⁷⁶. What the RTI documents achieved in this instance was to help the litigant cast his accusatory net far and wide, implicating other politicians as guilty by association in the scam for failing to take any steps to prevent Raja's acts of corruption. Garg also demanded 2011 that the PM's role be probed in the scam dragging the accusatory net further.

Tracing along this trail of guilt, Subhash Chandra Agrawal filed an RTI application in October 2010 before the Department of Telecommunications (DoT) demanding to know if there was any discussion on the matter of 2G spectrum allocation between Pranab Mukherjee, then Union Minister for Communications and Information Technology, and G.E. Vahanvati, India's Attorney General (AG). He also sought the minutes of the meeting in case the discussion had taken place. Initially, the CPIO of DoT refused to answer the queries, after which the activist appealed to the CIC. The Commission ordered the DoT to provide the appellant with the information sought, and the DoT, after that, sourced it from the AG's office. The AG office replied to the RTI that: "In the first week of December 2007, there was a discussion held with the then external affairs minister (Pranab Mukherjee) concerning issues raised in the proceedings filed by COAI (Cellular Operators Association of India) before the TDSAT

⁷⁶ Venkatesan, V. (2011, November 4). *Shifting spotlight*. Frontline. <https://frontline.thehindu.com/cover-story/article30177405.ece>

(Telecom Disputes Settlement and Appellate Tribunal) in relation to allocation of spectrum. The contentions of the COAI and those of the DoT were explained to the Minister.” The RTI reply also revealed that the attorney general had attended a meeting on 2G spectrum allocation in December 2007 in his capacity then as solicitor-general, where the former telecom minister A. Raja and Pranab Mukherjee were also present. However, the AG’s office noted that no minutes of the said meeting were maintained. This information regarding high-level meetings on the subject of spectrum allocation being held in the government surfaced only after the DoT was asked to furnish the same by the Central Information Commission. What this RTI response achieved was that it established the fact of the telecom lobby represented by the COAI conveying its grievances over A. Raja’s spectrum allocation policy to a senior Congress minister and the office of the AG being in the know of it. This naturally begged the question why the Congress leadership did not act on COAI’s complaint. One of the viable explanations for this is that the DMK party, to which A. Raja belonged, had 18 Members of Parliament supporting the Congress-coalition government or UPA at that time. Going against a coalition partner would have jeopardised the government’s stability. It is worth noting here that while press reportage helps build public opinion on an issue, these are not admissible as evidence of corruption in a court of law. However, documents and records obtained under RTI are admissible in court. This is why the 2G scam is different from other political scams in India, such as Bofors because it produced a paper trail laying bare discussions happening behind closed doors of the government.

In his book ‘2G Saga Unfolds’, A. Raja provides an alternative version of the 2G scandal story —arguing that the Opposition, the media, and the investigative agencies framed him. The former minister is open about the manner in which different

corporations sought to influence telecom policy in their respective favour and the battle for market advantage that existed between the GSM and CDMA operators (short for two different types of cellular protocols). He argues that his refusal to favour one particularly well-established telecom company that dominated the COAI was why he was targeted viciously (Raja, 2018). It is not my aim here to evaluate the merits of Raja's defence but to pinpoint from an anthropological perspective that what was labelled as "corruption" in this situation was nothing but business as usual so far as political matters are concerned: private firms vying for a scarce public resource lobbied with the Minister behind closed doors to win the contract, and the disgruntled party cried corruption. I recall Scott's idea of looking at corruption as "normal channels of political activity to influence outcomes in one's favour" in this context. However, unfortunately for Raja and the government he represented, the documentary trail establishing "corruption" and its apparent intentionality of guilt, along with investigative agencies such as the Central Bureau of Investigation (CBI) and the Comptroller and Auditor General (CAG) pronouncing Raja and his aides guilty of causing a loss of revenue to the exchequer proved to be a nail in their coffin. Although efforts were made by those in the UPA government to argue that no real loss of revenue occurred due to the 2G spectrum license distribution, it did not pass muster with the public and the press that had already deemed the government guilty. In December 2017, a special court in India holding corruption trials acquitted the politicians, bureaucrats, and corporate executives accused in the 2G case, with the court observing that the whole scandal had been choreographed to appear as one and that the litigant

did not have any legally admissible evidence to offer.⁷⁷⁷⁸ This court verdict is an opportunity to reflect on how legal processes can both construct as well as dismantle corruption narratives with the procedure of law allowing for the rendering of corruption as a *legalfact*. The 2G corruption case also illustrates the centrality of documents and their political role in facilitating such legal procedure.

iv) The Commonwealth Games ‘scam’

The very first document obtained under RTI one finds in advocate Vivek Garg’s weighty tome ‘PMO to Delhi Secretariat: RTIs Expose Commonwealth Scam’ (2012) is a letter from the then Delhi Chief Minister Sheila Dikshit written to PM Manmohan Singh in March 2011 in which she decries that the High-Level Committee constituted to investigate the conduct of the Commonwealth Games in Delhi in 2010 “seems to be the product of a paranoia” (2012, p. 8). She notes with concern how the report put out by this Committee suspects “every action, every individual, and assumes that every policy bespoke a ‘grand construct of corruption’” (ibid.)

Headed by the former CAG V. K. Shunglu, the Committee took a grim view of the ambitious infrastructure projects Dikshit had undertaken to spruce up the national capital ahead of the Games, which brought international sporting talent and rich corporate sponsors to the city. Media reports constructed a narrative that the Delhi state government was “corrupt” and had swindled crores of money by cutting corners

⁷⁷ ET Bureau. (n.d.). *2G Spectrum Scam Case Verdict | Live Updates: A Raja, Kanimozhi acquitted in 2G Scam case*. Retrieved 11 December 2022, from <https://economictimes.indiatimes.com/news/politics-and-nation/a-raja-kanimozhi-acquitted-in-2g-scam-case/articleshow/62189376.cms>

⁷⁸ Some people created a scam by artfully arranging a few selected facts: 2G case judge. (2017, December 21). *The Indian Express*. <https://indianexpress.com/article/india/2g-scam-case-verdict-judge-op-saini-this-is-why-a-raja-and-kanimozhi-have-been-acquitted-4992445/>

in various public works⁷⁹. A perusal of the collection of files Garg has published in his book actually does not offer much incriminating evidence of corruption against the Sheila Dikshit government. Rather it lays bare the Delhi state administration's dilemma in having to fight an unfriendly press and tackle conspiratorial theories of corruption in which all and sundry were hastily implicated. Then Lieutenant Governor of Delhi Tejendra Khanna in his communication dated October 7, 2020 expresses similar concerns when he writes to the PM Manmohan Singh about the Commonwealth Games Village created for the sporting event that it "unfortunately received highly exaggerated adverse media coverage focussing on some housekeeping and maintenance issues...which were set right in a few days." A letter written by P.T. Thomas, Member of Parliament, to the PM also expresses critical opinion about negative media coverage of the CWG organisation to wilfully "malign the image of India" and that "some images of dirty toilets were leaked to international media such as BBC with an intention to defame the organisers" (Garg, 2012)

In 2021, I had the opportunity to meet a senior Congress leader –let us call him Dharam Singh*– who was a close associate of Mrs. Dikshit and could provide me an insider's perspective of what happened in New Delhi at the time the CWG 'scam' unfolded. Seated in his plush apartment in Southeast Delhi, we spoke about why Mrs. Dikshit came under such a brutal attack. Singh* said that there were two versions of the story –there was one 'camp' that appreciated Mrs. Dikshit for changing the face of Delhi by adding new flyovers and other vital infrastructure as part of the urban development projects initiated ahead of the Commonwealth Games. But there was this other 'camp' comprising dissenters from within the Congress and opposition politics

⁷⁹ Commonwealth Games Scam. (2020, February 7). *The Times of India*.
<https://timesofindia.indiatimes.com/miscellaneous/commonwealth-games-scam/articleshow/56032112.cms>

who wanted to “malign” the government by making a controversy out of it. He also pointed out that the decisions made as part of the Commonwealth Games were done by the Organising Committee headed by Suresh Kalmadi and it was politically motivated to drag Mrs. Dikshit’s name into it. Again, the strategy here it appears was to cast a wide net and drag everyone into the cesspit of scandal. While in the 2G spectrum allocation case there is some evidence of culpability, in the case of the CWG Games despite allegations that 70,000 crores worth money had been misappropriated, the CBI was able to register only one case against the CWG organising committee chairman Suresh Kalmadi for offering a contract worth Rs. 141 crore to Swiss Timings instead of offering it to another firm that bid for a lower price. While the PMO set up the High-Level Committee to look into decisions on award of contracts and determine whether cost escalation of projects happened due to delays, a letter from Mrs. Dikshit published in Garg’s book itself shows the Delhi CM asking for expedition of clearances for the proposed works to avoid undue delays and cost escalation. The CM was evidently struggling with having to deal with multiple agencies engaged in the administration of Delhi. She also seeks a way to ensure better coordination between various agencies to expedite work and meet the deadline in time for the Games in one of her letters.

The 361-page Shunglu committee report⁸⁰ for its part, reports a loss of over Rs. 1,600 crore in the construction and renovation of venues for the Games by various government agencies. It blames senior civic and construction government officials for inordinate delays, inflated prices and a rigged tender process. The Committee found Rs. 800 crore to be the cost of delay in completing the construction of all the games

⁸⁰ PMO examining Shunglu reports on CWG venues organisation. (2011, June 2). *The Hindu*. <https://www.thehindu.com/news/cities/Delhi/pmo-examining-shunglu-reports-on-cwg-venues-organisation/article2071075.ece>

and training venues across the national capital. It said that financial oversight by different agencies resulted in the undue gain of over Rs 250 crore to contractors. It said there was an estimated Rs. 574 crores of “wasteful expenditure” on certain types of assets (Shunglu, 2011). The press and activists lapped up the Committee’s report to deem the state government corrupt and inefficient.

Arvind Kejriwal, who was active in the right to information and anti-corruption struggle in Delhi took to the CWG scam in a big way. He has written in his book ‘*Swaraj*’: “In Delhi, in the name of the Commonwealth Games, the government blew up Rs. 70,000 crores. Perfectly fine roads were demolished and redone. Perfectly fine footpaths were broken up and redone. One newspaper reported that the government was remaking footpaths for Rs. 400 crores. At the same time MCD sweepers did not receive their salaries for three months. Contractors have not been paid for over five years. Yet, a helipad is being constructed over the MCD building so that the helicopters of politicians can land there.” (2012, p. 13)

It is telling, however, that despite plenty of documents released on CWG under the RTI Act, neither the press nor the activists used its contents to frame their narrative. Instead, it seems as though they were driven by the collective impulse to deface the government.

v) **The 2011 anti-corruption movement**

“Ye sarkaar nikammi hai, Sonia uski mummy hai”

[This government is useless; Sonia is its mother]

“Aeji oji loji sunoji, 2G, CWG, aur ab jeejajee”

[Come on O people, ye listen. 2G, CWG, and now jeejajee (brother-in-law)]

If there is one rather vivid memory of the 2011 anti-corruption protests that I can recall now, it is these cheeky Hindi slogans raised by protestors swarming Delhi's Jantar Mantar protest area, openly attacking the Congress-led UPA government and the Nehru-Gandhi dynasty helming it. Congress President Sonia Gandhi, the widow of former PM Rajiv Gandhi, and her family members became the subject of intense ridicule and crude attacks in the wake of corruption scandals rocking the coalition government her party led. The brother-in-law being referred to in the second slogan mentioned above, is Robert Vadra, brother-in-law of Rahul Gandhi, who was accused of indulging in a fraudulent land deal in Haryana in connivance with the real estate firm DLF. Prime Minister Manmohan Singh was also ridiculed as "maunMohan" ('mute' Mohan) because he remained tight-lipped when asked to respond to the myriad scandals rocking his government⁸¹. While I have elaborated on two corruption scandals in the previous sections, these were not the only scandals that had surfaced at that time. In Maharashtra, the Adarsh housing society 'scam' involving the grab of government housing meant for war widows and ex-military veteran's families by politicians and their family members resulted in the resignation of the Congress chief minister in the western state, which severely dented the party's image. A senior Congress member who was managing the party's public affairs at that time spoke to me about how the UPA government's commitment to transparency and taking corrupt people to task by seeking their resignations had begun to backfire instead of winning them plaudits.

⁸¹ *Narendra Modi mocks PM with 'Maun'mohan Singh*. (n.d.). NDTV.Com. Retrieved 12 December 2023, from <https://www.ndtv.com/india-news/narendra-modi-mocks-pm-with-maunmohan-singh-503033>

“The RTI Act was a historic legislation passed by the UPA government, but the transparency provisions it brought with it, put the UPA government in a tight spot. They were caught between a rock and a hard place. Every arrest, every resignation, and every case of corruption filed against a Congress leader or UPA ally brought along with it a tacit admission of guilt.”

He confessed that prior to the adoption of the law many of his party colleagues had expressed apprehension that the RTI Act may be used as a tool for conducting witch hunts, and some were paranoid or even scared of the transparency provisions. Others in the bureaucracy expressed concerns regarding a policy paralysis. The leader also concurred with the observation made in the book ‘The Accidental Prime Minister’ (Baru, 2014) about there being two power centres within the UPA government, one around Sonia Gandhi who was a popular leader and headed the NAC, and the other around Prime Minister Manmohan Singh, an executive appointee without the mass base that Mrs. Gandhi enjoyed. This allowed the Opposition and factions within the party to exploit the fissures within the government more easily.

“A critical mistake that the top leadership of the party made at that time was that when these scandals were attracting censure in the media they failed to step forward and protect the party and its allies’ image. The task of troubleshooting was left to managers such as me and a few Ministers who fumbled before the media making the government look worse.”

*

It was in this scenario that Arvind Kejriwal and social activist Anna Hazare emerged onto the national scene in 2011 with their crusade against corruption. The

Maharashtra-based Gandhian, Hazare, declared a fast-unto-death in April 2011, and sat on protest in New Delhi's Jantar Mantar area, which serves as an assembly point for public demonstrations. He demanded that the government must take swift measures to appoint an anti-corruption ombudsman in the Lokpal since public trust in the government had hit an all-time low. Kejriwal, who was already fighting small, localised campaigns against corruption in Northeast Delhi joined forces with Hazare and started mobilising the youth and middle-class Delhi residents for involvement in the anti-corruption protest. This led to the formation of a loose coalition under the rubric 'India Against Corruption' (IAC). During my fieldwork in New Delhi in 2021, I had the opportunity to interview some core members of the IAC, who had volunteered with Kejriwal as part of his NGO Parivartan (discussed in Chapter Three). These interviews give us a sense of how Arvind Kejriwal and his activist colleagues built alliances starting from the grassroots level and then escalated it gradually to build consensus for the anti-corruption movement.

Girish Kumar^{*82} is now a full-time member of the Aam Aadmi Party that was born out of the IAC group in 2012 after the anti-corruption struggle concluded. He was a law student when he first met Arvind Kejriwal in his college campus in Delhi in 2006. Kejriwal had delivered a speech addressing the youth to fight for the betterment of their nation which drew Kumar to volunteer for Parivartan as a legal assistant.

"Kejriwal *ji* was recruiting young persons to join the anti-corruption drive against the Delhi state government back then. The early campaigns we did were mostly focussed on provision of basic amenities to citizens in shantytowns of northeast Delhi, but

⁸² Name changed to protect identity.

slowly we started focussing on larger systemic issues. When the CWG ‘scam’ was reported in the press in Delhi, we at Parivartan started collating press reports and other investigative material that could help establish acts of corruption. Kejriwal *ji* would then take this material to the people who resided in the neighbourhoods where we worked to make them aware of how the politicians were looting people’s money and then encourage them to come forward and join the struggle. Girish* recalls travelling to Ralegan Siddhi in Maharashtra which was the base of social activist Anna Hazare as part of a study trip with his Parivartan colleagues. Kejriwal sir wanted to study the self-governance system of the village there so we could take ideas for implementing these models and make our government authorities people centric.”

I asked Girish to explain how the anti-corruption movement became so big. As a small voluntary organisation, they may not have been able to organise such large crowds (the anti-corruption protests starting in April 2011 attracted crowds running into hundreds of thousands of persons). At this point, Girish mentioned that in February 2006, Arvind Kejriwal had won the Ramon Magsaysay Award for Emergent Leadership, which helped him to later bag funds from the Ford Foundation in the U.S. for campaigning on RTI-related issues. According to figures reported in the press, the Foundation’s grant to Kejriwal’s organisation was estimated to be USD 3,97,000 (Nayar, 2022).

“Kejriwal sir always comes up with brilliant ideas. One such idea was to use missed calls in the mobile phone to gain supporters. In Delhi, poor people always used missed calls as a means to request a callback when their phone balance was low. This was where he got the brainwave from. We put out advertising posters and social media

posts on the subject of corruption in government through the IAC online pages, and asked people who felt strongly about the issue to give us (IAC) a missed call on the advertised mobile number to extend support to our campaign. We were astounded at the extent of support this won us. The missed calls we received ran into several lakhs. This gave us a ready database of supporters through whom we could amplify our campaign messages. We conducted campaigns over mobile SMS (short messaging service) and asked people to join us in large numbers at Jantar Mantar after Anna Hazare declared the fast. The huge outpouring of public anger against corruption was astounding.”

Girish’s story of the IAC campaign refreshed my own memory of fasting in solidarity with Anna Hazare against corruption in 2011. For those of us who lived in Delhi at that time, it seemed as though a revolutionary tide had swept across the nation and “corruption” became symbolic of an old, self-serving political order that needed replacing. Hazare’s Gandhian aura and patriotic stance on saving the nation from “corrupt” politicians had a strong moral appeal among the youth and the middle classes. A little background information on Hazare is merited here to explain why he commanded such immense respect. The activist had served for 15 years in the Indian Army. After taking voluntary retirement from service, Hazare returned to his village Ralegan Siddhi where he started to lead the life of a renunciate (Pradeep & Pooja, 2011). In his village he initiated several social interventions such as addressing substance abuse (ibid.). He also consistently raised issues of corruption in Maharashtra and called for a movement on the lines of the Indian freedom struggle to rid the nation of corrupt politicians and bureaucrats (ibid.). In 1991, he launched the *Bhrashtachar Virodhi Jan Andolan* in Maharashtra to organise anti-corruption

protests at the village and state level and secured the arrest and resignation of many officials against whom corruption charges were proven. From 1998 onward, Hazare consistently campaigned for the Maharashtra State RTI Act and even observed hunger strikes to get a people-friendly version of the law passed there (ibid.).

The idea of the first Jan Lokpal Bill had been mooted in Parliament back in 1968 based on the Administrative Reforms Commission report in 1966 but it remained on paper ('The Lokpal Bill', 1978). JP had also supported the idea of an independent anti-corruption body. In 2011, as the public protest against corruption gathered steam, the Anna Hazare group revived this idea of a Lokpal to appoint the anti-corruption ombudsman and sent its draft bill to the government for consideration. The NCPRI came up with its own version of a Lokpal Bill. The Jan Lokpal Bill by Hazare envisaged initiating investigations into corruption charges against the Prime Minister, Ministers, MPs, Supreme Court and High Court judges, in case there were complaints against them, after obtaining approval from a seven-member bench of the agency⁸³. These demands from the IAC group also attracted criticism from some quarters that the movement was framing the entire political class as "corrupt", thus, bordering on anarchism. The beleaguered Congress Party that was working hard to undo the damage wrought by Hazare's fast-unto-death against corruption famously alleged that Team Anna consisted of "armchair fascists, overground Maoists, closet anarchists ..." (ET Bureau, 2011).

Girish spoke about how Kejriwal wanted to involve people in the campaign who had the capacity to draw large crowds. "So, we started identifying influencers on social

⁸³ Jan Lokpal Bill, 2011, (2011).

https://prsindia.org/files/bills_acts/bills_parliament/1970/DraftJanLokpalBill.pdf

media and local celebrities with a mass base who could be roped in to draw large crowds. One of these persons was the yoga guru Baba Ramdev. We invited him to Delhi to join the hunger strike.”

Ramdev heads an Ayurvedic company in Haridwar that also organises yoga camps. His involvement in the campaign, which was until then viewed as an organic mass protest, drew scepticism owing to his crude speeches and right-wing links (PTI, 2011). I asked Girish if there was a conscious effort on part of the IAC to rope in Baba Ramdev given his right-wing appeal, he said that ideology was never a factor in inviting participation. “The IAC was like a house with an open door, we welcomed participants of all persuasions.”

But the saffron shades of the 2011 struggle began to worry other members of the camp who differed in ideology. An IAC core committee member who quit the movement after six months of its initial run told me that he was drawn to the struggle by a genuine desire to see positive change in the system of running the country, but it was only after a few months of involvement, when the initial wave of enthusiasm from the protests had settled, that he realised there was more to the IAC than just fighting corruption. The involvement of right-wing activists and politicians in the IAC put him at unease. In August 2011, Narendra Modi, then Gujarat Chief Minister, wrote a letter to Hazare extending support for the Lokpal movement. After much back and forth between the IAC and the UPA government, the Lokpal and Lokayukta 2013 Act⁸⁴ was passed by the UPA II government, which drew flak from civil society for being a

⁸⁴ Lokpal and Lokayukta Act, 2013, (2014). https://dopt.gov.in/sites/default/files/407_06_2013-AVD-IV-09012014_0.pdf

watered down version of the law as originally prescribed (Jaffrelot, 2015; Panchu, 2012).

From activism to mainstream politics

In December 2021, I interviewed a senior leader of the Aam Aadmi Party who had been involved in Parivartan since the early 2000s and was later prominently active in the IAC movement as well. I asked this leader what compelled the IAC members to form a political party in 2012 instead of continuing their adversarial role as a civil society organisation. To this, he explained that the experience of negotiating with the UPA II government for a strong Lokpal Act taught them that they could not accomplish real change by remaining outside the political system. He said that senior Congress leaders, who were facing immense public pressure following the anti-corruption protests of 2011, had challenged him and others running the IAC movement to enter into mainstream politics. “The thought we had at that time is if we remained on the margins of the state as activists, all we could do was to protest and write opinion pieces in the papers criticising the government. But, if we stood for elections and won, we could bring about the social change we aspired for. The overwhelming public support for the IAC movement gave us the confidence to enter into mainstream politics. It seemed as though our moment had arrived and we simply seized the opportunity to offer a new style of leadership to the people of India, who were clearly losing faith in older politicians back then.”

I also asked this leader why the Aam Aadmi Party did not vehemently push for securing the conviction of those accused of corruption in the CWG ‘scam’ through the intervention of the Lokpal or the Lokayukta (at the state-level) once they occupied power in the state of Delhi in 2015? The CWG corruption cases in court were as of yet

inconclusive, more than 10 years after the ‘scam’ had originally surfaced at the time of our interaction, though the CWG organising committee chairman Suresh Kalmadi had been arrested on alleged corruption charges⁸⁵. To this query, the leader responded that the Lokpal was under the purview of the President of India and the Public Accounts Committee was under the Lok Sabha, so it was beyond their powers as a state government to direct its functioning, however, in Delhi, since the CWG trial was already proceeding in the designated court, they shifted their focus to running the day-to-day affairs of the government. An interesting insight this leader shared with me was: “Corruption was a subject that garnered national attention during the rule of the UPA II government, but, after the Congress lost power at the centre and the Delhi state government, it became a non-issue.” In Chapter Six, I dwell in greater detail on this subject, but it is worth noting here that AAP’s transition from being a civil society group to a mainstream political party now enjoying untrammelled power in the state was palpable. Not everyone who had once been a part of Kejriwal’s activist journey concurred with his decision to join mainstream politics. In 2020, around the time AAP won the Delhi state assembly elections for the third consecutive time, I met Pritam*, a senior journalist working for a Hindi news channel, who had parted ways with Kejriwal after volunteering for Parivartan for a few years. I wished to understand why his co-travellers in the anti-corruption movement disapproved of his decision to join politics.

“Before I joined Parivartan in 2002, Arvind was already involved in anti-corruption activism in the electricity department of the Delhi state government. At that time, power supply was under the control of the Delhi Vidyut Board, a public body, and not

⁸⁵ *Top 10 facts about Kalmadi’s Commonwealth Games scandal*. (n.d.). NDTV.Com. Retrieved 13 December 2023, from <https://www.ndtv.com/india-news/top-10-facts-about-kalmadis-commonwealth-games-scandal-568261>

the BSES Rajdhani, the joint venture between the Delhi government and Reliance Infrastructure, as is the case now. There was plenty of room for corruption in installation of new electricity meters and billing, which Kejriwal tried to address. And since he was employed in the income tax department at that time, he also addressed issues of bribery in the department there and worked to improve citizen awareness of their rights by explaining service norms to them and suchlike. When the Delhi state Right to Information Act was passed in 2001, it came in handy for activists like us who wanted to take up local causes such as what Kejriwal was working on then. Kejriwal already had a well-established network with stalwarts of the right-to-information movement such as Aruna Roy, Harsh Mander and others through his civil service connections. Kejriwal, along with other activist friends founded Parivartan on August 15, 2002, commemorating Independence Day. Its office was based in Sunder Nagri, a working-class colony in north east Delhi. We filed right to information queries with the local municipal office to find out about the status of public works and sanitation services in the neighbourhood and pressurised the agencies to improve their services. This brought some relief to the residents in the colony at that time. We also pulled out details of at least 135 development projects of this nature and conducted a full-scale social audit of these works in December 2002.”

I asked Pritam if these citizen awareness efforts were still being practiced by local government offices in Delhi now, and he said that sadly this was not the case anymore. It was obvious that the enthusiasm for right to information Kejriwal and his colleagues evinced during their early activist days was no longer sustained by the state government he now headed. Smaller civil society groups that emerged out of this

network, once Parivartan was dissolved, such as the Satark Nagrik Sangathan, have continued to carry on the cause of fighting for right to information in present times.

“After Parivartan found success at the grassroots level, it started expanding its presence outside Sunder Nagri. Kejriwal formed an ‘RTI manch’ (forum) through which he started building alliances with local Resident Welfare Associations across the city to raise similar citizen grievances for redressal. In 2003, we also undertook an election watch exercise, which has now become a separate organisation Association of Democratic Reforms dedicated for this purpose. As part of the election watch exercise, we used the RTI Act to demand information on the criminal records of candidates fielded in Delhi elections, record of development works undertaken by candidates in the past, public expenditures by sitting MLAs, etc. and went to citizens with this information to educate them about the background of the candidates and help voters decide whom they could elect to represent them. In 2004, I split ways with Parivartan because Kejriwal started an organisation called ‘Kabir’ with his friend Manish Sisodia using funds from the Ford Foundation. Kabir was to function as a communication and outreach wing and publicize the works of citizen activism undertaken by Parivartan. The funding was a substantial amount and I had differences with Kejriwal regarding accepting money from foreign donors, so I decided to end my association with them... Until then, we were working as a people’s movement, and it was a non-hierarchical space where anyone was free to join and contribute to the cause. But I felt that the character of this space was changing... Kejriwal was also beginning to associate with the World Bank and UNDP more often and these agencies used our work without giving us enough credit. UNDP, for instance, offered to make a film for citizen awareness purposes on our activist work, and then edited it as per their whims without

allowing us any say in the content that they were creating. Such things made me very uncomfortable...”

It was evident from Pritam’s description that he was wary of Kejriwal’s ambition to expand the reach of his work. He was not merely interested in working for a public cause, he also wanted to fashion a public image from it for himself. In 2006, after Arvind Kejriwal won the Ramon Magsaysay award, he started thinking about expanding his network nationally and internationally. The cause of Sunder Nagri and its residents were forgotten...

✱



An AAP supporter spotted at the venue of Arvind Kejriwal’s swearing-in ceremony. Photo: Vidya Venkat

In February 2020, I attended Arvind Kejriwal’s swearing-in ceremony held in Ramlila Maidan in Delhi, where he took the oath of secrecy as Delhi Chief Minister for the third time before a huge crowd comprising hundreds of thousands of supporters. He has clearly come a long way from being a small-time anti-corruption activist fighting against official secrecy in the early 2000s. Riding on the success of the 2011 anti-corruption movement, his fledgling Aam Aadmi Party stormed to power in Delhi in 2015,

where many middle-class and poor Indians saw him as a shining beacon of hope for a corruption-free and efficient India. A vivid memory I have of attending this oath ceremony is listening to Kejriwal sing ‘*Hum honge kamiyaab ek din*’ (the Hindi version of ‘We Shall Overcome Someday’) from the podium, to which all of us in the audience hummed along. At that very moment, I recalled Appadurai’s observations as to how democracy rests on hope and how this intangible possibility of achieving that ideal state of ‘liberty, equality, and fraternity’ *someday*, sustains it (Appadurai, 2007).

*

To sum up, what we see in this chapter is how after the RTI law was passed in 2005, the idea of transparency and accountability became the pivot around which the politics of the day started to revolve. The new accountability regime assembled a motley cast of actors who united to discredit the government after several corruption cases came to light. The documents obtained under RTI added legitimacy to the accusations of corruption, although informal means of information gathering also played a crucial role in this regard. The legal process of conducting corruption trials and government inquiries rendered a tangible dimension to “corruption”, going beyond the narratives that sustained it. This enabled the rise of an alternative political regime to power.

Chapter Five

Revisiting the epicentre of the right-to-information movement

[Names with asterisk symbol * next to it have been changed for data protection.]

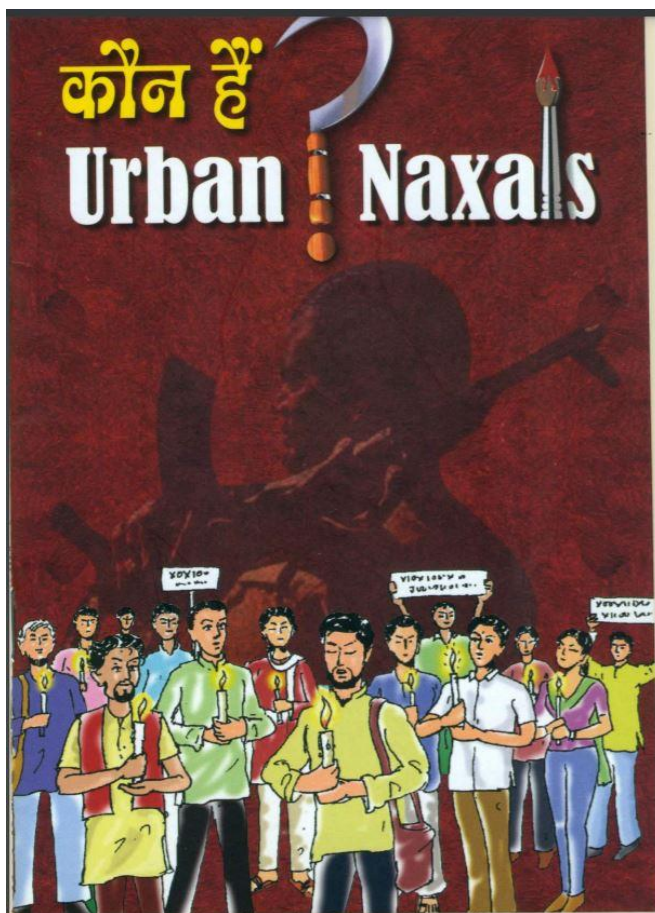
In this chapter, I revisit the epicentre of the right-to-information movement in Rajasthan, where the grassroots social movement for the RTI Act began in the late 1980s. I situated myself within “The Union,” which led this social movement process on the ground, for ethnographic participation. The central research question driving my inquiry here was whether the passage of the RTI Act had helped ordinary citizens tackle corruption as originally envisaged by the proponents of the law and whether it had enabled citizens to challenge those abusing state power. I was interested in seeing how the law had empowered citizens to contest those holding positions of power and what social and political consequences such contestation had produced. Not only that, but I was also keen to understand how the leadership of ‘The Union’ interacted with state representatives and how this relationship influenced their activism and its outcome. The case study material presented in this chapter is also an opportunity to appreciate the possibilities and limitations of transparency activism.

i) Social movement and the state

In the course of the active field research that I conducted in India between June 2019 and August 2020, I spent over three months in Rajasthan, visiting the activist centre (henceforth, ‘Centre’⁸⁶) run by members of ‘The Union’ at frequent intervals from New Delhi where I was based for research purposes. The location could be

⁸⁶ I have hidden the real name of the activist centre here in compliance with data protection rules.

reached via an overnight bus journey lasting ten hours from the national capital. The 'Centre' is an activist space-cum-lodging facility for those associated with 'The Union' and is about four kilometres away from their head office in Barsi*. In 2012, when I went to Rajasthan to conduct my M.A. thesis fieldwork on the right-to-information movement, the Centre was still under construction. The leadership of 'The Union' purchased the land for a throwaway price and set up the campus with donor funds to function as an activists' retreat, a space where workshops and residencies



A book published by right-wing activists branding RTI users as 'Naxals'(extremists).

could be planned for people working on various aspects of democracy and politics. When I visited the Centre in August 2019, Ajitha*, the founder-member of 'The Union' told me that she was concerned about how right to information was being suppressed (Venkat, 2019b) under the right-wing national government that had returned to power with a larger mandate for a second term in 2019. The political ideology of Hindutva espoused by the ruling party went against the spirit of Constitutional

values of secularism and equality of citizens, she rued. The grassroots activists of the Rashtriya Swayamsevak Sangh, the ideological mothership of the ruling Bharatiya Janata Party (BJP), had already started attacking political activists such as herself, branding them as 'urban Naxals', a phrase that was coined by a right-wing filmmaker

to label all left-wing activists as Maoists looking to overthrow the state. At that time, the 'Centre' was conducting a fellowship programme for young activists from rural areas of Rajasthan in which they were taught Constitutional values and encouraged to pursue social activism back in their villages or towns to oppose any practices that went against the spirit of the Constitution. Ajitha* told me that while it was true that the right-to-information movement took off in the aftermath of the Emergency, one could no longer speak about the 1975 Emergency in the past without relating it to what was happening in India at present. She found present-day India scarier than the Emergency under the Congress, as at least back then you knew that a state of Emergency had been imposed, but now citizens were fighting in the dark not knowing what might come up next. She expressed concern over how many well-respected social activists including her friend Sudha Bharadwaj, a human rights lawyer from Chhattisgarh, was incarcerated in 2018, based on trumped-up charges of plotting to kill the Prime Minister, under the provisions of an anti-terror law (Unlawful Activists Prevention Act), which allows the state to arrest accused persons without trial in court (Deb, 2021). She said such cases were like a warning going out from the ruling powers to anyone engaging in adversarial activism of any kind; a sword hanging over their head constantly.

With regard to developments that have taken place since the RTI Act came into force in 2005, social activists in Rajasthan pointed to a number of positive changes that have been observed in the area of governance in the State. The most important of these is the boost to the implementation of section four of the RTI Act, which calls for government agencies to proactively disclose information about its functioning to citizens. Right to information is always meaningful when connected to other rights

such as that of food, housing or livelihood, and information pertaining to government welfare programmes administering such essential services for the public was now easily accessible to citizens, MKSS leader Aruna Roy said during an interaction. Details regarding MGNREGA, for instance, was painted on the walls of panchayat offices so that villagers could easily verify details of what jobs were generated under the scheme and which beneficiaries received wages for work done. Similarly, the *patwaar bhavan*



Outside the village panchayat office, a wall graffiti advertises the names of beneficiaries of the Swachh Bharat Abhiyan to build toilets for the poor.

(local government office building) got painted with wall graffiti publicising the various welfare provisions of the state to inform citizens. Such benefits have been extended to thirty districts in the state and happened as a

result of the activism undertaken by the members of the Mazdoor Kisan Shakti Sangathan, she noted with pride. Chunni Singh, an MKSS activist, said that during the early days of RTI activism, MKSS had exposed the problem of government officials at the village and the district level maintaining duplicate records of public works to hide siphoning off of public money. Singh compared this practice to the Jain *hawala* diary case⁸⁷ in which agents indulged in fraudulent money transactions involving foreign

⁸⁷ The reference is to a corruption case exposed in the 1990s in which black money (money earned through tax evasion and other illegal means) was transferred to and from political leaders by *hawala* brokers Surendra Kumar Jain and his family, operating outside the formal banking system.

currency and that involved maintaining secret registers for these transactions which did not correspond with the formal transaction entries. In panchayats, MKSS discovered two sets of registers, one for the sarpanch (village head) and another for public viewing. When the activists pointed out to this discrepancy, the panchayats responded by publishing details of public expenditures on the walls so that people could easily verify the information against official claims. Chunni Singh cited the example of transparency activism in Badkosra panchayat, where activists uncovered mismanagement in the MGNREGA scheme without having to file a formal RTI query. The appropriation of funds was exposed when villagers saw the name of a school-going child from the village mentioned in the MGNREGA beneficiary list painted on the wall as graffiti. When an investigation was conducted, the false muster rolls of workers were revealed, with the result that the entire panchayat leadership went to jail. Jaipur-based lawyer and activist Kamal Tak noted that there was a visible change in the working style within the bureaucracy in Rajasthan after the RTI Act was implemented. “There is an awareness now that government documents will be seen by the public, so officials are careful about what they are documenting and ensuring that the details are correct and verifiable.” But does this also mean that bureaucrats are manipulating information to make everything look perfect on paper? I asked. While Tak does not rule out the possibility, he notes that bureaucrats are now making the additional effort to ensure that execution of public works are planned appropriately right at the preparatory stage so that the need to manipulate documents of public works later, after completion, does not arise. He also notes that based on social audits conducted in Jaipur and other places in Rajasthan they have noticed an improvement in the quality of public works because of increased citizen vigilance. “There was also a tendency earlier among officials to complain that files were missing when they wished to escape

any scrutiny of tasks accomplished, but now after a few instances of registration of FIR (First Information Report in police station) against officers for destroying crucial public records, there is a fear among officials and they strive to keep records of everything they do.”

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In September 2019, the Rajasthan government launched the Jan Soochna portal to provide information about their everyday functioning to ensure transparency in government affairs. This was done in keeping with Section 4 of the Right to Information Act, 2005 which requires governments to disclose information proactively to citizens. The web portal is designed to work as a one-stop shop for the information needs of ordinary citizens. Activist members of MKSS hailed this step as constituting ‘Part Two’ of the right-to-information movement in Rajasthan enabling access to government digital records, while the original movement in the late eighties demanded access to paper records. Roy pointed out that this was another instance of how, in a systemic manner, Rajasthan state had embraced transparency in its functioning. The only issue, Roy observed, was with the Rajasthan state information commission, which was weak and not doing enough to pull up the public information officers when departments dragged their feet over responding to RTI applications.



A screenshot of the Jan Soochna portal

The Rajasthan state government invited me to attend the inaugural ceremony of the Jan Soochna (People's information) portal in Jaipur. This invitation was facilitated through the MKSS, which had collaborated with the Rajasthan government for organising the event that saw the participation of officials at the highest level of the state, including the Chief Minister Ashok Gehlot and his deputy Sachin Pilot. As a result of this initiative, thirteen departments in the state were readily making information about their welfare programmes and its implementation available to citizens. The portal was set up by the Department of Information Technology & Communications in coordination with other government departments dealing with health, education, Panchayati Raj⁸⁸, skill and livelihood, and other such vital areas of government intervention. Deputy Chief Minister Sachin Pilot noted in his speech at the function that when state and society work together progress is possible. This was an important observation for my research purposes as well, as it drove home the importance of cooperation between the state and civil society to accomplish

⁸⁸ Panchayat is the village unit of administration and panchayati raj refers to the local self-government of villages in rural India.

progressive social measures. The symbols associated with the Congress party were very much prominent on the portal and the banners erected at the site of the event. It was obvious that the party heading the government in Rajasthan was keen to benefit politically from the effort as well. The displaying of images of former Congress Prime Minister Rajiv Gandhi, the current chief minister Ashok Gehlot and freedom fighter Mahatma Gandhi spinning the *charkha* on the dais was evidently an effort to project the new information portal as an accomplishment of the Congress leadership that fashions a pro-poor and welfarist image for itself. It is worth pointing out here that the portal launch happened soon after the BJP government at the Centre had controversially amended the RTI Act, therefore, this was also an opportunity for the Congress party to distinguish itself from its rival party and send out a message to the masses that it believed in upholding citizen's right to information and thereby earn democratic legitimacy. Congress party president Sonia Gandhi made a speech via video conferencing from New Delhi addressing the gathering at the event where she clearly stated that even though attempts were being made elsewhere to tamper with the RTI law, the Congress government had taken the citizen-friendly decision of launching the information portal, taking the next step towards improving state transparency. Because of the cooperative relations that civil society leaders such as Aruna Roy enjoyed with the Congress the grassroots social movement was able to negotiate a favourable outcome with regard to achieving their movement goals of securing a RTI Act. Now, with an unfriendly government at the centre (discussed earlier), it had become all the more pertinent for the social movement actors in Rajasthan to sustain such political relations with allies. If we go back to the discussion in the Introduction on "the patterns of political opportunities and constraints" shaping contentious politics, then the above situation makes complete sense.

In an interaction later, Roy told me that there was an assumption that since the RTI Act had been passed in 2005, all the cases of corruption would be eliminated now. “But the Augean stable will not be cleansed,” she noted. The spirit of public inquiry that the information law had encouraged will have to be sustained in perpetuity so that those in power were held in check, she observed. Roy said that though the grassroots movement for right to information had succeeded in getting the law passed, there continued to be powerful forces in society who were trying to appropriate control and thus it was important to remain vigilant at all times.



A protest march to demand a social accountability bill in Jaipur, Rajasthan in February 2020.

It was towards this goal that the Mazdoor Kisan Shakti Sangathan and its civil society network partners had started a campaign for securing a “social accountability bill” (*jawabdehi kanoon*) to be passed by the Rajasthan government in 2016. The activist network organised a 100-day long campaign touring through various parts of the state and enlisting supporters to demand a law guaranteeing time-bound service delivery by government staff. These laws were considered to be part of the larger effort to secure accountability within the government. Shankar Singh of MKSS once

explained to me that after the RTI Act was implemented in Rajasthan, several instances of shoddy implementation of government welfare programmes came to light, and often the funds meant for development works only existed on paper. Therefore, the need for laws to secure accountability from the government staff was felt, as right to information alone could not help fixing responsibility for delivering welfare measures in an efficient manner. The purpose of this accountability Bill is to essentially hold public servants accountable if they do not resolve a citizen grievance within a stipulated time. This Bill is an extension of the Guaranteed Delivery of Public Services Act⁸⁹ and the Right to Hearing Act⁹⁰ passed by the Rajasthan state legislature when the Congress government was in power between 2008-13. The accountability law is different from the other laws passed till now, in that it lays down provisions for imposing penalties on government officials who do not perform their official duties.

In February 2020, I was part of a *yatra* that the MKSS and its wider civil society network held in Jaipur⁹¹. A large group of the participants were drawn from the different villages of Rajasthan, many of them having prior experience of taking part in the demonstrations for an RTI law. All of us marched on foot from the Statue circle (a popular protest site) to the Civil lines area in Jaipur and squatted in front of the house of the Chief Minister Ashok Gehlot. A brightly painted tuk-tuk with a loudspeaker attached to it played protest songs and amplified the sloganeering of the group that vehemently demanded action against errant bureaucrats. After an hour or so, the senior leadership of MKSS decided to go and meet the Chief Minister and request an

⁸⁹ The Rajasthan Guaranteed Delivery of Public Services Act (2011).
https://urban.rajasthan.gov.in/content/dam/raj/udh/lsgs/lsg-jaipur/pdf/guidelines%20pdf/RGDPS%20Act_2011_English.pdf

⁹⁰ Rajasthan Right to Hearing Act, 2012. Retrieved 15 August 2021, from
<http://www.bareactslive.com/Raj/rj1042.htm>

⁹¹ This was a public event reported widely in the press, so I am not anonymising the names of people and places here.

audience with him to explain as to why we had gathered in protest. But the leaders returned disappointed as the CM had left his house and he had no intention of talking to the activists on the matter. After making some statements to the press, the protesters dispersed as it seemed pointless to squat outside the CM's house in the hot sun with nothing coming out of the effort. When I later asked Aruna Roy why the CM had not given them an audience, she said that there might have been some hesitation on the part of the leader as bureaucrats in the state have been up in arms against the accountability law. They definitely view the proposed law as troublesome for envisaging high penalties for any errors on their part. This was a revelation in how state-civil society relationships are not constant but keep shifting depending on the prevailing circumstances. While the state government was happy to cooperate in the matter of launching the information portal with the social movement actors, it hesitated to secure the accountability of its own staff, fearing a backlash.

Before I further discuss the ethnographic data gathered in the course of fieldwork, it is vital that I dwell a bit on the ideology that informs the activism of MKSS since it has had such a key role to play in the RTI movement in India. During my stay in Rajasthan, I had the opportunity to have a detailed interaction with Shankar Singh, one of the founder-members of the organisation, who had some very interesting ideas to share with me that allowed me to understand the core ideas that drove the organisation, and also informed its activism. We discussed what he considers to be the futility of the state as an entity. As an organic intellectual who has spent more than three decades working for a grassroots citizen's movement, Singh has understood that the state's rhetoric of public service is only a tactic for gaining power but people who are part of the state machinery are only interested in improving their own lot. During my participation in the rallies and meetings organised by the MKSS and its network

organisations, I had always observed how Singh would refer to the state officials as needlessly spending on their own well-being instead of focussing on the needs of citizens. A typical statement that I would hear from Singh during any gathering regarding citizen rights would be on the lines of: *“Look at the fat salaries the bureaucrat draws out of what we taxpayers pay. Over the years their incomes have only grown. But, when we citizens demand fair wages for our work under MGNREGA, they deny us. Let us get together to hold these officials and elected representatives accountable for their actions.”* During one of the many long conversations we had, Singh shared an Excel sheet in which he had calculated the total amount of tax revenue earned by the state in Rajasthan and how much of it was spent on paying salaries and pensions for government employees. His calculation showed that all of the revenue earned by the state government through taxes went into paying salaries, perks, and pensions for government employees. The bureaucracy, and the elected representatives who were also on the government’s payroll, enjoyed all kinds of benefits such as paid leave of absence, telephone and travel emoluments, housing, and other privileges, but Singh rued that the same privileged class dragged its feet over decisions when it came to increasing the minimum wage for labourers in line with inflation. So, Singh concluded that what we revered as the state was nothing more than a bloated, self-serving institution that the common people did not stand to benefit from. This anti-establishment sentiment goes right to the heart of what drives the activism of the MKSS as a non-party political organisation. However, as I have discussed earlier, the organisation often needs to cooperate with the government in order to meet its activist objectives. This puts them in a peculiar position where they must simultaneously resist as well as cooperate with state agencies from time to time.

ii) An ‘anti-corruption wave’ before the panchayat elections

Kanthapura* is a small, nondescript village in Rajasthan perched on the National Highway-58 connecting the state with Gujarat. As per the 2011 Census data, the village has a population of over 1800 people. The electoral constituency of Kanthapura is much larger, comprising five revenue villages with about 4000 voters on the rolls for the purposes of panchayat (village council) elections. This panchayat was where ‘The Union’ started its journey, back in the late eighties. The humble village abode in Devnagari* where they started their union work falls under Kanthapura panchayat limits. That is the reason why it was important for me to come back here and ask the question as to what has changed here since the RTI Act was passed in 2005.



The village e-mitra information kiosk

During one of my field visits to ‘The Union’ office in Barsi*, the nearest administrative town, I learnt about a charge of corruption made against Sushma* the previous sarpanch (village head) of Kanthapura. Villagers here discovered that she had

appropriated an allegedly large sum of money meant for village development works. I learned that the villagers got hold of this information from the newly launched online information portal of Rajasthan <<https://jansoochna.rajasthan.gov.in>>. The corruption charges led to her losing power in the January 2020 panchayat elections. The details regarding village public works on the website was accessed via information

kiosks – known as ‘e-mitra’ (Hindi for ‘online friend’) set up by the Rajasthan government across the state. These information kiosks resemble a ticket vending machine in a train station. ‘The Union’ office in Barsi has one too. The local resource person at the Barsi office was the one to inform me of an ‘anti-corruption wave’ before the local body elections in Kanthapura. I immediately knew that this would be a case worthy of further investigation as it could illuminate aspects of the impact of transparency measures introduced through the provisions of the Right to Information Act on village politics. I reached Kanthapura to learn more about the developments soon after the elections had concluded here in the last week of January 2020.

Nathu Singh* a local Union member in Devnagari said that when villagers downloaded details of amounts sanctioned for public works in the panchayat as per the state development plan in the past 10 years, they found that Sushma had not completed most of the work mentioned in that list. There were WhatsApp and SMS forwards circulating before the panchayat elections claiming that the Kanthapura sarpanch ate up a large sum of the money meant for village development works, so the people started demanding that the old sarpanch had to go, Nathu explained. I asked Nathu if he could share these forwarded messages with me, but he said that he had deleted them from his phone. Some background information on Nathu is merited here. This 50-something man sporting salt-and-pepper hair has been a grassroots worker for ‘The Union’ since the early days of the social movement. He also held the post of sarpanch in Kanthapura for five years starting in 2000. Nathu was a candidate in the 2020 panchayat elections and had an obvious interest in campaigning against Sushma, who had been elected twice to the post, and was running for office for the third time in 2020. It was Sushma’s husband Giri Singh (1) * who handled most of the work on her behalf. In Rajasthan, the practice of the *sarpanch-pati* managing village affairs is

common, where the wife would be the elected sarpanch (village head), but her husband (*pati*) would handle administrative business on her behalf. This is a classic instance of the blurring of lines between public and private in the running of local government affairs. Any discussion on corruption that is hinged on emphasising the dichotomy between the ‘public’ and ‘private’ spheres of action to determine the behaviour of the public servant as “corrupt” or not, is rendered invalid right here. Corruption is formally defined as the use of “public office for private gain”. A perusal of the legislation dealing with corruption in India shows a heavy reliance on the separation of the ‘public’ and ‘private’ realm of conduct to identify an offence. However, it is worth considering whether such a rigid separation between the spheres of public and private life exists in practice.

My friend and field companion Karan* a young man hailing from Seema* village near Devnagari told me, while we were on our way to Kanthapura, that Nathu was a *Congressiya* (a Congress party supporter) who went soft on people from that political party when it came to any accountability measure. I befriended Karan while staying at the Centre*, where his wife was a fellow attending the programme to create awareness on constitutional values for local youth. I connected with the couple due to our shared interest in local village affairs. In the Introduction, I discussed F.G. Bailey’s ideas of a political actor, which is very apt when it comes to describing someone like Karan. Bailey postulated a “political man” on the analogy of “economic man,” assuming that individuals, in general, act to maximize their self-interest in political situations, and that there are among people “the political equivalent of the entrepreneurs...some individuals who are out to maximize their political utility, and who know how to set about doing it” (H. S. Lewis, 1993). Karan was more than happy to introduce me to people in villages around Barsi, where I was doing my research. He

had frequently used the RTI law to get information from various panchayats and had a good idea of how the panchayat system functioned. Karan had filed a Right to Information petition demanding details of expenditures made under the MLA Local Area Development scheme from the Congress MLA (Member of Legislative Assembly) in Barsi, the larger administrative unit (*tehsil*) which Kanthapura village is part of. But he never received any response to this petition. He said he had tried the MLA's office number several times to follow up on the status of his application but could never get through. He had pleaded with Nathu for help, given his Congress links, but that never materialised. It is important to note here that often one's ability to influence a favourable bureaucratic outcome in the use of the RTI law, especially by people belonging to marginalised social groups, depends on someone knowledgeable in handling state matters intervening on behalf of the information seeker. I will return to this aspect in greater detail in the latter part of this chapter where I discuss another case where the provisions of the RTI Act were used in a case of alleged corruption.

Karan and I reached Nathu's house on a late January afternoon to gather further information on the 2020 panchayat election and the corruption allegations against the previous sarpanch of Kanthapura. Nathu lives in an independent house with a large courtyard in the front where a few goats could be seen grazing on the grass as we entered. The house is a stone's throw away from 'The Union' office in Devnagari. During the panchayat election campaign in January, 'The Union' members got together to campaign for Nathu to return as sarpanch, but they failed. A sense of defeat prevailed at the local office of 'The Union', but Nathu was happy that at least Sushma did not return as the sarpanch. He narrated to us how the local election was a rather clumsy affair. There were 15 candidates in the electoral fray. Each of them formed support groups for campaigning purposes, and these groups were actively involved in

collecting evidence of corruption against the previous sarpanch, which they then spread through word-of-mouth and WhatsApp messages.

“When Sushma became the sarpanch 10 years ago, her husband owned nothing. He did not even have a bicycle, and now the man owns a Volvo SUV, he has built a big house for himself. Where did all this money come from,” Nathu asked, indicating that this was money made through corrupt means. Nathu was hopeful that at least the new sarpanch *pati* was a young man and was more likely to take his advice on administrative matters, unlike the previous sarpanch. But Karan intervened at this point to emphasise that the newly elected sarpanch was not clean either. The husband of the new sarpanch had helped his father-in-law to appropriate land owned by Karan’s uncle in Seema, using his political connections in the BJP (Bharatiya Janata Party). Karan also pointed out that the new sarpanch and the old sarpanch had kinship ties. The husband of the new sarpanch Giri (2)* shared the same name as his predecessor *sarpanch pati* and handled village affairs now. Karan noted with a chuckle: “*Dono hi cheaterbaaz hain*” (Both are prone to cheating). We took a moment to laugh over how both the previous and the current sarpanch *pati* went by the same name. Nathu laughed and added that the entire election was a joke. There were two candidates who went by the name of Tara, three candidates named Susheela, and another three candidates with the name Vimla. Imagine the confusion in the minds of the voter regarding which candidate to choose. But finally, Giri (2)’s wife won as she hailed from Kanthapura village, and there had not been a sarpanch from this village heading this panchayat for decades now.

I asked Nathu to explain the specific details of the corruption that was unearthed against the previous sarpanch using the information portal. He listed a few instances off the top of his head: the village senior secondary school needed a new

compound wall, but its construction was incomplete; many *kutchha* village roads had to be paved with cement concrete (referred to as ‘CC’ road in government documents), for which again full money was claimed without finishing the work, and a canal had to be built in a nearby pond, but the work remained incomplete. Nathu estimated that the amount of public money misappropriated this way would run into over four million rupees. I asked Nathu to provide me with details of the sanctioned works and share the government records that had helped establish the misappropriation of public funds. The intention here was to generate “empirical evidence of corruption”, which anthropologists note is often hard to find (N. Mathur, 2017). He said he did not have the details readily available but suggested that I could speak to other villagers to corroborate the allegations. The main Union office in Barsi would be able to help me download the relevant documents from the government information portal, he said. Our next stop was ‘The Union’ office in Devnagari* to meet Giri (2). Kamala*, a middle-aged woman from Devnagari who works part-time at ‘The Union’ office as a caretaker, Nathu and I waited for the new *sarpanch pati* to arrive here. I heard from Nathu that a fight had broken out between the old *sarpanch pati* and the new *sarpanch pati* of Kanthapura, when the new appointee was due to take over the panchayat *bhavan* (building). Nathu said that Giri (1) could not stand the thought of someone else taking over his place, so he reached the venue before the take-over ceremony and created a ruckus. Some of the villagers got together to send Giri (1) away, so that the take-over ceremony could happen in peace. When Giri (2) arrived at ‘The Union’ office to speak to us, I was expecting to hear from him directly as to what happened at the ceremony. But I was disappointed. Giri (2) arrived on a motorbike and seemed to be in a tearing hurry to leave. We interacted briefly about the recent elections, and he assured us that all the works left unfinished by the previous sarpanch

would be completed during his wife's tenure as sarpanch. He looked at Nathu and Kamala and said that he would be a model sarpanch (pati) in the same way that Nathu had been a good sarpanch in the past. Giri (2) arranged for me to visit some of the sites where village public works had not been completed by the previous sarpanch as alleged.

Shifting narratives

After the interaction with Nathu and the new *sarpanch pati*, the narrative so far was that a corrupt sarpanch had lost power owing to misappropriation of funds meant for village public works. Now was the time to verify the charges and gather evidence of the same on the ground. Karan, Kamala, and I set out to visit some of the work sites. The Kanthapura senior secondary school was our first stop. Kamala explained to me that the original boundary wall of the school was shorter and the previous sarpanch did only little work (of up to two feet) to increase its height, and the work visible at the site did not justify the amount of money claimed to have been spent for it.



The school compound in Kanthapura. Photo: Vidya Venkat

It was noon when we reached there, and the students were breaking for lunch. As soon as we reached the school, a small crowd of young and curious onlookers gathered around us. Kamala introduced me to the school children as a writer who wanted to enquire about work on the school compound wall although I insisted that she introduce me as a researcher. She told me it was too complicated for schoolchildren to understand. The children hesitated to speak at first. Most of them were boys from grade 8-12. I told them that if they discussed their problems with me, I might have a chance to take it up with the new *sarpanch pati* and get them fixed. This promise encouraged the boys to open and speak about how the school boundary wall needed plastering work, which had not been finished yet.

Are there any other problems that you think need to be fixed here, I asked casually, to which they immediately mentioned the lack of adequate classrooms and toilets in the school. From the short exchange with the boys, it seemed as though the

incomplete compound wall was not a pressing issue bothering them daily. We also met a group of adolescent girl students who complained that there were only two toilets for girls in the school, which was grossly inadequate. When I enquired about the boundary wall to them, most of them did not seem to think it was a big issue. I interacted with a group of schoolteachers next who sat by the corridor eating lunch. I introduced myself as a doctoral researcher and told them that I was here to find out more about the village development works that were left unfinished by the previous sarpanch who lost in the recent election. The teachers too hesitated to speak initially on the subject, but one of the teachers told me that the school gate was newly installed by Giri (1) and that it couldn't be claimed that the previous sarpanch *pati* did not do anything at all for the school. I asked the teacher if he was from Kanthapura (he was not and hailed from another district) and sought further explanation as to what he meant to say. He said that as far as the welfare of the school was concerned, it was not the sole responsibility of the sarpanch but the block development office as well, which received government funding for education-related work. Kamala intervened and explained that our query was specifically about the boundary wall for the school, which the sarpanch had meant to rebuild. The teacher said the work on the boundary wall was still in progress and it would not be right to say that the earlier sarpanch did not do the work. He encouraged us to speak to the school principal for further details.

Kamala and I met the school principal, who initially cited lack of time, but later agreed to speak to us after Kamala explained to him that I had come all the way from Delhi to write about their village. The principal too hesitated to speak about the former sarpanch and said that the school gate was recently installed by him, and that the work on the boundary wall was still in progress. I asked him if he was aware of any misappropriation of funds to build the boundary wall, to which he said that the work

had not been finished yet, so it is not possible to claim so. I asked him if there were any other issues that he would like to point out to us. He said there were 410 children studying in the school, but there were only eight classrooms available, which meant that at least three classes at any given point of time had to be conducted out in the open. He offered to send his deputy to walk us around the school campus. A young man who assisted the principal in his office joined us to walk us around the school. We passed through the corridor to reach the rear portion of the school building, where a tank with a filter served as a gathering area for students to drink water, wash their lunch boxes, etc. We also got a glimpse of the school toilets from afar, and for a school with over 100 girl students, there were only two toilets available for them. In rural India, the lack of school toilets has often been associated with higher drop-out rates of girl children from school, especially after they reach puberty (Khan, 2019). I asked the deputy if anyone had requested the local Congress MLA to help address these complaints regarding the school and he said that nothing had been done so far, although a request for building more classrooms had been made. I also noticed that the back portion of the school merged with an open field where cows and buffaloes grazed freely; there was no compound wall here, and a fence erected in some places was discontinuous and broken. I asked the deputy why there was no compound wall in the back portion of the school, and he said it had been this way for a long time. I later found out that panchayat fund was only to rebuild the compound wall for the front portion of the school building.

By the time we finished the school rounds, word had already spread in the village that someone from Delhi had come to inquire about the village development works. It must be mentioned here that the culture of openly “auditing” the progress of village public works that was popularised by ‘The Union’, also created an atmosphere

of fear among village administration personnel and ‘inquiry visits’ are often dreaded. But local villagers also see such visits by outsiders as an opportunity to raise complaints against government officials. Outside the school a retired engineer from the Rajasthan government waited to speak to me. Harjeet Singh* was unhappy with the old sarpanch and said that the ‘CC’ road construction that was supposed to happen near his house in Kanthapura had not been taken up. Harjeet alleged that the previous sarpanch had eaten up at least 500, 000 rupees in the name of constructing village roads in this instance. He was joined by other villagers from Kanthapura who offered to take me around the village to see the ground reality of development there.

A few blocks away from the school was the *anganwadi*, a government creche providing nutrition and education for children under the age of six. This building was completely run down and did not have boundary walls at all. I joked that the place looked so scary, with wild bushes growing around everywhere, that it resembled a *bhoot bangla* (haunted house) and children might fear entering it. The villagers accompanying me nodded in agreement. I asked them if no one had asked the sarpanch to do something about it. Karan at this point reminded me that these were not the sole concern of the sarpanch, and that the block development office should also be questioned. But both I and the accompanying villagers seemed to agree that there were more pressing and urgent issues than the incomplete school boundary wall that were not being addressed in the village.

After a short walk from the *anganwadi*, we reached a village lane with houses arranged on both sides. Harjeet Singh pointed to the *kutchra* road filled with mud and gravel that ran through the lane. He said that this was supposed to be a ‘CC’ road but the sarpanch ate up money meant for the road. I asked Harjeet Singh to send me the relevant government records so I could work out the particulars of corruption in this

instance. Near the entrance of this village lane was a tea shop. The villagers suggested we join the others to drink tea and do some *gupshup* (small talk). I agreed. Karan too joined in, and so did Kamala. The villagers spoke of Nathu as an honest sarpanch and the previous sarpanch as a dishonest one. I asked them if they had voted for Nathu in the election (most of them had not). Instead, they voted for the newly elected sarpanch who had no prior experience of governance. Clearly, neither honesty nor competence had dictated the choice of candidate here. Before leaving, I reminded Harjeet Singh to send me the information containing sanctioned amounts for 'CC' road construction in the village.

A few days later Harjeet Singh sent me two PDF documents downloaded from the government information portal that provided details of funds sanctioned for public works in Kanthapura. I could see that several public works were listed here, funded by the State Finance Commission, and the amount allocated for each project was mentioned alongside the title of the work. The construction of the school boundary wall and a gate was listed as sanctioned 5,00,000 rupees. So, could this be taken as proof of misuse of government funds in the case?



एक के एक घर की जाँच के काम आरंभ हो चुका है	Yes	Chak Pahal	400000.0	State Finance Commission/V	GP
पंचायत के घर के घर आरंभ हो चुका है	Yes	Chak Pahal	500000.0	State Finance Commission/V	GP
पंचायत के घर के घर आरंभ हो चुका है	Yes	Chak Pahal	500000.0	State Finance Commission/V	GP
आवासीय परामर्श कृष्णापुर की पंचायत में	Yes	Kanthapura	400000.0	State Finance Commission/V	GP
एक घर के एक घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	150000.0	State Finance Commission/V	GP
एक घर के एक घर के लिए कृष्णापुर परामर्श	Yes	Chak Pahal	400000.0	State Finance Commission/V	GP
एक घर के एक घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	150000.0	State Finance Commission/V	GP
कृष्णापुर परामर्श की पंचायत की पंचायत में	Yes	Kanthapura	500000.0	State Finance Commission/V	GP
पंचायत परामर्श के लिए कृष्णापुर परामर्श	Yes	Kanthapura	400000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	500000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	150000.0	Fourteen Finance Commission	GP
एक घर के एक घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	200000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	150000.0	Fourteen Finance Commission	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	500000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Chak Pahal	500000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	200000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	500000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	500000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Chak Pahal	400000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Chak Pahal	150000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Chak Pahal	300000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	500000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	500000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	500000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	500000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	500000.0	State Finance Commission/V	GP
कृष्णापुर के घर के लिए कृष्णापुर परामर्श	Yes	Kanthapura	500000.0	State Finance Commission/V	GP

A village plan document downloaded from the information portal listing development works and beneficiary lists

I got in touch with the *sarpanch pati* of the village Bhoora* whom Karan had introduced to me during one of my earlier field trips. This man Mahendra Singh* had worked for 'The Union' at their Jaipur office as part of RTI *Manch* (forum) in the past and possessed an excellent knowledge of interpreting government files to extract relevant information from it. I forwarded the two PDF documents to him and asked him if this would suffice to claim that the former sarpanch of Kanthapura had misused public funds. Mahendra Singh got back to me and said that what Harjeet had sent me were plan documents, which give details about planned development works and only after verifying how much money was claimed for executing the work could we establish misuse of funds, if any. For example, if the sarpanch had raised an invoice for 5,00,000 rupees but only purchased material and employed labour worth 4,00,000 rupees to

get the work done, then a case of misappropriation of 1,00,000 rupees could be made against him.

Beyond corruption “talk”

Anthropologists writing about corruption in India have generally only engaged with the *discourse* of corruption (Gupta, 1995) (emphasis mine), without trying to confirm how much of the corruption talk reflected actual practice. Mathur has discussed the “very real problem of obtaining reliable empirical data on corruption in India, as opposed to its discourse and perception” (2017). Therefore, it was my endeavour in the case of Kanthapura to see if it would be possible to illuminate the actual practice of corruption, as there has been little engagement with the material reality of corruption within social anthropological studies on the subject. Mathur has an interesting discussion on the phenomenon of “eating money” and how these narratives are constructed to explain away the failure of welfare programmes in rural India, but she blames the current “push for transparency in India” as “leading to an excessive focus on the production of...paper truths...deflecting attention away from what is described as the ‘real’ (*asli*) life of welfare programmes.” (2017) But activists associated with the right-to-information movement in Rajasthan assert that the transparency law is a tool to bring to light instances of corruption, which might otherwise have never been made visible and this will thus help eradicate instances of corruption (A. Roy & MKSS Collective, 2018). The case investigation, thus, opened the opportunity to probe if this was working out as expected or not.

The details of the amounts claimed by the Kanthapura sarpanch to undertake the public works listed in the plan documents were not available on the government information portal. But the invoices for material purchased for public works and

payment made to labourers engaged must be available with the panchayat office, Karan told me. Our next step was to go to the Kanthapura panchayat office to formally meet the current sarpanch and obtain the relevant records from him. On the day we went to the panchayat bhavan the building wore a deserted look. It was around 3 pm on a warm February afternoon. Only a young boy posted as an attender greeted us at the office gate. The new sarpanch *pati* Giri(2) hesitated to meet us that day and said he would not be present at the office. Karan told me that a compromise had been worked out between the old and the new sarpanch, and it may not be possible to get the new appointee to provide any documentary evidence against the old sarpanch. Giri(1) would soon reach the panchayat bhavan, we were told, as he had now been appointed as a deputy official at the panchayat office to handle files and accounts. I insisted, however, that I would still like to peruse the records for the village public works and filed a paper application under the RTI Act to hand over to the panchayat *sachiv* (secretary).

As we waited outside the panchayat bhavan, the previous sarpanch *pati* Giri (1) arrived with some female relatives in an SUV. I asked Karan how it was possible that Giri (1) could still enter the panchayat office and handle documents when it was the corruption charges against him that had removed him from office in the first place. Karan had an interesting explanation for it which I cross verified with other villagers as well. He said that the whole “anti-corruption wave” was a “*hawa*” (gust of wind) that was created just before the election to sway opinion against the old sarpanch and have him disfavoured. Let me connect this observation back to the discussion on assemblage in the Introduction, in which I refer to it, among other things, as a “wind”. The anti-corruption discourse was simply a function of politics as usual, and now that the dust had settled, both the parties had reached a compromise and things went back

to the way they were before. Sushma and Giri (1) hailed from a smaller village in the panchayat, not Kanthapura, and they held considerable influence in the panchayat after winning twice in the local elections. A third victory would have further entrenched their position in local politics, which villagers in Kanthapura did not desire as they wanted someone from their own neighbourhood to call the shots. Karan said that the villagers who were against Sushma and her husband had encouraged Giri (1)'s brother to contest against him, with a view to splitting the votes coming from his village, and this ensured that Giri (1) could not garner enough votes to win the panchayat election for a third consecutive time.

I met Giri (1) outside the panchayat office and explained to him that I was a researcher and that I would like to peruse the invoices and expenditure documents drawn up for various public works in Kanthapura panchayat. I handed over my RTI application to him and he agreed to provide the documents saying that he had done his best to finish whatever work he could during his wife's tenure as sarpanch. I assured him that I was seeking this information only for academic purposes and nothing would be published to bring harm to him in any manner. This assurance encouraged Giri (1) to let his guard down a bit and share further information. Giri (1) said that the back portion of the village school, which merged into an open field, was part of land that belonged to influential villagers of Kanthapura, who resisted erecting a boundary wall there. When I questioned him as to why a fight had broken out during the take-over ceremony of the new sarpanch, he said that it was more likely that he would get beaten up (instead of the other way around) since he had been disfavoured by villagers in the current elections. He told me that the villagers had pitted his own brother against him in the panchayat elections, which was a sign of how desperate they were to have him removed from the post. What I had witnessed in Kanthapura

reminded me of what Spencer refers to as “carnivals of division” in his ethnography of a Sri Lankan village (1990, p. 52). In that village, Spencer too witnesses something similar. The villagers who use the local village temple as a site to enact “formalized amity”, also engage in “formalized animosity embodied in electoral politics” (ibid.). Spencer discovered how the election campaign suddenly turned his sleepy old village into a cauldron bubbling with accusations and rumours and threats, but this was nothing but a testament to the divisive power of politics and the transitory scramble for capturing political power (ibid.). Kanthapura was no different.

Several months have passed since I filed the RTI application in Kanthapura panchayat to get the records of actual expenditures and related invoices made for village public works there, but I have had no luck so far with getting the relevant documents in response. I requested Nathu and Harjeet as well, to enquire with the panchayat office as to why the documents were not being shared with me under RTI law. Karan even filed a follow-up petition on my behalf with the Kanthapura panchayat office in August, but the officials at the panchayat bhavan cited being busy with the COVID-19 mitigation responsibilities for not giving the files. As per the provision of the RTI Act, the panchayat should have responded to my original petition within a month of filing it, but they did not. As a result, it has not been possible yet to establish the corruption charges against Sushma, however, what can be claimed without dispute in this case is that the anti-corruption discourse in Kanthapura benefitted the former sarpanch’s political opponents the most.

It is also interesting to note here that what I witnessed in Kanthapura was not an isolated phenomenon. Many examples of panchayat-level political battles built upon the anti-corruption and transparency agenda exist. Another such example was in Shikargarh* where I interviewed Mahesh Singh* who managed to ascend to the post

of the ward member in his panchayat after exposing corruption in the issuing of *pattas* (land title documents) involving connivance between the sarpanch and the revenue officials in his village. He learnt that village grazing land that was public land was being appropriated by the family of the sarpanch and sought records under RTI to get details of who had been issued *pattas* (land titles) in his panchayat for the years preceding 2016, when the incident had come to light. The documents obtained under RTI helped to establish the conversion of public land into private holdings and the furore that followed helped Mahesh secure a place as a ward member in 2016.

Social capital and access to information

Tila* panchayat has a special place in the history of grassroots movement for right to information in Rajasthan. In the late eighties, a land struggle in Shikarpur* village that falls within Tila panchayat's limits had pushed 'The Union' members towards recognising the importance of accessing government records to empower ordinary citizens in their fight against corruption. A landowning family belonging to the Thakur community had forcefully occupied common property land ('*kabza*' in Hindi) in this village. Himmat Singh* who was the head of this family also held the position of sarpanch in Tila panchayat for several years. His family claimed that the land was their personal fief and refused to let other villagers graze their livestock there. Lachhman Singh*, a Union member, hailed from Shikarpur village and had a personal stake in releasing the land captured by the Thakurs. Despite the clout that the Thakur family enjoyed, 'The Union' won the land struggle and managed to establish through government records that the land under the Thakur's hold was public property, and thus no single family could stake claim to it. Though the effort to release the occupied

land was a success, it came at a price. Members of ‘The Union’ were physically attacked by the henchmen of the Thakurs, which created a tense atmosphere in Shikarpur for several days, however, select members of the district administration were supportive of The Union’s efforts in tackling land grab, as a result of which the Thakur and his henchmen could not succeed in terrorising the local Union members (2018). Three decades later, as Lachhman Singh recounted this incident to me, I could sense the pride he felt in having successfully fought off a powerful man with political connections in his native village. This incident, he said, was the first major experience of political struggle waged by ‘The Union’ as part of the right-to-information movement and is accorded the status of a legend in the parts of Rajasthan where I undertook fieldwork. But something seemed to trouble Lachhman at this time. The wife of Himmat Singh* had recently won the post of sarpanch in Tila panchayat in the January 2020 local elections. This marked the return of the Thakur family to political power after several decades. This family has remained hostile towards ‘The Union’ ever since the land struggle.

Tila panchayat is a large electoral constituency and comprises eight villages under its fold. The total population of the electoral constituency is approximately 8000. The village has a population of about 1800. In 2020, this *gram panchayat*⁹² was split into two – Tila* and Shikarpur* – to cater to the growing voter population. Lachhman had campaigned very hard for a candidate of his choice to win in the Tila panchayat elections, but that did not materialise. Instead, the Thakur’s wife won with a comfortable lead, and according to what some villagers in Tila panchayat narrated, a great deal of money was also spent by the winning candidate prior to the elections

⁹² A village administrative unit

for the purchase and distribution of cash and alcohol, in a bid to influence voters. Further, the fact that one of the candidates in the election, Laaloo* had used the RTI Act to seek details of corruption against the previous sarpanch, which helped the Thakur's wife to gain further legitimacy in the election. This sparked my interest in this case. Laaloo is a local farmer and an independent businessman of some wealth based in Shikarpur, who also harbours political ambitions. He used the RTI Act to seek information from the previous sarpanch of Tila panchayat, after allegations emerged that funds meant for the MGNREGA were misappropriated in Kishanpur** village, that falls within the panchayat limits. These corruption allegations resulted in an official inquiry being initiated at the block administration level against the previous sarpanch and other local officials, which generated a negative opinion against the village head prior to the 2020 panchayat elections. This indirectly improved the electoral prospects of the Thakur's wife to capture power here.

Karan and I went to Tila village together, as it was his home base. He arranged my meeting with the brother-in-law of Lachhman Singh, Bhooshan*, who had earlier been a ward member in Tila panchayat. This man explained to me how the process of selecting the supervisor (referred to as '*mate*' in local parlance) for the MGNREGA public works was "corrupt", which resulted in misappropriation of funds meant for the programme. Ward members should never be appointed as MGNREGA '*mate*' as they can easily hijack the process of awarding work allocation and payments to their own advantage. Bhooshan said that this is what had happened in Kishanpur village and Laaloo had been fighting with the local panchayat officials for five years to ensure justice in the matter.

I met Laaloo later during the day. He is an energetic, even angry man, in his mid-thirties. On the day I interviewed him Karan had already alerted him in advance

that a researcher from Delhi would arrive to enquire about the Kishanpur village corruption case. Therefore, the man came armed with all the material and evidence that he had managed to obtain on the matter and was eager to prove how the previous sarpanch and panchayat officials were corrupt and ate up money meant for the local farmers. Explaining the details of the corruption case, Laaloo said that there was a provision in the MGNREGA, in which a farmer could make an application to the gram panchayat demanding funds to hire labourers to undertake land improvement works (*bhoomi sudhaar*) in his/her field. This could include building a compound wall (*chaar diwari*), digging a well, or deepening an irrigation canal for one's farm, etc. In Kishanpur village, the panchayat officials were accused of creating *farzi* (fake) records for undertaking *chaar diwari* and animal shed construction work under the MGNREGA and claiming money for it, though it was never actually spent for the work, or only minimal work was accomplished, and the unspent amount was allegedly pocketed by the panchayat officials and the sarpanch. I asked Laaloo to explain to me how the process of allocating work under the MGNREGA was accomplished, because if there was transparency in this process, then there would be less likelihood of any misappropriation of funds too. Laaloo explained that the panchayat board members, ward members and the *sachiv* (secretary) together decided how the funds received under the MGNREGA were to be spent. Oftentimes, the name of the farmer-beneficiary (in the case of farm improvement works) and the labourers allocated to him would be filled in arbitrarily by the panchayat officials. Laaloo took us to the main Tila panchayat office where one of the farmers, who was named as a beneficiary in the Kishanpur MGNREGA programme, waited to speak to us. Chhoturam* told us that the work listed as a MGNREGA-funded boundary wall in his farm field was constructed by his family with their own personal funds several years ago! We proceeded to visit

his farm in Kishanpur and verify the claim in person. At the farm, I saw that an old wall, broken in places, stood under a tamarind tree. It certainly did not look like it had been newly constructed. We cross checked with the MGNREGA beneficiary list that Laaloo had got from the panchayat office under the provisions of the RTI Act and saw that Chhoturam's farm and this wall were listed as a work commissioned under the MGNREGA. Who were the labourers who were listed as employed to complete this fake task, I asked Laaloo. To this, he explained that labourers who were employed to carry out MGNREGA works were often at the beck and call of panchayat officials as their employment opportunities were controlled by them. Therefore, even if public funds were diverted under the names of these workers (often this would be by giving them a small cut from the funds as a bribe to silence them) no one would come forward to report the theft! The corruption here worked as a well-oiled machinery. Chhoturam said that when the matter was first exposed, the previous sarpanch Girish* and the panchayat officials involved in the matter offered him a bribe of 2,00,000 rupees to discourage him from speaking openly about it. But Chhoturam refused the bribe as he was only interested in seeking justice on behalf of the farmers under whose name public funds were being diverted.

On our way back from Chhoturam's farm, we stopped by at the residence of another farmer who had been listed as a beneficiary under the MGNREGA programme. The mother of the farmer spoke to us and said that her son often migrated to Gujarat to undertake wage work, and so, it was difficult for him to stay abreast of what the panchayat officials were doing in his name. Laaloo explained that since many farmers in Kishanpur were poor and left their fields untended while they migrated to other states for work, it was easy for panchayat officials to use their names and claim money. The daughter of this farmer showed us the small piece of land where they

cultivated corn. The field lay bare, and in the corner, a few frail goats stood bleating. The daughter of the farmer said that the *chaar diwari* work completed in this farm was with funds the family had raised on its own, but it was wrongly claimed as a MGNREGA-funded work in the panchayat records. We also visited a few farmer homes where animal sheds were constructed as per the panchayat records and found the work to be shabbily executed. In one of the farms we visited, the animal shed meant to house two milch cows was so small that it was not even enough to keep goats, forget cows, and the cows lounging under the shed lay partially exposed under the hot sun!

Laaloo had made an application under the RTI Act in November 2019 seeking complete details of the various public works executed in Tila panchayat. However, even after two months had passed, he had not received the complete files that he had sought in his original application. As per the provision of the RTI Act, the government body is supposed to respond to the RTI query within a month. Laaloo received an invitation from the panchayat office to undertake a file inspection, but when he turned up at the office, the panchayat secretary did not give a satisfactory response to his queries. Also, he was given only one hour to go through a large tranche of government records, which was clearly insufficient. Laaloo said that he had sought to know what works were undertaken under the *bhoomi sudhaar*, and also demanded the muster rolls of labourers engaged in the work, and government documents relating to land registration (patta) that was issued by the panchayat office between the years 2016 and 2019. Also, several other public works were funded through the State Finance Commission in the panchayat, for which details had been sought under the RTI Act. The next day, Laaloo, Karan and I went to the Tila panchayat office to speak to the officials there. The secretary, a young and nervous man, told me that Laaloo was prone to anger and that he needs to keep his calm as these were ‘sensitive’ matters which

cannot be settled hastily. After refusing to show us the files that Laaloo had sought in his original RTI application, the secretary took Laaloo separately in a corner to speak with him, while Karan and I waited in our car outside the office. Laaloo said that the secretary was cautioning him not to press with the matter as the official enquiry into the corruption allegations was already on, and a police case had also been registered.

Meeting the Thakurs



The family home of the Thakurs

I suggested to Laaloo that since the new sarpanch —Thakur Himmat Singh*’s wife— had benefitted from the corruption allegations against the previous sarpanch, why not speak to the lady and request her intervention in the matter? Karan and Laaloo

were convinced this was a good idea, and since I had come all the way from Delhi to inquire into the case, the new sarpanch might be willing to relent, they felt. Our next stop, on the journey, was the Thakurs’ family abode which was an old *haveli* (mansion) in Tila village. The grandeur of this residence symbolised the power and influence that the Thakur family enjoyed in this area, though they had been out of political power for decades following the land struggle waged by ‘The Union’ in the late eighties. The Thakurs here fit well into the archetype of ‘bosses’ and local strongmen/women who are competitive figures of authority with an insatiable appetite for power (Michelutti et al., 2018; R. Singh, 2020) A helper from the panchayat bhavan, who was closely associated with the Thakur family, agreed to accompany us to the house of the

sarpanch. Word had already reached the new sarpanch that someone had come to the village to enquire into the Kishanpur MGNREGA corruption case. After a short wait outside her house, we were invited inside for a chat. The lady sarpanch observed a strict rule regarding interacting with outsiders. Men were to wait outside a barrier, while women could interact openly. Like the sarpanch-pati, who transacted business on behalf of the wife in the previous case study, in this case, it was the three sons of the sarpanch who handled the affairs of the panchayat on their mother's behalf. Himmat Singh had died several years ago. Chitra* the sarpanch was happy to speak to me. Her elder son was with us too as we spoke. After a few queries regarding my research, and why I was visiting Tila* panchayat, she agreed to let Laaloo inspect the official records regarding the MGNREGA, and other works carried out in the panchayat previously. Chitra did express some concerns regarding my association with 'The Union', however, I assured her that my linkage with the group was only for research purposes and that I was not a full-time Union member. I realised that I had to suppress details of my friendly relations with 'The Union' in this case, as otherwise, it would lower the trust of my interlocutors, who remained hostile to 'The Union'. One of the servants of the Thakur even suggested that the members of 'The Union' unnecessarily meddled in the political affairs of the village in order to increase their influence. Though I disagreed ('The Union' members were not any more meddlesome than the average politically inclined villager) I remained quiet and kept my views to myself.

The only reason Chitra allowed for the inspection of the panchayat records was because I had made an intervention on behalf of Laaloo. Also, she was a political rival of the previous sarpanch and was looking to entrench her political power in the village by eliminating her opponents. This made me reflect on the way social capital

influences the way benefits of a law —that were accessible to all citizens equally in theory— were accessed by different individuals and produced varied outcomes for them. Had I, an English-speaking researcher affiliated with the University of London, not intervened in the matter, Laaloo would have been shunted around without any recourse to justice. In fact, such is the caste politics of that village that someone like Laaloo or Karan, who appeared lower in the caste hierarchy of the village, could not even aspire to enter into the premises of the haveli.

This is the perfect opportunity for us to look at what sociologists and anthropologists have had to say about the influence of social capital on people's ability to access institutional resources because this can help us to see in the context of this case study, how everything, right from the way Laaloo was treated by the panchayat staff to how the symbolic power of the Thakurs helped them to consolidate their political position in the village is ultimately about how much societal influence each person can wield. Bourdieu has shown how capital cannot be viewed strictly in its economic sense but “can present themselves in the immaterial form of cultural capital or social capital⁹³” as well (Bourdieu, 1986). Right to information, in this situation, is also an institutional resource. The files, records, and other material resources in possession of the government are controlled and access to these are mediated by government officials and elected representatives such as the sarpanch in this instance. As John Field notes, “networks can make things happen” and possession of social capital in the form of contacts with influential persons can help us “bypass the formal system” and produce better outcomes for any endeavour (2003, pp. 2–3). Even though the RTI Act has instituted formal systems for enabling access to government-held

⁹³ Social capital is the sum of the resources, actual or virtual, that accrue to an individual or a group by virtue of possessing a durable network of more or less institutionalized relationships of mutual acquaintance and recognition (Bourdieu, in Bourdieu & Wacquant, 1992: 119)

information, being able to influence someone within the bureaucracy is still helpful to accomplish work in terms of accessing files and records of a sensitive nature, as is the case here. Also, as Field notes, if people decide to help each other then they need to feel good about it and often we are willing to help those with whom we share values and this helps achieve cooperation to achieve mutual goals (2003). In this case, since both Laaloo and the new sarpanch had a shared rivalry with the previous sarpanch, she was ready to cooperate with Laaloo to allow him to access records of the MGNREGA to gather evidence of his misdeeds.

Inspecting files



The shabby condition of the panchayat office storeroom, in which the files relating to public works were kept, reminded me of the arbitrary nature of bureaucratic functioning. The entire success of the RTI Act is hinged on the ability of the state authorities to retrieve

officially held information in the form of files and records when citizens seek it. When Laaloo, Karan and I showed up at the panchayat bhavan the next day to inspect the complete records of public works undertaken in the panchayat in the past several years, the secretary told us that the files were kept rolled up in red cotton cloths and that he was too busy to segregate them. When the secretary pulled open the door of the storeroom, which seemed to have been shut for a while, a thick layer of dust descended upon us, making us sneeze. We could see that the cloth in which the files

were kept rolled had come undone and the records were carelessly strewn on the floor. Laaloo wondered aloud what would happen if rats chewed up the paper, then he would never be able to completely nail the corruption charges against the previous sarpanch! The son of the sarpanch and his assistant spoke to me while Laaloo and Karan perused the government records to gain further information on the handling of public expenditure during the regime of the previous sarpanch. I must quickly mention here that after the current sarpanch “put in a word” for us, the secretary was not rude towards Laaloo anymore but welcomed him into the office and offered to show us the files without any hassle.

The topic of discussion veered to the upkeep of the panchayat office and why it was in such a state of neglect. The son of the sarpanch, who owns and operates granite mines in the area and is very wealthy, said that when it comes to public institutions no one wants to fix them. I told him that most government institutions were now computerised and asked him why they were storing the files carelessly this way. To this, the son of the sarpanch said that there was no money available for the task, however, he could be generous and sponsor a new storage rack for the files from his personal funds! This illustrates a point about how those in positions of power are willing to accomplish a task in the larger ‘public’ interest if it somehow served to enhance their private image. Karan had earlier told me about how after Himmat Singh lost political power years ago, the Thakur family was very keen to enhance their political standing in the panchayat and they campaigned very hard and spent a lot of money prior to the elections to ensure that the people voted for them.

After inspecting the files, Laaloo wrote down a list of documents that he wanted to get photocopies of so he could use them as references later during site inspection (like what we had done with the MGNREGA farm works). The secretary, who was

hesitant to deal with our request in the past, was now prompt, and told us to come and get the photocopied documents the next day, as he had been instructed by the sarpanch to give us full cooperation on the matter. As the son of the new sarpanch noted, if the previous sarpanch was indeed convicted in the corruption case, it would be a matter of justice for the whole village. After we left the panchayat office, Laaloo told me that there were several criminal cases pending against the sons of the current sarpanch and if anyone was to file an RTI query on the status of those cases, they may not live to see the next day!

Laaloo was upset that the official inquiry into the Kishanpur matter was taking so long to settle. The last leg of our investigation pertained to finding out from the police as to what the status of the investigation was and whether any charges had been framed in the matter. Laaloo said he had filed an RTI appeal on this matter with the office of the Block Development Officer (BDO) in Devnagar* which is the block headquarters under which Tila panchayat falls, but to no avail. It was the BDO's office that oversaw the implementation of the MGNREGA works at the village level and maintained all records pertaining to it. Karan, Laaloo and I set off for Devnagar the next day to see if we could lay our hands on the official inquiry report on the Kishanpur MGNREGA corruption. While the BDO bluntly refused to share the details of the report, saying the matter was 'sub-judice', the reaction of the police was even worse.

Before we went to the Devnagar police station, where the Kishanpur corruption case had been formally registered, Karan and Laaloo told me that they suspected that the police had been bribed by the former panchayat officials for not indicting them in the matter. So, we went in expecting some resistance. As we walked into the police station, a young official asked us why we were visiting. I told the official that I was a researcher, and I needed the official inquiry report into the corruption charges against

the Tila* panchayat sarpanch in Kishanpur. We waited for the inspector in-charge of the case to arrive. While waiting at the police station, Karan and I started talking about the communal riots that had erupted in Delhi in late February 2020 in which the police had played a controversial role in both protecting rioters and wrongly convicting peaceful activists⁹⁴. The young official, who spoke to us earlier, overheard us and said that there was no point blaming the police for being complicit in the violence, when the entire state machinery was corrupt. At this point, Laaloo jumped in and said that the Devnagar police were no different as it had also been complicit in corruption in the block. The inspector handling the Kishanpur* investigation entered at this point and asked us what we wanted. Laaloo told the inspector that he would like to avail a copy of the inquiry report into corruption in Kishanpur*. This angered the police officer, and he made a menacing gesture and raised his arms in a bid to push Laaloo away. He had been relatively calm until now, but he broke into an angry outburst saying he was tired of chasing up officials while those who had appropriated money meant for farmer's welfare suffered no consequences whatsoever. Watching the situation heat up, I told Laaloo to wait outside and apologised to the police official to defuse the tension in the room. Laaloo walked out angrily. I gestured Karan to take care of him, while I politely requested the official if I could have a copy of the inquiry report as I was a researcher and needed it for my work. There was a stark difference in the way the official spoke to me as compared to Laaloo. He told me I should not hang out with bad men like Laaloo who happened to be troublemakers. Then he said that the

⁹⁴ Ellis-Petersen, H., & correspondent (2020, June 23). Delhi police accused of filing false charges over February riots. *The Guardian*. <https://www.theguardian.com/world/2020/jun/23/delhi-police-accused-after-charging-activists-over-february-riots>

investigation had not been concluded yet and anyway the official report submitted to the higher authorities cannot be accessed until the judicial proceedings concluded.

What happened at the police station was another illustration of how social capital influenced outcomes when it came to availing provisions of the law. Had Laaloo not been accompanied by me, I dread to think of what might have happened in the police station that day. Being able to access official information was also determined by whose interests were involved; and if there was any threat perception, in the sharing of official information, then all effort was made to thwart its provision. This is how the provision of the RTI Act, which enables access to information, is subverted by the state apparatus. In order to verify the corruption allegations, I also interviewed the engineer who handled the MGNREGA work contracts and the previous sarpanch, who had been accused of corruption. The previous sarpanch put up a weak defence before me, saying that things were done behind his back by other panchayat officials, and he was merely a scapegoat of the corrupt behaviour of the officials. The MGNREGA engineer said that he had involved all the beneficiaries before drawing up the projects, and all works were executed to a satisfactory degree, though during my earlier field trips I had heard contrary reports from the beneficiaries. Unlike the Kanthapura episode, in Tila panchayat there was sufficient evidence of corruption, but while the accused had not been punished as yet, it did help facilitate a change of guard at the helm as witnessed in the earlier instance.

iv) Lessons learnt from social auditing

I shall discuss here the experience of conducting an informal social audit of two important central government schemes here – ‘Swachh Bharat Abhiyan’ (Clean India

campaign) under which toilets were constructed in rural households to discourage open defecation, and the ‘Deendayal Upadhyaya Gram Jyoti Yojana’ for rural electrification. For both these schemes, the central government had claimed full coverage in the districts of Rajasthan. In March 2018, many of the villages that fell in our audit trail had already been declared as ODF, meaning Open Defecation Free. But Karan* told me that in many villages people continued to defecate in the open and the government’s claims were all bogus. Similarly, the claims on the front of rural electrification were also false as many villagers we met complained about not getting electricity connections installed in their homes if they refused to pay a bribe.

With my field assistant Karan*, I pulled out a list of beneficiaries from the Jan Soochna Portal for the Swachh Bharat Abhiyan in two randomly chosen villages – Bhoora* and a colony of Bhil tribal people in Rajpur* district. The government had fixed Rs. 12, 000/- as incentive to construct a toilet for rural households identified as eligible by means of a survey conducted by the panchayat. The criteria for eligibility were that the family be poor or unable to afford the construction of a toilet and that they be practicing open defecation as a result of it. Armed with the list of beneficiaries Karan and I visited Bhoora* village where Karan had learned from his aunt that many poor families had constructed these toilets spending money out of their pocket but had not been compensated by the panchayat as yet though they were eligible for government assistance. The first house we visited in Bhoora* was that of a farmer who had three sons. The man had constructed three toilets all placed next to each other in a single row, one for each son, and demanded that all three sons be paid the compensation. We were taken around the house to view this toilet and it was funny how the toilets had been placed next to one another. I asked the farmer since the family lived in one house, why was there a need for three toilets, when one or two would have

sufficed. Pat came the reply, “Because there is payment eligibility for every toilet constructed in the house!” We pored over the list and managed to find the names of two of his sons mentioned in the list - who we verified by looking at the bank passbooks of the two men already compensated. So, what was the complaint about? The farmer wanted to claim Rs. 12, 000 for his third son too! We visited several other households in the village, especially houses where there were complaints of not receiving the compensation and realised that many of these houses had not built the toilet to the required standard –with a proper soak pit, cemented slab, etc.– and these had not yet



A Swachh Bharat toilet being used as a storeroom.

PHOTO: VIDYA VENKAT

Mahendra Singh, who told us that for many eligible beneficiaries the compensation amount had not been cleared yet from ‘above’ (meaning the block development office that comes above the panchayat) and so the charge that the panchayat had not paid eligible beneficiaries in the list was a misrepresentation. There was no wrongdoing intended here. But Karan was not satisfied with this response. Once we left the

received the approval of the local official engaged by the panchayat for inspection purposes. Only if the toilets were built to a minimum required standard would they be approved for compensation. In many houses families had simply dug a pit and placed wooden slabs on the sides and claimed to have constructed a latrine, demanding a compensation. It soon became clear to me that these families did not have a legitimate reason to complain.

We met the village *sarpanch-pati*

panchayat office, Karan told me that this man and his brother had volunteered with 'The Union' earlier and, therefore, they knew how to indulge in corruption without getting caught. We pored over the list of beneficiaries again and this time we noticed something puzzling. The last four digits of the bank account numbers of all the beneficiaries mentioned in the first few pages of the list were the same (the remaining 12 digits of the 16-digit bank account number was hidden under asterisk). Did all the beneficiaries receive money into the same bank account? How could that be? Karan and I immediately smelled a rat. Soon after finishing work at the panchayat office, we visited Vimla*, who was the sarpanch of Bhoora*. I insisted with Karan that I should speak to the sarpanch as well, instead of only talking to her husband who managed village administrative affairs on her behalf. On the way to their house, Karan told me that the couple now lived in a palatial house and that they had made a lot of money via illicit means. Vimla's mother-in-law, had also been a sarpanch in Bhoora earlier for five years, he said. I could sense that the family was well-versed in matters political and held much influence over village affairs. When we reached the house, the sarpanch answered the door herself. I introduced myself as a researcher and told her that I was visiting to conduct a social audit of the Swachh Bharat Abhiyan toilets constructed in the village and was keen to learn how many families had been compensated for this in the village. In a cautious tone, Vimla admitted that not all households mentioned in the beneficiary list had been paid as yet and this was because the funds had not been credited from the block office. She also said that some villagers had tried to make this delay appear as though the panchayat officials had siphoned off funds meant for villagers, but that we should not pay heed to such claims. Karan interrupted her at this point and said that we had the beneficiary list and the bank account information with us, and we could verify any claims ourselves and did not need her guidance on what

we should make of the situation. Karan was already sounding like an auditor who had arrived at the house of a “corrupt” sarpanch to check their record and unearth details of any wrongdoing. He also asked her why she did not attend the panchayat office herself and sent her husband there instead. “You choose to stay at home and cut vegetables instead!” he said with a chuckle. This angered the sarpanch and she said that she and her husband shared responsibilities equally and he had no business meddling in her personal affairs... A while back, Vimla had offered us a cup of tea, but it had been a while now, and we did not see it coming. I understood that it was best for us to just get out of there as I could sense her increasing annoyance with us. When we left her house, I chided Karan that he ought not to have questioned her like that as it might spoil our chances of getting cooperation from the panchayat to verify information on beneficiaries. Karan said the whole family was arrogant because of two back-to-back election victories and it was time to bring their “*kaali kartootein*” (dark deeds) out into the open for all to see.

Our next stop was the Block Development Office to enquire into why there was a delay in transfer of funds to the Swachh Bharat Abhiyan beneficiaries in Bhoora village panchayat and if inspections had been done in all the homes of beneficiaries before releasing their payments. At the BDO office we were sent to an officer's desk who specifically handled the Swachh Bharat schemes, and he told us that many villagers, not just in Bhoora but elsewhere as well, had dug soak pits and claimed that they had built proper toilets to claim the compensation. He showed us a brochure containing detailed instructions on how the toilets were expected to be built and information on the rest of the programme explaining why open defecation was bad for people's health, etc. Not a single village house we had covered in our informal audit of the scheme's implementation had received any instruction regarding how they should



An unused Swachh Bharat toilet used as a store room

build the toilet. Karan asked the official if the BDO had distributed these instruction manuals to the village households that were identified as eligible for compensation. He said no. In fact, these information manuals had not even been distributed to the panchayat offices which oversee the last mile delivery of the project at the village level. On our way back to the Centre in Barsi*, we stopped over at the colony of Bhil tribal people. We saw wall graffiti in the village which advertised the Swachh Bharat scheme

and encouraged people not to defecate in open spaces. In the colony we visited twelve houses and none of them had a proper, functional toilet. However, all these families were listed as beneficiaries under the Swachh Bharat Abhiyan and had received their compensation as well, which we verified against their bank details mentioned in the list. In one of the houses that we went to, the residents were so poor that they said there was no way they could afford to build a toilet for themselves. In order to claim the government compensation, this family had dug a plain pit in what would otherwise function as a storeroom and placed wooden slabs on each side of the pit. I asked the female residents of the house if they used this to facility to answer nature's call and they burst into laughter and pointed their finger to a bushy corner behind the wall of their house. "We do it there..."

After returning to Barsi*, we sat down with a senior member of 'The Union' Mahesh Singh* and discussed our findings in Bhoora. Even this activist who has

several years of experience conducting social audits using RTI was puzzled to find that all the bank account numbers of the beneficiary list in Bhoora had the same last four digits. Karan was very sure that this was probably the account number of the sarpanch or her husband who were taking all the money meant for the villagers. But, in several of the houses we had visited in Bhoora we received confirmation of the eligible beneficiaries actually getting the compensation money in their accounts. Mahesh told us to wait for a few days so he could investigate this at his end. He knew officials in the bank branch where these accounts were held and said he could inquire with them about the matter. A few days later, Mahesh called me and said that the repeating numbers were an error on the part of the data entry operator in the bank, who had entered the first four digits of the bank account number before the asterisk marks (to hide the rest of the digits), instead of entering the last four digits, as was supposed to be done! In that bank branch, all account numbers started after a specific year had the same first four digits with only the following 12 digits varying... So, what we were hoped would result in the unearthing of a big corruption scam in Bhoora actually turned out to be a damp squib! Karan laughed hard when I told him this, but he was also disappointed about not being able to find anything incriminating against Mahendra Singh's family in the end.

This episode made me reflect on the dangers of overemphasizing citizen-led vigilance that ran the risk of turning into mudslinging fests and needless targeting of officials where none was merited. A downside of the culture of information activism in this context was also that there was a presumption of guilt - of wrongdoing, of corruption, of secrecy - that drove people into abusing the provisions of the information law to scrutinize every little action of government officials, breathing down their necks and causing them to be unnecessarily questioned and harassed.

Another realisation I had after this audit experience was how the state, under the guise of transparency, could easily mislead the people by providing information that made everything look good on paper while the reality might be something else. The official handling Swachh Bharat Abhiyan compensation claims at the Block Development Office conceded that they released the compensation money without carrying out mandatory inspections in every household and enlisted more beneficiaries than funds were available for, in order to meet the ODF declaration target, which explains why not all houses in Bhoora* received the compensation. Yet the village had been declared as ‘ODF’ or open defecation free. Such examples abound. Now, a politician could declare in a public forum that the government has embraced transparency by publishing the progress of implementation of all welfare schemes and throw about impressive figures and details of millions of beneficiaries. And citizens can also log into these digital sources and look at the details of programmes and marvel at how transparent and easy-to-track such facilities are, but only if one goes to the ground and surveys the situation can one hope to get the real picture of development and that requires time and effort on behalf of citizens which not everyone can afford.

Dileep Singh*, a retired official from the Rajasthan government, who had participated in the mobilisations for passing the RTI Act in the 1990s, pointed out that most RTI applications today were either being filed for personal reasons or by those who wanted to settle political scores with rivals, and in many instances, when corruption did occur people did not come forward to give any evidence because it led to the classic dilemma: “who will bell the cat?” Also, conducting elaborate audits based on information obtained from government websites required a lot of time and energy and for villagers who were struggling to earn their daily bread and butter, getting

involved in such activities was difficult. People also feared retaliation from powerful men in society for daring to raise the issue of corruption.



New house, but no electricity at a village in Rajasthan's Rajsamand district.

What I had witnessed in the village of Rajaur* in Rajsamand district further allowed me to see as to why right-to-information activism could not adequately address the problem of corruption and gaps in implementation of development schemes in

distant villages. A Union* member told me about a villager in Rajaur* who was struggling to get an electricity connection for his house under the rural electrification scheme. In April 2018, the Prime Minister Narendra Modi had made a declaration that India had achieved 100% rural electrification. While the claim meant that all villages now had access to electricity, it did not necessarily mean that all rural households had been electrified⁹⁵. The government considers a village electrified if it is connected to the main electricity grid via power cables. This is just another one of those examples of official 'doublespeak' that I refer to in the previous chapter. That is why I was all the more curious to visit Rajaur and discover the status of the rural electrification

⁹⁵ *Modi govt achieves 100% village electrification—What does it mean exactly?* (n.d.). DNA India. Retrieved 10 June 2021, from <https://www.dnaindia.com/india/report-modi-govt-achieves-100-village-electrification-what-does-it-mean-exactly-2609896>

programme. When I turned up at this location, a middle-aged wage labourer named Surendra*, showed me the complaint letter that he had written to send to the Ajmer Electricity Distribution Corporation (*Ajmer Vidyut Vitaran Nigam*) demanding details of the status of rural electrification in his village. His complaint letter followed failed efforts to get a new electricity connection at his house under the flagship rural electrification scheme of 'The Union' government. The contractor demanded a bribe of Rs. 3000 from him and when he refused to pay, the contractor simply dumped some basic equipment for electrification without completing the job of installation. A few metres away from his house, Surendra pointed to the house of another elderly couple, who had recently been allotted a house under the Pradhan Mantri Awas Yojana (a government housing scheme) but had to live without electricity as they could not afford to pay a bribe. The low roof cemented house turned into a furnace during the sweltering summer months in Rajasthan, a state known for its extreme weather conditions. I met the elderly couple who also spoke about the threat from snakes and other nocturnal creatures in this house, due to the poor lighting in the neighbourhood. Surendra said that most villagers near his house did not have electricity because the contractor who had been sent to install the electricity poles and meters demanded a bribe of up to Rupees 5000 per household to complete the installation. Like Surendra, many poor villagers simply could not cough up the money necessary to pay the contractor. In some cases, the contractor dumped the relevant equipment in the beneficiary's house to make it appear as though the connection had been installed without actually accomplishing the task and misreported to the district headquarters that the homes had been electrified. Many such households were now being sent a bill for payment generated by the Corporation though they had not availed of the connections! These families were upset that they were now being asked to pay for a

The image shows a printed electricity bill from the Uttar Pradesh Power Corporation Limited (UPPSCL). The bill is for a household in the village of Barsi, District of Meerut. It lists various charges including electricity supply, meter rental, and distribution charges. The total amount due is ₹ 1,307.14. The bill is dated 01-06-2017 and includes a QR code for payment verification.

Electricity bill generated for villagers who did not avail of an electricity connection. Photo: Vidya Venkat

service they had not even used in the first place...I encouraged Surendra to file an RTI application with the concerned department and highlight the discrepancies in the implementation of the scheme in his village. Along with my field assistant, I helped him prepare a list of households that had not been electrified, based on an informal audit conducted in the

village. I also managed to put together a rough list of households which had obtained the electricity connections after paying a bribe. I asked Surendra* to append this list with his application and request details of the intended date of completion of the said government scheme. He requested me to accompany him to the tehsil office in Barsi* where the relevant electricity corporation office was located, as he was afraid that if he went there alone nobody would take his information request seriously enough to merit a response. At this point, Surendra shared with me the experience of filing another RTI query which was rather disappointing, and he had given up hope that any solution could be found for his problem based on this application. The man owned an ancestral house in the village which did not have an approach pathway as the nearby plot of land had been encroached upon by other villagers. He wanted to establish the ownership of the nearby plot that blocked the pathway leading to the road to his house. He filed an RTI application to seek clarification from the revenue office in this regard but did not

receive any appropriate response as land ownership details were highly disputed. Surendra was tired of chasing after the authorities to reclaim the approach road to his ancestral property and said that he did not have the energy or resource of time to file yet another RTI and follow up on the implementation of the electrification scheme. To restore his faith in the process, I accompanied the man to the tehsil office and helped him to submit an RTI application demanding accountability regarding the status of the implementation of the rural electrification programme along with the signed complaint received from villagers testifying the unjust demand for bribes.

Before leaving the village, I conducted an informal discussion on the political views of the villagers to understand their response to the 2019 national election verdict. A few of the villagers along with Surendra gathered outside an under-construction house. Even though the rural electrification scheme was a central government-funded programme, most villagers did not hold 'The Union' government responsible for the present state of affairs. When I asked the villagers if the Prime Minister was justified in claiming that all villages were electrified in India and pointed to the vague definition that allowed them to make such tall claims, the villagers noted that the PM must be citing official statistics which are fabricated anyway. However, most of them were content to blame the local contractor and tehsil level officials who were implementing the scheme on the ground for the poor implementation and did not think it was necessary to escalate the complaint to the nodal agency in-charge of the programme. My parting question to them was if the same party would be voted to power in the next general elections and they responded nearly unanimously: "*Jeetega toh Modi hi!*" (Only Modi will win).

After I wrapped up my doctoral fieldwork in Rajasthan, I continued to stay in touch with Surendra for a few months. He told me that he did not receive any response

to the RTI application submitted at the tehsil office. The elderly couple who stayed near Surendra's house lived off a measly government pension and could not afford the bribe for an electricity connection. Unlike Surendra, they could not travel to the tehsil office either to file an RTI application. This made me wonder if a law promising people their entitlements only on paper could ever accomplish the real task of empowering citizens if they did not have the social capital to fight for their guaranteed rights. Even if the citizen came forward to fight for his/her entitlements, there was no assurance that they would benefit from the effort. Surendra said that he often travelled to Gujarat to find daily wage work and could not follow up on responses to his RTI queries while away from the village. He said other villagers were also not keen to take any steps in this regard. Along with the practical constraints of filing queries and following up on them, the general attitude of the people here was one of collective acquiescence to political authorities without exhibiting any inclination to question or challenge their actions, which meant that no collective effort to mount a challenge to the official narrative of developmental progress, in this case that of rural electrification, could be accomplished by means of transparency activism.

Returning to the original question I started this chapter with —on what has changed in Rajasthan since the heady days of the grassroots struggle for an RTI law that started in the late 1980s— one vital aspect that came up in the course of my discussion with an old timer at 'The Union'* centred around the importance of forming alliances in order to succeed in RTI activism. Seated in his organic farm in Rajsamand district of Rajasthan, C. Singh* smoked a hookah as he spoke about the experience of the initial days of RTI activism in Rajasthan. "Right from the early days of our activist work, our leader Ajitha* never took any decision without consulting the group at large." Referring to right to information activism as a *samoochik* (social) intervention

and not an individual battle, Singh referred to the example of Arvind Kejriwal and his activist colleagues asking for information from the municipality in Delhi and getting beaten up very badly, to convey the point that before filing any RTI queries or undertaking anti-corruption activism, one must come up with a strategic action plan on how to respond in case of a backlash. The reason why information activism in Rajasthan and elsewhere is facing retaliation today is because activists are not unionising. Sharing an experience from the 1990s, Singh said that each time they decided to take on a panchayat leader or a corrupt bureaucrat, they held a meeting and drew up a plan on what to do. He said that it was through such a process of unionising that the right-to-information movement spread far and wide from Rajasthan. He recalled spending an entire month in Delhi prior to the passage of the RTI Act in 2005, after the state RTI law had been passed in Rajasthan. They joined forces with other activist groups working in Rajasthan under the wider umbrella of the Rajasthan Mazdoor Kisan Morcha at the state-level and the Bharat Jan Andolan at the national level to push for the cause of RTI. “I even made friends in Meghalaya and Assam in the course of my activist work,” Singh recalls. “But there is no such display of unity today”.

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To sum up, this detailed ethnography of the villages in Rajasthan —where the grassroots mobilisation for RTI was strong in the past— reveals the difficulty of sustaining the social movement on the ground due to dwindling support from the state, and entrenched power, vested in families like the Thakurs, reappropriating local institutions. Social capital, thus, becomes an important determinant in enabling access to information. Also, anti-corruption activism itself becomes part of a charade staged before elections to delegitimise an opponent and once the battle is over, a compromise of power ensures that the problem of corruption remains unresolved.

Chapter Six

Secrecy and the preservation of power

In Chapter Four I had used assemblage thinking to demonstrate the formation of a loose coalition of interests that managed to deploy transparency activism and the anti-corruption discourse to successfully delegitimise the Congress-led UPA government. In this chapter, I have two major goals. One is to demonstrate the disintegration of this activist coalition once a change of government took place at the centre, and the other is to demonstrate how a shift in the “object of concern” occurred after the right-wing Bharatiya Janata Party (BJP) ascended to power at the centre in 2014. That object of concern around which all politics now revolved was not corruption, but Hindutva⁹⁶, the ideological foundation of the BJP comprising the idea of a Hindu nation. In this chapter, I present ethnographic data based on my eighteen-months fieldwork in New Delhi, which was conducted in fragments, owing to the disruption caused by the Coronavirus pandemic. The research material comprising events experienced in the course of fieldwork and the conversations carried out with various interlocutors allows me to discuss the changes that I witnessed in the political climate in India during fieldwork. I also discuss as to why the current BJP government in India has taken steps to amend the RTI Act of 2005, and how the larger state apparatus, including the courts, have sought to restrict the right to information through various measures. Given the popularity of the leader representing India’s

⁹⁶ A Hindu nationalist ideology that draws upon the ideas first articulated by Vinayak Damodar Savarkar in his 1923 pamphlet ‘Hindutva: Who is a Hindu?’. This ideology starkly opposes the secular values espoused by the Indian National Congress after India became independent and encourages Hindu domination in society.

current ruling party⁹⁷ and the polarised opinion surrounding political matters in the country, I further discuss the implications this has had for the right-to-information movement and ruminate on the larger question of whether the spirit of questioning expected of citizens to realise the goals of the RTI Act can be sustained when citizens themselves are happy to relinquish their powers. I also discuss case studies of using RTI, which include my own applications and those of others, to explore the possibilities and limitations of transparency activism.

i) Doing fieldwork in a ‘Hindutva’ state

[Names of people and places with * symbol have been changed to protect identity].

I began ethnographic fieldwork for my thesis in New Delhi in the summer of 2019, soon after the general elections to elect members to the 17th Lok Sabha had concluded in India, in which the BJP under the leadership of Prime Minister Narendra Modi secured a majority vote. The right-wing party had returned to power for a second term with a larger mandate this time. The Indian capital, at that time, was heating up both literally and metaphorically. Several of the decisions that the BJP government took, soon after it assumed power, began to rile up social activists for its undemocratic character. One such decision, also central for the purposes of this thesis, was the bill introduced in Parliament to amend the provisions of the Right to Information Act, 2005. The amendment intended to bring the process of appointing and fixing the tenure of information commissioners under the control of the central government,

⁹⁷ Rajesh, Y. P., & Krishna, N. D. (2023, February 10). India PM Modi's popularity intact despite Adani controversy -poll. *Reuters*. <https://www.reuters.com/world/india/india-pm-modis-popularity-intact-despite-adani-controversy-poll-2023-02-10/>

which was interpreted by activists⁹⁸ and former commissioners⁹⁹ opposed to the move as a means to restrict the autonomy of the commissioners. We have already seen in Chapter Four how the CIC had a crucial role to play in opening up the state for greater public scrutiny, therefore, bringing them under the control of the central government could hamper their independent watchdog role. I delve into this subject in the latter part of this chapter. As part of my fieldwork, I participated in the meetings organised by the civil society organisations—National Campaign for People's Right to information (NCPRI) in New Delhi, the Satark Nagarik Sangathan (Alert Citizens' Organisation) also in New Delhi, and the Mazdoor Kisan Shakti Sangathan in Rajasthan— whose formative role in the right-to-information movement I have already discussed in Chapter Three. Participating in their group meetings gave me an opportunity to understand the manner in which civil society groups were beginning to resist the might of the BJP government, which was using its majority vote in Parliament to curtail various fundamental rights to citizens, including that of freedom of speech and expression, of which right to information was a part. In the first section of this chapter, I juxtapose two separate experiences that I encountered in the course of my fieldwork in 2019-2020: one within the activist spaces where I was immersing myself as an ethnographer, and the other everyday world of the ordinary residents I interacted with in Delhi, many of whom were actually supportive of the government.

⁹⁸ Roy, A., & Dey, N. (2019, July 22). The tremor of unwelcome amendments to the RTI Act. *The Hindu*. <https://www.thehindu.com/opinion/lead/the-tremor-of-unwelcome-amendments/article28628537.ece>

⁹⁹Standard, B. (2019, July 22). *Ex-CIC calls RTI amendment a 'stab in the back'; asks MPs to reject changes*. https://www.business-standard.com/article/pti-stories/ex-cic-urges-mps-to-reject-rti-amendment-terms-it-death-blow-to-law-119072200584_1.html

For most ethnographers, their host at the site of research provides them with a window into the social world they inhabit. In *The Remembered Village*, M.N. Srinivas credits his host, the village head of Rampura, with providing him a deep insight into the multi-caste society the villagers he was studying inhabited, though he was a native ethnographer like myself (Srinivas, 1979). But while for Srinivas, his host also played a gate-keeping role in ensuring who he got to speak with and influenced the nature of interactions he had with the rest of the villagers, my host did not influence the choice of my interactions as I was only a tenant and was free to carry out my work as I thought fit. During the first leg of my fieldwork in 2019-20, I stayed as a paying guest with an elderly Punjabi couple in south Delhi, who turned out to be avid supporters of the ruling party. Gurdas Singh*, the house owner, lived in a three-storied *kothi* (a bungalow-style house) overlooking an arterial road in south Delhi. I lived on the first floor in the front portion of the house facing the road, and Mr. Singh and his wife lived on the other side of the house on the same floor that was partitioned by a common wall with separate entrances for each of us. Mr. Singh had two brothers, who owned the ground floor and the third floor of the house respectively. His father had been a central government employee and bought the land on which the *kothi* stood in the early 1950s, when Singh and his brothers were still in school. Both of his brothers had worked as Indian Administrative Service (IAS) officers and were now retired. One of them had shifted to the U.S. and had rented out his portion of the house to students preparing for the civil services examination.

Daily in the morning, Mr. Singh would invite me over to give him company for breakfast. His son and daughter lived in the opposite end of the city, with their respective spouses and children, and the man, in his late seventies now, was often

bored, with no one to talk to. Mrs. Singh was spiritually inclined, and spent most of the day in her room, watching Sikh spiritual television programmes or chatting up with friends and family over the phone, visiting them occasionally. Mr. and Mrs. Singh stayed in separate rooms, as they had different preferences in their choices of TV channels to watch. Plus, they did not seem to get along very well in their old age. These breakfast times became an opportunity for me to get to know my landlord better, but more importantly, use our conversations as a means to understand life in Delhi for a long-time resident holding strong political views. I was in the “field” after all, and as Paul Rabinow says, everything you do in the field counts as fieldwork (1977). So, recording my interactions with my landlord also became part of my ethnographic discovery. Mr. Singh was curious to know what my research was about, and I told him that I was working on the right-to-information movement in India. I asked him what he thought of the BJP government’s decision to amend the transparency law. He knew very little about the developments on that front, so I apprised him of the government’s moves and how it would hinder the efforts of activists who used the RTI Act to hold the government accountable. I also told him about how the law had helped bring corruption to light during the previous Congress coalition government, and the same sort of vigilance was required of citizens to ensure probity in the present government as well. But Mr. Singh argued that only the Congress government was corrupt; the BJP government was clean. Mr. Modi follows a “*na khaaunga na khaane doonga*” policy (meaning, “neither does he eat nor let others eat [money]”). At this point, I asked Mr. Singh if he was aware of the controversy surrounding the Prime Minister’s B.A. degree, which was alleged to be fake, for which the government had blocked a formal response under the RTI Act. Although the charge did not involve financial corruption, it nonetheless constituted an allegation of voter fraud and lying under oath, which is

quite serious. Mr. Singh said that these were silly charges that the Aam Aadmi Party leaders were making to embarrass the PM. He further said that AAP leaders had made it their habit to indulge in mudslinging to make their political rivals look bad.

Before proceeding further, some background information on the controversy itself is merited here. Following allegations that PM Modi had made a false declaration in his electoral affidavit: that he had a Bachelor's degree in Political Science from the University of Delhi, a Delhi resident filed a right to information query with the University demanding to see the records of those who had passed the B.A. Political Science course through distance education in 1978-79. I spoke to the RTI applicant in this case, who said that the University had refused him the right to access the University records, and a dispute was underway at the Delhi High Court where the University had sought a stay against the disclosure order of the Central Information Commission issued in 2015 on the matter¹⁰⁰. Despite several years passing by, the Court continues to delay hearing the case and, in July 2023, refused a plea to advance the hearing of the case¹⁰¹. The government managed the controversy by releasing pictures of the PM's B.A. and M.A. degrees (also alleged fake) at a press conference in 2016. The press conference was helmed by Home Minister Amit Shah and then Finance Minister Arun Jaitley (who passed away in 2019) and was covered widely in the press. However, the allegations continued that these degrees were forged; some even pointed out that the certificates displayed at the press conference were computer-generated, and back in 1978, there were no computerised degree certificates, and that

¹⁰⁰ Staff, S. (2018, February 28). *Delhi University tells High Court it cannot disclose details of Narendra Modi's degree* [Text]. Scroll.In; <https://scroll.in/latest/870370/delhi-university-tells-high-court-it-cannot-disclose-details-of-narendra-modis-degree>

¹⁰¹ Thapliyal, N. (2023, July 10). *Delhi High Court Refuses To Advance Hearing Of RTI Case On PM Modi's BA Degree*. Live Law. <https://www.livelaw.in/high-court/delhi-high-court/delhi-high-court-2017-pm-modi-ba-degree-case-232320>

the University was under political pressure to endorse these fake degrees¹⁰². The Delhi High Court case on the matter was still being heard in 2019, while I was doing fieldwork, and the case was postponed several times, without reaching any firm conclusion. In the course of my thesis research, I had the opportunity to interview two other RTI applicants –one an NGO worker and another a journalist– who told me that they had managed to obtain permission to physically inspect the University of Delhi records for the years 1978 and 1979 after much struggle, but they couldn't find the Prime Minister's name in the said university records. However, they were not allowed to take photocopies of the relevant files or take any pictures (as they were not allowed to carry their mobile phones inside the record room by the University officials) and thus, they possessed no hard evidence to prove that Modi had indeed lied in his election affidavit. An activist, who was a litigant in the Delhi High Court case in the matter, explained to me that this case was politically significant because it could potentially cost Modi his official post as Prime Minister. If the lie were proven via an inspection of the University records, the PM's electoral victory could be disqualified triggering snap elections. This activist pointed out that in 2010, in Pakistan, several federal and provincial elected representatives were threatened with disqualification over a similar fake degree row¹⁰³.

Now, let us return to the conversation with my landlord on this subject. He showed no concern whatsoever over the possibility that the leader of the party he voted to power (he had conceded to me once that he had voted for BJP in the 2019 elections)

¹⁰² BJP produces Modi degrees, AAP finds discrepancies. (2016, May 9). *The Hindu*. <https://www.thehindu.com/news/national/BJP-produces-Modi-degrees-AAP-finds-discrepancies/article14310247.ece>

¹⁰³ Fake degree scandal roils Pakistani politics. (00:00:00+05:00). *DAWN.COM*. <http://beta.dawn.com/news/958083/fake-degree-scandal-roils-pakistani-politics>

might have lied in his election affidavit about his qualifications. So long as the government did not allow the information seekers to inspect the university records and reveal what the files contained to the public, there would always remain a shadow of doubt that the charges levelled against the leader are true. But in the eyes of Mr. Singh, Modi was simply incorruptible. He instead spent a lot of energy trying to convince me that Arvind Kejriwal and the Aam Aadmi Party that was leading the public debate on this subject was actually the corrupt party. My landlord accused Mr. Kejriwal, the Chief Minister of Delhi, of accepting huge donations from private corporations for his political party and said that all claims he and his party men made about not entertaining corruption within their ranks was bogus¹⁰⁴. My house owner was only parroting what the rival BJP politicians had alleged in the press against the AAP leaders prior to the 2015 Delhi state assembly elections. Among laypersons such as Mr. Singh there was little to no interest in going beyond the loose opinions being bandied about by political rivals on controversial matters such as this; the task of digging out the truth was left to a few concerned activists and journalists who were genuinely invested in the matter. The Modi degree row is also a perfect example of a case involving allegations and counter-allegations by rival political parties, for which the RTI Act was used. Sadly, the law could not help in producing any conclusive evidence on the matter, as the government managed to successfully stall the disclosure of university records before the general public. This also demonstrates how despite enabling provisions of the RTI Act, the government can successfully keep secrets, if it so wished, especially when such secrets were essential for the preservation of political power.

¹⁰⁴ PTI. (2017, May 14). *Kapil Mishra: Kejriwal a corrupt man, AAP received crores from shell companies*. Mint. <https://www.livemint.com/Politics/CybWsMEzuPeGNv8uOiATYN/Kapil-Mishra-faints-charges-Arvind-Kejriwal-with-financial.html>

Over the course of the next few months, as I was beginning to settle down into my fieldwork routine –of participating in the meetings of the civil society organisations, following the utterances of the government on matters relevant for my research, interacting with different RTI activists, etc.– I noticed a clear dichotomy emerging between the world of activism and the world that ordinary persons outside of this circle of “enlightened intellectuals” inhabited. At the meetings of the NCPRI which I attended in New Delhi, I could perceive the growing resentment against the national government for amending the RTI Act, and also introducing a citizenship law which along with the task of creating a National Register of Citizens (NRC) had the potential to discriminate against religious minorities on the pretext of demanding their proof of citizenship. NCPRI founder-member Aruna Roy led a major protest in Jaipur, Rajasthan against the Citizenship Amendment Act (CAA) along with the National Federation of Indian Women¹⁰⁵. The activists also used the RTI Act to collect more information about the government’s citizenship census exercise¹⁰⁶. This was part of an effort the NCPRI started in 2019 to use the RTI Act to demand accountability from the government on its policy decisions. I was part of the meetings where the discussions to resist both the amendment to the RTI Act and the passage of the CAA law were held.

In July 2019, the lower house of the Parliament passed the RTI Amendment bill, changing the terms of recruitment of the information commissioners appointed under the RTI Act. NCPRI members had hoped that since the ruling BJP party had

¹⁰⁵ Iqbal, M. (2019, December 30). ‘CAA, NRC will create hassles for women’. *The Hindu*. <https://www.thehindu.com/news/national/other-states/caa-nrc-will-create-hassles-for-women/article30435808.ece>

¹⁰⁶ Deshmukh, V. (2020, January 2). Aruna Roy Files RTI to Seek More Information on the Controversial CAA and NCR Legislations. *www.Moneylife.In*. <https://www.moneylife.in/article/aruna-roy-files-rti-to-seek-more-information-on-the-controversial-caa-and-ncr-legislations/59047.html>

lesser votes in the upper house (Rajya Sabha) of the Parliament, it might be possible to stall the Bill from being passed there. For an amendment Bill to become a law, it needs a majority vote in both houses of the Parliament followed by a presidential assent. I was part of a group of volunteers that the NCPRI core committee put together to phone up Rajya Sabha members from the Opposition parties to request them to not vote in favour of the amendment to the RTI Act. I spoke to two MPs from the Dravida Munnetra Kazhagam and one from the Pattali Makkal Katchi (PMK), regional political parties of Tamil Nadu (as I could speak Tamil) and sent them a note that we had put together in the NCPRI meeting for distribution as part of the campaign to resist amendments to the RTI Act. All the MPs I spoke to promised cooperation in the matter. One of the MPs I spoke to even said that the government had shared the amendment bill copy very late with them, hardly giving them any meaningful time to go through the proposed changes or deliberate on them. One of the DMK MPs, in fact, seemed convinced by the government's argument that the Bill was only to downgrade the post of information commissioners, as treating them on a par with Supreme Court judges was unnecessary, and that it will not affect the spirit of the RTI Act, but I managed to explain to him why this elevated status for the commissioners was essential to help them hold the government to task in case they violated disclosure orders under RTI. In fact, in the run-up to the vote on the Bill, opponents demanded to know what the tearing hurry was in pushing through these amendments so soon after the new government was formed. Under the Congress-led UPA government, the NCPRI had at least some inkling of policy decisions being made by the national government, because social activist Aruna Roy and development economist Jean Dreze were among members of the NAC (National Advisory Council) that advised the UPA government and served as a civil society interface for the government. However,



A protestor holds a placard opposing amendments to the RTI Act near the Parliament in New Delhi. PHOTO: Vidya Venkat

under the current regime led, NCPRI members appeared clueless as to what steps the BJP government would take next. In fact, soon after the RTI Amendment Bill was passed in the Lok Sabha, the NCPRI convened a meeting, in which the attendees

expressed uncertainty over when the Bill might be introduced in the Rajya Sabha. A bill can become law only after both houses of parliament pass it. This uncertainty made it difficult for opponents of the Bill to strategize any opposition effort on behalf of citizen groups. Within three days of the Bill being passed in the Lok Sabha, it was introduced in the Rajya Sabha. This gave NCPRI members very little time to influence the legislative process and think of ways to stall the amendment. In Rajya Sabha, the ruling party managed to gather enough support from the ally parties –Telangana Rashtriya Samiti, Biju Janata Dal, and YRS Congress– to get a majority vote for the amendment bill to be passed. The press was full of reports as to how the Bill was passed in the upper house through a mix of intimidation of parliament members and neglect of official procedures for sending Bills to select committees for further scrutiny¹⁰⁷. This was just one instance of how the BJP government was using the might of its majority

¹⁰⁷ *RTI bill: Opposition charges BJP of weakening democracy.* (n.d.). Retrieved 27 October 2022, from <https://www.telegraphindia.com/india/rti-bill-opposition-charges-bjp-of-weakening-democracy/cid/1695241>

in Parliament to ram through laws that undid the democratic gains made in the past. Not only that but any attempt to express dissent against the government's action was dealt with excessive force unleashed by the police. When social activists took out a protest march in late July 2019 to oppose the amendments, the police blocked the marchers forcing them to disperse from the site without allowing them an opportunity to air their views. I was a part of this gathering and saw that none of the participants indulged in any disturbance. All we did was hold placards and shout slogans demanding the government not to amend the RTI Act. In August 2019, when citizens gathered in central Delhi to oppose the hasty amendments made to the RTI Act, I was a witness to how the group led by NCPRI activists in Delhi was rounded up by the police and detained for half a day at the nearest police station, for simply trying to submit a petition to the President at his residence in Rashtrapati Bhavan. The petition contained over 5000 signatures opposing the RTI Act amendments, pleading him not to give assent to the Bill. Delhi was a cauldron bubbling up in anger at the time I was doing my doctoral fieldwork, but it was also markedly different now from the Delhi of 2011 that had witnessed the unfolding of the anti-corruption struggle. In December 2019, in a few months after the RTI Amendment was passed in Parliament, the government also passed the Citizenship Amendment Act (CAA)¹⁰⁸. This law, combined with the National Register for Citizens (NRC), was largely viewed as an effort by the government to target the Muslim minorities on grounds of demanding proof of citizenship.

¹⁰⁸ The Citizenship (Amendment) Act (2019).
<https://egazette.nic.in/WriteReadData/2019/214646.pdf>



At Shaheen Bagh, Delhi a poster calls for the repeal of the CAA-NRC laws.

PHOTO: Vidya Venkat

In one of the NCPRI meetings I had attended, a Supreme Court lawyer and a social activist spoke about the dangers of the CAA law combined with the NRC, which would allow the BJP government to deny

Muslim minorities of citizenship benefits under the pretext that their families are not originally from India and have immigrated from neighbouring countries. This would lead to a politically motivated effort to weed out large sections of the Muslim population from the country, the speakers warned. The lawyer cited the example of the state of Assam where such an effort had already resulted in nearly four million people being tentatively declared as outsiders in their own country¹⁰⁹. Several NCPRI members had raised this issue, alongside the RTI amendments, as part of a concerted effort by the BJP government to undermine the Constitution of India. While the RTI amendments were seen as a violation of Article 19 of the Constitution guaranteeing freedom of speech and expression, the CAA-NRC laws were slammed as an effort to violate the principle of secularism enshrined in the Constitution.

¹⁰⁹ Assam register: Four million risk losing India citizenship. (2018, July 30). *BBC News*. <https://www.bbc.com/news/world-asia-india-45002549>

The CAA-NRC effort went right to the heart of the Hindutva project of the ruling party to turn India into a Hindu nation. Across Delhi, citizens groups began to organise protest gatherings with a rallying call to ‘save the Constitution’. As part of one such gathering, I was at the Rajiv Chowk in central Delhi where we painted slogans opposing the CAA-NRC laws on the pavement next to the underground metro rail station. But the largest protest gathering on this issue had assembled at a neighbourhood in south Delhi called Shaheen Bagh, where a large group of mostly Muslim women staged a sit-in protest blocking a highway connecting the capital to the suburban neighbourhood of Noida. On New Year’s Eve of 2020, a friend and I spent the entire evening expressing solidarity with the women of Shaheen Bagh. Calls for ‘Azaadi’ (freedom) rent the air on that cold winter night when one speaker after the other expressed concerns over the government’s suppression of democratic dissent addressing the crowd at the tented protest camp. Students at the Jamia Millia Islamia University campus, for instance, had been attacked by the police in December 2019 for protesting against the CAA law. The crackdown on the student community evoked memories of the Emergency era (1975-77) when students had been similarly targeted by the Indira Gandhi government (Ply, 2020).

At this point, a question that might come up in the minds of the reader is what do these developments have to do with the core arguments of this thesis? Why were these events unfolding in Delhi during my fieldwork of any significance at all to my research project? I narrate these events here simply to convey that unlike the New Delhi of 2011 —where I had originally conceived the idea of undertaking this research project in the midst of the anti-corruption struggle— the topic of corruption was no longer the pivot around which the politics of the day revolved; rather the ‘object of

concern’ became the idea of Hindutva or the project of turning India into a Hindu nation, and communal politics had become the order of the day. And in order to accomplish its political goal, it was necessary for the BJP government to crack down on dissenters whose politics differed from the Hindu majoritarian vision espoused by the ruling powers. It is not my argument here that corruption had ceased to be of any relevance to politics now, but to show that it was no longer the central concern driving the politics of the day. During my fieldwork in Delhi, I had re-established contact with an elderly RTI activist —let us call him Mr. Y— who had a strong record of filing information queries under the UPA government and had even managed to expose the office of the Prime Minister and the President for abusing their official privileges prior to 2014. This activist had bid goodbye to RTI activism of an adversarial nature after the BJP ascended to power and was now working for the government advising them on how to tackle abuse of RTI by activists who “needlessly pestered bureaucrats” with meaningless queries (personal communication, 2020). When I asked what had compelled him to change sides so drastically, the former activist told me that he lived in a neighbourhood where “Muslims were breeding like rats” and that “their population was soon going to overtake that of the Hindus if something drastic was not done about it”. For this once vehement critic of the UPA government, supporting the ruling BJP regime meant protecting his own communal interests. Hailing from a Hindu business community in north Delhi, the man not only saw the Muslims in his neighbourhood as a communal threat, but also saw any effort to question the current government as threatening the larger Hindutva project of the state which could cater to his legitimate business interests as well.

In October 2020, India observed the 15th anniversary of the passage of the Right to Information Act, 2005 amidst concerns regarding the shrinking space for

dissent. Transparency activists were among those threatened by government action under one pretext or the other. A day before I returned to London in October, one of the transparency activists I had interviewed in Delhi, told me that she and a few of her activist friends were questioned by the Delhi Police for participating in the anti-CAA protests. The activist along with other opponents of the CAA organised a Mahila Ekta Yatra (women's solidarity march) and visited different Muslim neighbourhoods in Delhi to express solidarity with the protests. I had also participated in this solidarity march, which was a peaceful assembly of women reiterating their Constitutional rights. The women read out the preamble of the Constitution, which declares India to be a sovereign, socialist, secular, and democratic republic, promising equality to all citizens under the law. A few days after the Yatra had concluded, the northeast Delhi neighbourhood that had risen in protest against the CAA law became the site for deadly communal riots. According to official figures 53 people were killed and 250 injured in the Hindu-Muslim riots where more Muslims than Hindus were attacked.

When I first heard the news of the riots breaking out in February 2020 I froze in fear. Only a few days prior to this incident, I had interacted with many residents in the northeast Delhi neighbourhood and had expressed solidarity with their effort to assert their constitutional rights. The *chakka jam* (road blockade) in parts of south and northeast Delhi had become a serious bone of contention during the anti-CAA protests. The riots broke out exactly a week after the BJP was routed in the Delhi state assembly elections that concluded in early February 2020 and saw the Aam Aadmi Party win a whopping 62/70 seats. For any seasoned watcher of politics, understanding the root cause for the riots was simply a matter of putting two and two together. An AAP functionary I interviewed at the party office further confirmed my

doubts when he squarely blamed the BJP for the breakout of the riots. He alleged that this was to exact revenge for the humiliating electoral defeat suffered by the BJP as a result of the anti-CAA protests which had turned the tide of opinion against the ruling party. The AAP functionary told me that the former AAP leader Kapil Mishra, a member of the Delhi legislative assembly, who had made provocative speeches ahead of the breaking out of the riots¹¹⁰ had crossed over to the BJP in 2019 after he got kicked out of the AAP for going against their top leadership¹¹¹. This piece of information also made me question the leadership of the AAP or else why would they entertain a leader of riotous inclinations within their ranks? Both the state government in Delhi under the AAP and the national government under the BJP had much to be accountable for after the terrible events of February 2020. But I witnessed in the aftermath of the riots was a concerted effort by the Indian state to control the official narrative and make the anti-CAA protestors look culpable in the matter. Veena Das's description of Delhi in 1984, when anti-Sikh riots backed by the Congress government broke out, notes how the state and its agencies were near absent in relief and rescue efforts after the riots (Das, 1985). The Delhi I witnessed in 2019 was no different. What I witnessed was the brute power of the state putting hapless citizens who had risen in protest, back in their rightful place. Official investigation into the Delhi riots further made a complete mockery of the criminal justice system. Many eyewitnesses and citizen groups pointed to the serious lapses in police response to the riots, alongside charges of biased investigation in the aftermath of the incident¹¹². The Delhi Police, in one of the charge

¹¹⁰ Delhi riots: City tense after Hindu-Muslim clashes leave 27 dead. (2020, February 26). *BBC News*. <https://www.bbc.com/news/world-asia-india-51639856>

¹¹¹ Who is Kapil Mishra? Deadly Delhi riots put the glare on AAP neta-turned-BJP firebrand. (2020, February 27). *The Economic Times*. <https://economictimes.indiatimes.com/news/politics-and-nation/who-is-kapil-mishra-deadly-delhi-riots-put-the-glare-on-aap-neta-turned-bjp-firebrand/articleshow/74329743.cms>

¹¹² 'Abject Failure of Delhi Police, Govt': People's Tribunal on Riots Probe, Compensation. (2022, March 1). *The Wire*. <https://thewire.in/government/abject-failure-of-delhi-police-govt-peoples-tribunal-on-riots-probe-compensation>

sheets filed on the 2020 Delhi riots, had for instance, framed the Mahila yatra, among those held guilty of inciting communal violence in North-East Delhi. As a witness to this yatra I can vouch that all that the women participants did was to hold placards against the national government for violating Constitutional principles by passing an anti-Muslim law. It appeared as though demanding the government to uphold the Constitution had become a criminal act in Hindu India! The police subsequently stonewalled many right to information queries filed on its shoddy riots probe¹¹³.

A month after the riots broke out, a public meeting was organised by the *Jan Sarokar Manch*, a coalition of more than 30 civil society organisations including the MKSS, at Jantar Mantar in New Delhi where the speakers asked tough questions of the government for its lack of accountability in the matter. Ten years ago, those currently in power (in 2020) had rallied against the Congress-led UPA government demanding accountability from them on corruption charges, but now, when the tables had turned and it was their turn to answer pertinent questions concerning controversial political decisions and the outbreak of violence in which the state itself was accused of involvement, there was deafening silence. The number of participants at this gathering too was fairly thin and not as strong as what was Delhi witnessed during the anti-corruption struggle of 2011, a signal that the times had changed. At this meeting, Aruna Roy noted that she was born and raised in Delhi, where once upon a time, immigrants from Pakistan were welcomed by Hindu Indians after the Partition, and they set up shops in places such as Khan market and settled in other parts of the city. But today, in the same Delhi, the homes of Muslims were being burnt because they dared to question a law that discriminated against them based on their roots. An

¹¹³ Mishra, D. (2020, April 19). Why is the Police Stonewalling the Wire's RTI Queries on the Delhi Violence? *The Wire*. <https://thewire.in/government/delhi-riots-police-rti>

activist working as part of the Right to Education Forum noted with concern how schools in northeast Delhi became a base for goons from other states, who were lodged there in February to unleash violence on civilians during the riots. Other speakers rued the budget cuts for social security schemes for school education, the unemployment crisis, and the wages for labourers pending under MGNREGA (estimated at Rupees 6000 crores as of March 2020), but the BJP government instead made false claims of bringing *vikaas* (development) to Indians. Roy noted with concern how a poor man was deprived of state pension or ration or other benefits if he could not put a biometric fingerprint to validate his entitlement, but the ruling party was earning thousands of crores in donations via electoral bonds through opaque transactions¹¹⁴ yet nobody seemed to be concerned about it.

Transparency and accountability had seemingly become side issues in India since 2014. Ahead of the general elections in 2019, a people's manifesto released by the Jan Sarokar¹¹⁵ had listed a number of allegations revealing the BJP government's lack of transparency and accountability. Even a year after getting re-elected, I did not notice much effort on the part of the BJP government to resolve these complaints. I am reproducing below some of the salient points from the Jan Sarokar manifesto here as they are pertinent to our discussion here on why transparency as a government policy was put on the backburner since 2014. The manifesto called out the amendment introduced in the Finance Bill 2018 by the BJP government, which facilitated anonymous political funding for parties via electoral bonds, including from corporates, as the most glaring instance of promoting state secrecy. Due to the

¹¹⁴ Lavasa, A. (2023, November 14). Former Election Commissioner Ashok Lavasa on electoral bonds: Democracy, paid for in darkness. *The Indian Express*.
<https://indianexpress.com/article/opinion/columns/former-election-commissioner-ashok-lavasa-on-electoral-bonds-democracy-paid-for-in-darkness-9025492/>

¹¹⁵ *Transparency and Accountability – Jan Sarokar – People's Voices*. (n.d.). Retrieved 3 December 2023, from <https://jansarokar.in/transparency-and-accountability/>

issuance of electoral bonds, the NDA¹¹⁶'s funding jumped up considerably. As of date, out of a total donation of Rs. 9,188.35 crore collected through electoral bonds between 2016 and 2022, the BJP has received the lion's share of Rs 5,272 crore, accounting for 57 per cent of the collections¹¹⁷. The "selective anonymity" of the electoral bonds scheme has pitted the right to privacy of select individuals or organisations against the citizens' right to information under Article 19(1) of the Constitution, which is currently the subject of a court battle¹¹⁸. Despite using the anti-corruption plank to capture power, the ruling BJP party has allowed itself to be influenced by anonymous private donors. The manifesto further noted that the BJP accepted foreign funds even though the Representation of People's Act, which lays down the rules for elections, bars political parties from doing so. In 2016, the NDA amended the Foreign Contributions Regulation Act (FCRA) to facilitate foreign funding for its party coffers without scrutiny. The manifesto also drew attention to the poor implementation of the RTI Act, with pendency of requests nearly doubling between 2014 and 2018. Forty percent of the cases under RTI Act were rejected by the Central Information Commission in 2018, the manifesto noted. It also drew attention to the delay in appointments of information commissioners, which meant that commissions did not have the requisite capacity to hear cases coming before them¹¹⁹. The manifesto was critical of the NDA passing the highest number of ordinances in a single term in office with a view to bypassing Parliament while making key decisions. It also accused the NDA of weakening the

¹¹⁶ NDA stands for National Democratic Alliance, comprising the BJP and its political allies.

¹¹⁷ Standard, B. (2023, October 31). *Electoral bonds generated donations worth Rs 9,188 cr, BJP's share at 57%*. https://www.business-standard.com/pti-stories/national/electoral-bonds-bjp-s-share-at-57-per-cent-cong-at-10-per-cent-123103101391_1.html

¹¹⁸ Basu, Y. (2023, November 3). *Electoral Bonds: The Right to Know Who Funds Our Potential Parliamentarians*. TheQuint. <https://www.thequint.com/opinion/electoral-bonds-supreme-court-india-political-parties-funding-right-to-know>

¹¹⁹ Sharma, A. (2023, November 29). *Growing number of vacant positions at Information Commissions threaten RTI Act*. Frontline. <https://frontline.thehindu.com/the-nation/vacant-at-the-top-rti-in-peril-as-top-positions-at-information-commissions-remain-vacant/article67561514.ece>

Whistleblower Protection Act by not implementing it, and offering no protection to people who expose corruption. It highlights the amendments made to the Prevention of Corruption Act in 2018, in which the NDA mandated that prior sanction be taken from the government to investigate a matter of corruption against any individual. This amendment has ensured that no corruption probes can be launched against those who are in government, with the government only sanctioning investigation into political opponents. The BJP government also amended the Prevention of Corruption Act such that bureaucrats were exempted from disclosing details of independently created assets held by their spouse or children. The manifesto also pointed to the NDA's government taking great pains to hide PM Modi's Bachelor's degree. The fact that the government went all the way to the Supreme Court to prevent disclosure, while sitting on hundreds of RTI appeals awaiting disposal, exposed the empty claims of the party to uphold accountability.

“On October 12, 2020 the day India observes ‘RTI Day’ to commemorate the adoption of the transparency law, I attended an online meeting of activists and campaigners from across the country organised by the National Campaign for People's Right to Information (NCPRI), which highlighted the increased threat to freedom of speech and expression simultaneously threatening the people's right to information as well. The RTI Act was enacted to empower the ordinary citizen to ask questions of those running the affairs of the government. But as the space for dissent shrunk, the question that loomed large was, who would dare to question the government now? Using the RTI Act in India already comes with an element of risk, as hundreds of users have been attacked or even killed for exposing corruption or other wrongdoing by elected representatives or bureaucrats (Mallikarjunan, 2021). Harsh Mander, a former bureaucrat, who quit the Indian civil services after witnessing the Godhra riots in

Gujarat, spoke at this NCPRI meeting about how the Indian government was criminalising dissent by using the sedition law and the Unlawful Activities Prevention Act (UAPA) against protesters. Mander is one of the activists named in the Delhi riots charge sheet for addressing an anti-CAA meeting. He decried the manner in which the government actively withheld information from the public. Referring to the instance of how the government dodged a question in Parliament on the death of migrants, and jobs lost during the COVID-19 lockdown in 2019 and 2020¹²⁰, Mander observed that this was an antithesis of Section 4 of the RTI Act, which obliges the government to make mandatory disclosures in the larger public interest. Another blow to the right-to-information movement comes from the amendment to the FCRA [Foreign Contribution (Regulation) Act] in 2020, which restricts public officials and NGOs from raising foreign donations. An RTI activist affiliated with an international NGO privately told me that the FCRA amendment could jeopardise the NGO's functioning, as most of their funding came from foreign sources.”¹²¹

ii) Doublespeak on transparency

In this section, I will demonstrate how the BJP government has engaged in a doublespeak on transparency. On the one hand while it avows its commitment to upholding a transparent and accountable government, in reality, measures are taken

¹²⁰ Express News Service. (2020, September 14). Parliament session: No data available on migrants' deaths during lockdown, says govt. *The Indian Express*. <https://indianexpress.com/article/india/india-coronavirus-job-loss-migrant-workers-death-no-data-centre-6595549/>

¹²¹ I have reproduced this passage from a blog entry I wrote for the SOAS South Asia Institute on my fieldwork experience in New Delhi. Venkat, V. (2020, December 2). Right to Information and the shrinking space for dissent in India [University blog]. *SOAS University of London South Asia Notes*. <https://blogs.soas.ac.uk/ssai-notes/2020/12/02/right-to-information-and-the-shrinking-space-for-dissent-in-india-by-vidya-venkat/>

to curtail the same, especially when the state perceives a threat to its own power. Below, I am reproducing excerpts from a conversation I had with a former information commissioner —let us call him Mr. X— who knew exactly why the BJP government was anxious to amend the RTI Act as soon as it returned to power in 2019. Mr. X served as an Information Commissioner in the Central Information Commission (CIC) for five years. This conversation took place in August 2019, soon after the RTI Act was amended, and started with a discussion as to how there was a lot of hope when the RTI Act was passed in 2005, but now, political, and bureaucratic backlash had restrained the scope of the use of the law in India.

MR. X: Have you heard the story of Bhasmasura? In Hindu mythology, there is the story of an *asura* (demon) who received power from the gods to burn and reduce to *bhasma* (ashes) any person whose head he touched. In the end, the receiver of the boon was burnt: Bhasmasura burnt himself. The Congress party too similarly passed the RTI Act in 2005, and eventually got burnt by it. In 2014, Modi won support from corporate business houses that helped him capture political power. The BJP persons used RTI Act intelligently to discredit the UPA government by exposing various scams. They were also using the media to discredit the UPA government...

Me: Do you think that is why the BJP government is now seeking to suppress RTI?

MR. X: Yes. Now after coming to power, they are wary of the RTI Act being used similarly to discredit them and their government. So, they are suppressing information and amending the RTI law to blunt its force.

Take the example of the recent committee meeting in the Election Commission (EC). The Chief Election Commissioner rejected an RTI appeal for the disclosure of dissent

in the poll panel's decisions during the 2019 general elections. There were several complaints alleging that Modi had violated the model code of conduct implemented by the EC when he brought up the minority community and the Army during his election rally speeches at Wardha, Latur, Patan, Barmer and Varanasi. But the EC cleared Modi and Shah of such charges. An election commissioner had dissented the decision, but the EC's final orders did not mention this though they were part of the official records of the meeting. The EC denied information on this official note under the RTI law. How can you deny this information under the law? It shows that there was some sort of compromise here.

Actually, the politics of RTI starts with the appointment of the commissioners. I do not blame the politicians alone for this. I blame the bureaucracy. Bureaucracy is the main culprit here. There is an overenthusiasm among many of them to support the leaders. The real power lies with the bureaucrats.

Me: What do you think are the reasons for the RTI law amendments?

MR. X: There is one funny reason for the central government to amend the RTI Act. The government officers who recommended other officers for the post of information commissioners (who are often retired civil servants) are jealous of their colleagues when they are appointed for this post. Because, an Information Commissioner becomes the equivalent of a Chief Election Commissioner (a high official post) and a Supreme Court judge, which puts him above the rank of a cabinet secretary. So, while the official who recommends the person for this post remains in a lower position, his former colleague is elevated to a higher position within government. With the new posting, the information commissioner enjoys a fantastic government bungalow with twelve servants. He gets five years of free LTCs (leave travel concessions). Imagine

getting three LTCs with business class flight services! A cabinet rank government servant does not enjoy these perks. Both Chief Information Commissioners and Information Commissioners enjoy these benefits. This is a plum position. Other bureaucrats get jealous of them as a result. Also, officials on the verge of retirement may recommend others but not get the position themselves, leaving them furious.

Me: It seems to me Modi is playing on this internal bureaucratic politics to dilute the RTI law...

MR. X: Yes, it is a clever step, as this will kill all opposition from within the government to downgrade the post of the Chief Information Commissioner and the Information Commissioner through amendments.

Me: The BJP is not in power for nothing. These men do know how to play the political game...

MR. X: Yes, they do.

Do you know, the most corrupt office in Delhi is that of the CIC? You will be surprised to know that. But it is a highly corrupt office...

Me: Corrupt in what way?

MR. X: They make money out of every office purchase...

Me: Do you mean, office equipment?

MR. X: Yes. And the new Commission building that was inaugurated in Delhi in March 2018 by PM Modi cost Rupees fifty-six crores (560 million rupees) ... I am sure they made some cuts there too...

Me: It is a glass exterior building. Looks fancy. But what is the quality of information the Commission is dispensing, I wonder. It is a lovely, air-conditioned building...

MR. X: Giving information is only of secondary importance to them. The edifice is built on a foundation of corruption. I was burning inside when I was working there. I felt like a misfit. Maybe my culture or my attitude made it difficult for me. I do not know...

[Unlike his other colleagues, **MR. X** was not a retired bureaucrat before he assumed this position at the Commission.]

MR. X: There is an interesting political battle that I fought during my tenure. The Central Bureau of Investigation (CBI) conducted an enquiry on the request of a bank and found out 8 corrupt officers in it. And then they gave a report. Based on that report the public authority charged four officers for corruption but did not charge the others. Then, one of the officers, in the bank in Chennai, who was charge-sheeted, produced an RTI application asking for details of how prosecution was sanctioned for the charged officers. The sanction was given on the basis of the CBI report. The CBI claimed that under Sec 24 of RTI Act they are exempted from giving information. The case then came before the CIC. They included me in the bench. I gave the order demanding that the CBI provide the records sought. Because this is a flagrant injustice when you charge some persons and let the others off. Person A* wants to know why Person B* was not prosecuted. The files contain the reasons for sanctioning the prosecution. The CBI said giving details will upset the investigation, I asked, the investigation is already concluded, how can sharing the file upset it? Then the CBI arranged for specialists, attorneys, and solicitors to fight the case and seek ways to refuse the information. My question to the lawyers was: please demonstrate how the

disclosure of information at this stage will compromise your investigation, which has been concluded already. They could not demonstrate it. There were two other commissioners in the bench. They discouraged me and said you know the administration; we have to protect some information that they don't want to reveal. I said it is a general opinion, but there was no legal basis to it. If it is challenged in the Madras High Court, I was confident I would win the case. Because even in the case of an exempted organisation, it is the prerogative of the Commission to decide whether certain information sought by an RTI applicant ought to be disclosed or not. This information not only relates to corruption but also human rights violation. Suppose I was prosecuted without proper reasoning, my human rights would be violated... I was firm in my decision that the CBI had to disclose information in this case.

Me: So now, with the RTI amendment, will Information Commissioners still be able to give such strong orders?

MR. X: I am afraid no. And this is why I think the pressure to amend the RTI Act came from within the bureaucracy, because they wanted these powers of the information commissioners to be curtailed. I gave umpteen number of orders on such matters. But the press did not highlight them. I gave six High Court judgments in support of my arguments in the CBI case. Every Tuesday, I used to attend Commissioner's meetings, where the other officers would make fun of me for writing lengthy orders, and I would tell them, instead of asking why I gave a certain judgment, they should go and read the orders to understand how I substantiated my judgments. Because I remained silent and did not respond to such ridicules, I managed to survive somehow. Otherwise, I would have been silenced long ago...

Me: That is what the government is trying to do now. Silence all opponents so they can do as they please with no one to challenge them... Now in the current commission, who has the knowledge of law?

MR. X: The Commissioners are all knowledgeable and have risen up the ladder through merit. There is no doubt about that. But the problem lies with their attitude. They all want to protect the government and the information it holds, instead of making it available to the public...

Me: So, the Information commission is functioning as a Secrecy Commission?

MR. X: Yes. Not to disclose is their mechanism. There are orders where the Commissioner would cite the law and say information ought to be disclosed but then insert a disclaimer saying, “But, in the interest of the public, this need not be disclosed...”

Me: Some court judgments have also damaged the scope of the law –for example, the Girish Ramachandra Deshpande (GRD) case... ¹²²

MR. X: Yes. Three estates have destroyed the RTI Act in India. First is the judiciary, they have used the GRD case, which is now invoked by several government departments to deny information to citizens filing RTIs. Modi alone is not to be blamed for this state of affairs. Secondly, the Prime Minister’s Office (PMO) has a personal

¹²² This Supreme Court judgment ruled that records of work of public servants was of a private nature and hence could not be made accessible to the public. *Girish Ramchandra Deshpande vs Cen.Information Commr.& Ors on 3 October, 2012*. (2012). <https://indiankanoon.org/doc/160205361/>

stake in ensuring that the CIC does not give damaging disclosure orders, which can hurt the interests of the Executive. Third is the legislature.

Me: I remember, an RTI activist sought details on the Prime Minister's foreign travels, and they discovered Air India (the national carrier) had pending payments of up to six hundred crores for flying the PM and other VIPs around the world...

MR. X: Yes. They do not care. They are abusing the public airlines. It has run out of resources and is on the verge of bankruptcy. I am telling you; the ruling powers will sell Air India but not give it money to survive! Do you know who did this amendment of RTI? It is the PMO officials. I am telling you; they are the brains behind it. The last two years of service were a turbulent time for me. Every day was tense. Every meeting was tense.

I gave an order in SCV's* case.

Me: I remember he participated in a vigilance case related to AIIMS (All India Institute of Medical Sciences) which became controversial...

MR. X: Yes, but I will tell you the full story. He was earlier a forest conservator in Chandigarh, Haryana. A bright, honest fellow. He found some files related to corruption during his work in Haryana and registered FIRs against his colleagues. He discovered incriminating evidence against his senior and almost filed charges against the Chief Minister as well. Then all of these persons ganged up against him and filed terrible false cases against him. They filed very horrible cases against him. The Congress-led UPA was in power at that time, and the only sane voice that heard him was a top minister in the Congress government. This minister asked the CBI to determine whether SCV's criminal charge sheets were right or those filed against him.

The CBI did a wonderful enquiry and found that SCV's charges against the officers were absolutely right. This report would save him from dismissal due to wrong charges framed against him. Now, you tell me, is he entitled to that report?

Me: Of course, he is entitled to that report.

MR. X: The RTI law allows for it. But he was not given the report by the environment ministry. Because it is a CBI report and CBI is an exempted organisation under the RTI Act. Then, the case came before me for a hearing at the CIC. The concerned officials were summoned. The PMO officials were also summoned. By then, Modi was already in power. Modi government harassed SCV more than the UPA regime. Although Modi's anti-corruption credentials are well known, one wonders why he would do so... Then SCV sought the help of another RTI activist and filed a second appeal in the CIC. I asked the ministry officials what their objection was to provide the information. The PMO was also a respondent in this case as it involved them as well. The ministry officials responded saying that it is "third-party information", hence the information was denied because another RTI activist was asking for this information about SCV, who is a third party. To that, I asked the ministry officials, should you not then consult the third-party and ask whether he consents to provision of information or not? The officials said: "no we won't consult." But the law says that you have to consult. I am consulting him now. I will dial his number from my phone, I said.

I recorded the call in my proceedings. SCV told me "Sir, please get the CBI report. I only requested the other RTI activist to request those files on my behalf as they were not giving it to me directly!" After the call ended, I asked the officials, did you hear what the third party has said? That was my first contact with SCV. I gave the CBI officers 21 days' time to hand over the relevant reports to the appellant and issued

show-cause notice against them for denying legitimate information under the RTI Act. This was the first time that the PMO was implicated in an embarrassing manner in a case of denial of information, along with other ministry officials.

Me: The Chief Information Commissioner at that time was sympathetic to the Congress, wasn't he? But he was also not anti-transparency per se...

MR. X: No, he was not. And yes, he was seen as a Congress appointee. But he would not disclose information without fully considering the merits of the case. Which is fine if you ask me. Now, in this SCV case, the pressure mounted on the Chief following the CIC order. He called me to his chamber.

(I am translating their interaction, as recounted by Mr. X, from Hindi)

Chief: *"You have given a very big order in this case, but it is problematic in nature."*

Why? Mr. X asked.

Chief: *"Can I rescind your case and grant a stay on it?"*

Under what provision will you do it, Mr. X asked. There is no hierarchy within the CIC, where the Chief commissioner can set aside the orders of the Information commissioner. It does not function as an appellate authority. Shall I tell you the legal position, Mr. X asked. There is no hierarchy, he explained to the Chief.

Chief: *"Then, will you suspend your order?"*

Sir, I do not have any review power under the law...

Chief: *"Can I constitute a larger bench and transfer your case?"*

For that, I have to refer it to a larger bench. But in this case, it is a simple question of application of RTI law. It is an open-and-shut case.

Mr. X insisted that the PMO must disclose information if it does not want to be penalised for denial of legitimate information to a citizen. This invited trouble...

Mr. X: I have been a lifelong critic of the Congress party. But after this episode, I realised that the Congress was better than the BJP. Earlier, as an information commissioner, I had issued show cause notice to Sonia Gandhi, who was the UPA president during the previous government. This was in the case concerning political parties declaring their details of funding, etc. under the RTI Act, following a CIC order in 2013, which the Congress party had not complied with. I only functioned as per the law in that case too. But no one targeted me for doing my job at that time. No things were different.

The case that generated much heat was that of PM Modi's degree disclosure. (When the Delhi University refused to make the records public, the CIC had passed a disclosure order on it, to which the Delhi High Court gave a stay order.)

I had several differences with the then Chief Information Commissioner (name hidden) regarding this RTI appeal. When the RTI appeal came before the Commission, I said if the PM has claimed that he got a BA degree from Delhi University let him show that he has indeed obtained a legitimate degree from the University. In a democracy, citizens have the right to obtain information regarding their elected representatives. I said the appellant has sought the admission number of Narendra Modi during his University year and directed the University to provide the same. Delhi University in its defence said that back in 1978, the University only had manual records and had not

digitised at that time, so it was difficult to search so far back. If you give us the admission number, we will search and provide the information, they said.

Me: The degree certificate usually mentions the Examination roll number/admission number, right? They could have given it.

MR. X: Yes, the Commission directed the Prime Minister's Office to give the University the relevant details. What was so wrong with that? When the University went to the court to stay the CIC's disclosure orders, both university officials and the judge in the Delhi High Court handling the case were in the grip of fear. No one wanted to cross paths with the Prime Minister. Initially, Delhi HC refused to entertain the petition, but later they faced pressure and had to succumb. It happened because one of the Commission's orders was directed to the Gujarat University in Ahmedabad. The vice-chancellor there, in response to my order, held a press conference in which he displayed the M.A. certificate of Narendra Modi, which showed him as having obtained an M.A. certificate in "Entire Political Science." Even today, you can go to the Gujarat University website, where you can see that it has put up the degree certificate on display. What that means is that they complied with my order. But the only entity that did not follow the instruction was Delhi University. He did the course through distance education, they say. Why not put out the details so that the public also is satisfied? But the fact that they are not coming clean gives reason for doubt that there is something to hide here. (In an earlier case, Union Minister Smriti Irani was found to have misled voters about her educational qualifications in her election affidavit. This led to an unpleasant controversy. As Union Minister for Human Resource Development, Irani instructed the Delhi University to not reveal her records. Later, discrepancies were revealed as she had not completed her Bachelor's degree as originally claimed.)

In Modi's degree case, Additional Solicitor General Tushar Mehta filed a writ petition in the Gujarat High Court (GHC) demanding a stay order on the CIC disclosure orders. But the GHC judge refused to give a stay on the CIC order. On refusal, they filed a revision appeal to the bench. Subhash Reddy, Chief Justice, knows me. So, he refused to give a stay order, but he was under pressure. He wanted to be elevated as a Supreme Court judge (for which some political favours need to be traded). He gave a stay, but not a word was said against me in that order, or any effort made to argue against my conclusions. This is the illegality of the whole thing. In Delhi, on May 16, Home Minister Amit Shah, and Finance Minister Arun Jaitley (now no more) displayed copies of Modi's B.A. and M.A. degree certificates at a press conference to silence opponents. What they showed was a computer-generated certificate. In 1978, there were no computer-generated degree certificates, and the defence of the Delhi University at the CIC hearing was that it had not digitised its old records. Then, how is it that Modi's B.A. certificate could be computer generated and displayed at a public event? This was clearly an eyewash orchestrated to fool the public. The reason for seeking to hide the degree records was to save Modi's election result from Varanasi in 2014 general elections from getting invalidated. Had his fake degrees been exposed he could get disqualified from public office as lying in the election affidavit can result in your election result from getting invalidated. Shashi Tharoor and Jairam Ramesh, both Congress leaders pointed this out in the floor of the Parliament, that the RTI amendment was actually pushed through Parliament to save Modi from the scrutiny of RTI.

(Note: Among the justifications presented for bringing in amendments to the RTI Act, proponents within the government had argued that treating the Chief Information Commissioner and other Information Commissioners on a par with the Supreme

Court judge (as provided for in the RTI Act, 2005) was not valid when the orders of the Commissioners were liable to challenge in a court of law.

This argument of Commissioners' orders being open to challenge cannot justify downgrading the ranks of the officials. For that matter even the orders of Presidents and Prime Ministers are liable to be challenged in Court. Does that mean you downgrade their Constitutional ranks too? This whole RTI amendment was a way to rein in information commissioners, by controlling the terms of their recruitment and tenure. Keeping commissioners in check would serve the political goals of the executive to ensure disclosure orders inconvenient to them are not passed under RTI. This is all part of information politics.

Me: RTI activists appealed to the President of India to not authorise the amendment and include it in their gazette...

Mr. X: The President is a rubber stamp. Modi appointed him... There is no meaning in appealing to him. Just like Pratibha Patil was a Congress rubber stamp in the previous government, Ram Nath Kovind is a BJP rubber stamp. The last time when the BJP-led NDA government was in power, we had a brilliant President in APJ Abdul Kalam. But unfortunately, no one has an independent and fair mind like him these days.

The worst part of the RTI amendment is that there is no indication as to what status the newly appointed commissioners would be given. This will lead to employment insecurity for Commissioners, who will constantly fear being deprived of their positions while in office...

What this elaborate discussion with the former Commissioner revealed is that decisions made within the Information Commission are not driven purely by the writ of the law, but by internal organisational goals that are often aligned with the political compulsions of the time. It reveals how secrecy becomes an imperative when decisions involving disclosure of information hold the potential to disqualify a head of state or when it can turn out to be politically embarrassing for the government. If we recall the history of why the colonial rulers had introduced the Official Secrets Act, discussed in Chapter Two, the compulsions are similar.

*

In this section, I present three separate bureaucratic encounters based on participation in government-sponsored events and conducting interviews in select central government offices, which allow us to get a sense of what I refer to here as “statethink,” i.e., a manner of thinking and speaking as reflected by state actors via their utterances in speech and writing. I also share my experience of filing right to information queries with government departments and analyse their responses here, alongside discussing some prominent cases in which RTI activists sought to fight lack of transparency in political finance but could not achieve desired results and what lessons this experience offers.

The annual CIC convention

In this section, I share my observations from participating in the annual convention of the Central Information Commission held in New Delhi in October 2019. The CIC organised this convention to commemorate the 14th year of the passage of the Right to Information Act. India’s Home Minister Amit Shah was invited as the chief guest, who delivered a long speech on the commitment of the ruling government to



The event poster announcing the Home Minister's participation in the annual CIC convention.

Photo: Vidya Venkat

uphold the provisions of the RTI Act. The convention took place at the Vigyan Bhawan, a premier convention centre of the Government of India in New Delhi.

Entry at the event was by invite-only, which meant that only government officials, media persons, and other dignitaries recognised for their work in the field of RTI could attend this event. I managed to secure my entry thanks to my contacts within the CIC and the DoPT, whom I was interacting with for the purpose of my research. I had been acquainted with these officials in my

earlier capacity as a journalist. This made it easier for me to register myself at the CIC and receive an invitation card, which I had to carry along with a government identity proof (I took my Aadhar card) to seek entry into the venue, which had tight security. Among the attendees at the event were senior officials from the Prime Minister's Office (PMO), the Department of Personnel & Training (which is the nodal government agency for implementing the RTI Act), Public Information Officers (PIOs) from various central government departments across the country, RTI activists and media persons. My aim here is to undertake an interpretive analysis of the Minister's speech at the event to reveal how the government maintains an external image of being supportive of right to information but this is merely a façade to hide an intrinsic impulse to state secrecy.

Months ahead of this event, 'The Union' government had amended the RTI Act, which resulted in downgrading the position of information commissioners from that of an equivalent of a Supreme Court judge to one of a cabinet rank secretary. Therefore, the presence of the Home Minister, considered to be the Prime Minister's right-hand man, sparked curiosity as well as anger among RTI activists attending the convention. I am reproducing the minister's speech below, translated from Hindi.

"I am happy to participate in this 14th anniversary event of the Right to Information Act. I congratulate Sudhir Bhargava and his CIC team for ensuring that the original vision with which the RTI Act was passed has been upheld to a large extent. Between the public and the government today, there is a deep rift largely due to a lack of trust. The purpose of bringing the RTI law was to capture the trust of the people. Our government runs in step with the values of the Constitution. To raise this awareness among the public is the responsibility of the government. When the RTI law was demanded first, the thought behind it was to help common people by holding governments accountable. It was a long-held idea which finally took shape. Implementing this law has not been easy for the government. It was a challenge. But I believe that in the past 14 years, great measures have been taken to improve transparency in governance, and this has improved the trust of public in the government. Impartiality and accountability are both integral parts of good governance, and for this, the RTI Act has helped us to a large extent. In the annals of Indian democracy, the passage of the RTI Act marks an important milestone. We have a citizens' movement on the ground demanding openness, which has brought about transformation in governance. The history of the RTI law in the rest of the world is very old and

other countries have had this law since the 1700s, Sweden, for example. However, India is the first country to have provisions for implementing the law at the bottom-most level of the government. From Central government to state government, a system for official provision of information has been set up across India. More than 5 lakh officials are working for the implementation of this law across the country. There is no other country like this in the world where such a large government workforce is employed to implement a law for the benefit of the public. We have seen more than 1.5 crore applications received between 2005-2016, which is a big indication of the wide use of the law. The RTI effort is towards improving the quality of governance: to take governance in a good direction, and control corruption in the state. This will also improve the efficiency of governance. Because of the implementation of the law, injustice has also been addressed. Those who suffered injustice at the hands of the state have an opportunity to fix their grievances through RTI law. Dr. Jitendra Singh (Minister of State for Prime Minister's Office; Personnel, Public Grievances and Pensions) has spoken about the provisions for online filing of RTI applications, and online registration of appeals and complaints for which a new software has been developed by a government lab in Mumbai. This shows the government's intention to provide a smooth process for filing appeals. World over, governments have treated the right to information law as an obligation, and once the law is passed, they don't do much about it. But Indian government is different in its approach. The Narendra Modi government in India wants to give such a good and efficient governance to its citizens that people don't feel the need to file RTI applications to hold us accountable. That is our ultimate aim. The indication of good governance is that people don't feel the need to file RTI appeals any longer as

their information needs are already fulfilled. The government should proactively provide information to citizens. Under the leadership of Modi ji, we have taken new steps to address the information needs of citizens. We have set up a dashboard for governance¹²³, where people can view details of implementation of government programmes. For e.g. “How many toilets were constructed under the Swachh Bharat programme?” To seek an answer to this question, citizens don’t have to file an RTI application. All they need to do is look up the dashboard, which will provide all details of state and district-wise programme implementation. The sarpanch of a village can view on the dashboard that how many applications were made for constructing toilets and how many were actually sanctioned and later completed by visiting the dashboard. People can view details of new electricity connections installed under the Sowbhagya Yojana in their areas on the dashboard. I am making these claims only based on checking the dashboard for the relevant information. We are far ahead in implementation of Right to Information this way. In this way, we are also ensuring that people do not have to run around for information. Information such as registration of FIRs [First Information Report] in police stations is today available online and can be accessed easily. I am telling government officials now not only to dispose of the RTI queries they are receiving, but to also figure out ways to dispense information so that the public won’t have to take recourse to the law for that. The CIC has to work in order to advertise such measures. Such steps will reduce the case load of RTI appeals coming to the Commission. In 2006, when I studied the provisions of the RTI law, I feared that misuse of the law for blackmailing

¹²³ Performance dashboard – Transforming India. (n.d.). Retrieved 23 November 2021, from <https://transformingindia.mygov.in/performance-dashboard/>

government officials and those in positions of power will be high. But after observing the usage of the law for all these years, I can state with confidence that the use of the law has been more beneficial than harmful. If someone has the intention to victimise someone, they can use this law, such as in the context of government job recruitment and promotions, etc. a serving official in his last term can be harassed to give information that can put him in trouble. But there is no denying that impartiality has improved, and corruption has reduced due to the use of the law. We are promoting digitally empowered information systems and the use of technology-enabled services to increase dissemination of government information. Drones have proved to be useful tools for remote surveillance. For example, in agricultural programmes, the work of irrigation and water utilisation can be monitored through drones. If we use drone for collecting such information, it can be easily provided to the public. Online surveillance for police investigation is also being accomplished through use of drones. Online information can be easily accessed by the public. For example, details of spectrum auction can be easily accessed online by journalists, laypersons and concerned officials. I believe that this has brought about immense change in the way government auctions are conducted. In the past, spectrum sales turned into a major corruption scandal in India and many complaints were received, but today due to e-auction it is possible to have transparency in this process. GEM portal similarly has made online trade easy. Small businesspersons have benefited from it. It has removed red tape from business. A woman trader from Kerala wrote to the PM that she benefitted from online trade, and she was receiving payment online due to the portal. Through such measures we are ensuring that RTI provisions of transparency and accountability benefit one and all. In this, the role of the public information officials and the

Information Commission is very important, and I wish to congratulate them for their services. It is also important to inculcate values of democratic responsibility among the people. Use of the law is promoting that. Instead of using it to blackmail opponents, the law should be used productively. Along with right to information, we should also emphasise the right to responsibility with it. Narendra Modi will use good governance to bring about a transparent government and the government will support those who are working towards this. We will make governance so efficient, that the poorest man will benefit from this.”

When we analyse the above utterances of the Home Minister at the event, it is evident that he is employing persuasive language to convince the audience that the government is supportive of right to information, and that it is doing its best to promote it. The fact that he even acknowledges the contribution of the RTI movement for holding the government accountable in the past is an effort to cultivate this image of the government as having a friendly approach towards groups that have used RTI queries in the past. It is perplexing, however, that Shah at one point equates tools of surveillance such as drones and cameras as sources of gathering information that can be disseminated via RTI, or through means of proactive government disclosure, as that is hardly the case. Drones, for instance, have been used for surveillance and law and order enforcement, however, such means of gathering information only empowers the state to govern better. Within the right-to-information movement, the emphasis has been on gathering information *about* the conduct of the government such that it empowers citizens to keep the state powers in check. Shah’s logic in the speech thus semantically subverts the radical meaning of “information” meant to empower RTI users. There is also an element of obfuscation here. The sense in which Shah uses the

word ‘information’ as technical or even mundane details of work done by the government —such as how many toilets were built under a government welfare programme— is shorn of the transformative potential that those fighting for the information law envisaged. The government can put out fantastical statistics on how much money it spent on this or that scheme and claim that they have “informed” citizens, but only information that allows citizens to scrutinise the ways in which such work was accomplished and whether it actually benefitted those the government claimed to have served (such as what was attempted in the social audits I detailed in Chapter Three) is what can empower citizens. In Chapter Five, I have already discussed an investigation that I had carried out in Rajasthan to look at what was happening with the Swachh Bharat programme for building toilets and realised how while the numbers of toilets claimed to have been constructed by the government under the scheme were valid, it had not put an end to the practice of open defecation and the statistics were only used to claim districts as “open-defecation free”.

Shah stresses on the need to encourage proactive disclosures in government departments such that citizens do not have to file RTIs anymore to get information from the government and he even states that this is the ultimate goal of the government. While on the face of it, the minister’s statement appears to be in line with what has been the demand of social movement actors as well —that the government put out as much information about its work in the public domain as possible — there may be a sting in its tail too. For citizens, filing RTI queries is about exercising their agency to ask questions, and often the sort of information that is revealed in response is prompted by the framing of questions by the citizens in a certain manner. If the government’s goal is to discourage citizens from filing RTIs altogether, then what it

achieves is to put an end to the citizen's impulse to question the government. In November 2018, a transparency audit of the various government departments conducted by commissioners A.N. Tiwari and M.M. Ansari for the Central Information Commission had revealed that of the 838 public authorities audited, 35% failed to meet the minimum criteria of information disclosure expected of a government body. And only 19% of the authorities audited satisfied the commissioners by fulfilling public disclosure requirements¹²⁴. This reveals how the government's claims of meaning to be proactive about giving information about their functioning is empty talk with little effort being made to improve the situation on that front. Finally, Shah's reference to the digitisation of information on government auctions also makes a brief reference to the 2G spectrum auction under the UPA government that had snowballed into a case of corruption, which could be seen as an attempt to score brownie points with the audience by projecting a clean and "transparent" image for his own government. Towards the end of his speech, Shah warns people from using the law for the purpose of blackmailing or harassing officials. Towards the beginning of his speech, Shah states that he did not find that the RTI law as being used for purposes of blackmailing, but towards the end he feels it is necessary to warn users against such efforts. Nothing qualifies better as an example of doublespeak than this!

There were other speakers at the convention who brought to light various aspects of the status of right to information in India which are worth juxtaposing against the minister's speech as it exposes the omissions and elisions present in it. For

¹²⁴ Tiwari, A. N., & Ansari, M. M. (2018). *Transparency Audit of Disclosures u/s 4 of the Right to Information Act by the Public Authorities*. Central Information Commission, New Delhi. <https://cic.gov.in/sites/default/files/Transparency%20Audit%20of%20Disclosures%20Under%20Section%204%20of%20the%20RTI%20Act%20by%20the%20Public%20authorities.pdf>

that purpose, let us consider extracts from the speech delivered by RTI activist Anjali Bharadwaj, whose organisation Satark Nagarik Sangathan is a group that I was collaborating with in Delhi for research purposes.

“I was clearly told that my speech should only focus on information provision by public authorities. I am going to primarily do that, but I will also reflect on some other issues...The use of the RTI law is primarily by ordinary people. People have owned and used this law for their empowerment, to seek information. We have learnt that around sixty lakh (six million) RTIs are filed each year in India. Research shows that the poorest and the most marginalised persons use this law...They want information in situations where it helps them to access their rights and entitlements...When we talk about 60 lakh RTI applications, to us these are not just figures/numbers, for the people it signifies their ability to engage with the government meaningfully and get what is rightfully theirs. So, when we look at public authorities and RTIs being filed, that is really the context in which information provision needs to be looked at...When PIOs deny information to people, people keep waiting for months before filing an RTI, these are the people who are being denied information...We have been demanding proper implementation of the law at every stage. And the reason is that unless systems work, public authorities are put in place, courts give quality orders, people’s right to information would only remain on paper. One very important provision of the RTI law is that public information officers are supposed to help persons who are illiterate to turn their oral requests for information into written form, and the spirit behind that it is people’s information that governments are custodians of, so people have the right to information, and if they don’t get it, the government is responsible

for helping them access it. Section 6(3) of the law for transferring RTI applications to other relevant departments is often misused by officials. People who filed RTIs to Delhi Urban Shelter Improvement Board, which deals with slum rehabilitation, their application was transferred 80 times!!! Now, for somebody, who is doing wage labour and lives in a slum, that person has to give up their daily wage to run behind basic information, this frustrates their fundamental right...And again, our research on how RTIs are filed and being followed up shows that where they (government) should be transferring the application to relevant departments, they get responses stating, 'we don't have this information' and that is it! Under the law, it is the responsibility of the government to find out where the relevant information is and transfer it within five days (if it concerns matters relating to life and liberty)

...

We have seen problematic interpretations of the exemption clause Section 8 of the Act too. These are technical terms which common people have to deal with almost on a regular basis, which are used to deny information by government departments. Sec 8(1)j is the most cited section. It deals with privacy. There are people who filed RTIs asking for the list of beneficiaries of government pension schemes, ration card holders, they have been denied information citing this clause.

Who is supposed to get pension, (PDS) ration, are issues that need to be addressed...There are fragmentation of government services due to privatisation. These private services are beyond the reach of RTIs. The substantial financial clauses in RTI are invoked to deny information from these private agencies (because they are not "public authorities") though they are engaged in provision of public services. The court sometimes has left the decision of deciding what is a public authority, for the purposes of the law, to the information

commissions, but to my mind it does not have to be a majority criteria. Even if government funding is less than 50% but is substantial and public money is being used, the information relating to that authority must be provided...Also Section 4 of the RTI law, which calls for proactive disclosure of information, has not been implemented properly. Audits of government websites and portals show that disclosures are not up to the mark. When we see that disclosures reduce the need for RTIs to be filed, what we need to keep in the mind, that people asking for this information are most dependant on government programmes for sustenance.

Studies recently have shown that only 30% of the population has access to information online and know how to navigate government websites...So, a majority of people won't have access to information if it is put up on websites...It is important that display boards be put up outside government offices, it is important that wall paintings be put up. Information cannot also be given in a language that is so technical that even those who are familiar with government jargon find it hard to understand. Once while looking at government disclosure documents, we came across a phrase - P/L of CCR - repeated everywhere. Even those of us who are familiar with government jargon, could not understand it and a lot of government money was spent under that head. The details were obtained under Section 4 of RTI. Then we found out from a government staff that P/L means provision and laying, and CCR is cement concrete roads! Now, if information is provided in a manner that people do not follow, it means nothing to them. It is not going to help the cause of an informed citizenry. Keep in mind who are the people the law is meant to serve – the poor. Even if there are Sec. 4 disclosures, and even if there are government websites, there will be many people who will still want to use the RTI law. We have seen how governments have hesitated to give information at the

highest level. For example, information on demonetisation, list of bank loan defaulters (who borrowed huge sums from public banks). This is information that can be disclosed without someone having to file an RTI but that has not happened. Our assessment is in the 15th year of the law, it is going to be absolutely critical that public authorities get their act together and make sure that information is provided when sought and that it is disclosed promptly...Of course, when information is not provided, we can approach the commissions. That is a very important provision. We know that getting timely orders from commissions is a huge challenge. But we are seeing that appointments to the commissions are not being made promptly. Since May 2014, not a single appointment has been made to the Central Information Commission without people having to approach the courts. People will approach the courts when there is need to. And when adequate number of commissioners are not appointed, for example, last year (in 2018) there were only 3 commissioners who were working. If out of eleven, only three commissioners are there, then people have to wait inordinately for their appeals to be settled. This is really a violation of their rights. In case of basic entitlements such long waiting periods defeats the purpose of the law. There are cases where elderly persons applied for pension-related information and have died waiting for a response to their appeals. Lastly, today the Home Minister acknowledged that the RTI law is a landmark law and has been put to good use. The question then is what was the need to amend the law?"

Several aspects become known from the speech of Ms. Bhardwaj. The fact that the government delays appointment of officials to the Commissions, postpones provision of information in response to RTI applications, makes citizens run around

for information as their applications are shuttled from one department to the other, shows that the commitment to implementing the letter of the law, which the minister expresses, is only perfunctory and part of the performative aspect of state power. The event was also an opportunity to observe the subordinate nature of the information commission before the government. It might have been necessary due to the official decorum required to be maintained at such public events, but even before the event started, a nervous programme anchor on stage requested all the guests at the venue to stand up and show their gratitude and respect to the Home Minister when he entered the dais. For a moment, I felt as though I was in a school, where kids are exhorted to stand up and show respect to the teacher as he/she enters the classroom. The obedient herd of students comply without hesitation. The same happened at the Convention as well as senior government officials and information officers (whose job is to function as watchdogs to those in power...) stood up and bowed before the Minister. I also observed how the day-long programme that stretched from 9 am to 5 pm had little opportunity for open interaction, and people could not ask questions of speakers. The ministers' speech, as also those of other government officials, was at best an elaborate drama staged to convince the audience that the government was committed to the RTI law, even though it had hastily amended the law.

The fate of the Lokpal

During the second stint of my fieldwork trip to New Delhi between September and December 2021, I made several futile attempts to fix up an interview with the office of the Lokpal. As discussed in Chapter Four, the creation of the Lokpal to independently investigate complaints of corruption was among the foremost demands of the Hazare-Kejriwal led anti-corruption struggle in 2011. As a result of this campaign, the Lokpal

and Lokayuktas Act was adopted in 2013. Narendra Modi too made the cause of appointing a Lokpal the highlight of his general election campaign in 2014, which was fought on an anti-corruption plank. After the governments in the centre and Delhi state changed in 2014 and 2015, the cause of the Lokpal and its operation as envisaged lost its earlier appeal. This drew a lot of criticism and raised questions regarding whether the BJP and the AAP were serious about their avowed commitment to fight political corruption (Nath, 2018; PTI, 2023; Singhvi & Banerjee, 2019). For this reason, I was keen to carry out an assessment as to how effective the Lokpal had been with regards to addressing corruption after the change of leadership in 2014. This query was in sync with my larger research question to see if the 2011 anti-corruption struggle was only a machination for power capture or whether it really addressed the structural issue of political corruption. It took the BJP government a good four years to appoint an anti-corruption ombudsman in the first place¹²⁵. The appointment was made just prior to the 2019 general election to escape criticism that the BJP had failed to fulfil an election promise. Social activist Anjali Bharadwaj filed an RTI query demanding minutes of the meeting of the selection committee formed to appoint a Lokpal and found that for nearly two years after assuming power in 2014 no meeting of the search committee was convened to discuss the formation of the anti-corruption body¹²⁶. If we recall the discussion in the Introduction, on the theory of information, there is an analogy of Kriegsspiel chess that I mention there, which is useful in this context. There were two ways by which I could have found out what I wanted to: either I could have interviewed the head of the Lokpal and asked him directly how many

¹²⁵ Seetharaman, G. (2018, November 10). Delay in appointment of Lokpal & Lokayukta: Who will bell the graft? *The Economic Times*. <https://economictimes.indiatimes.com/news/politics-and-nation/why-there-is-no-lokpal-at-centre-and-lokayukta-in-many-states/articleshow/66570168.cms>

¹²⁶ Bhatnagar, G. V. (n.d.). In *RTI Replies, Evidence of How Modi Dragged His Feet on Lokpal Appointment*. Retrieved 28 November 2023, from <https://thewire.in/government/for-all-its-anti-corruption-rhetoric-modi-govt-has-been-dragging-its-feet-on-lokpal>

corruption cases the institution had tackled and how many of these were resolved, or I could peruse the annual report of the Lokpal, which the institution is required by law to file before the President every year, and arrive at an assessment of its functioning on my own. I felt that undertaking this research exercise was vital for the thesis, not only because the Lokpal as an institution was an outcome of the anti-corruption and right-to-information movement, but also because it was an opportunity to produce an ethnography of the Indian state via this bureaucratic encounter. But despite several efforts my requests made in both writing and over the phone to interview the chairperson of the Lokpal, Justice Pinaki Ghose, a retired Supreme Court judge, was turned down. I also tried to seek interviews with other members of the Lokpal, comprising investigative officers, in vain.


A perusal of the website of the Lokpal threw up some interesting facts and figures. A document noted that a total of 110 corruption complaints had been filed before the authority for the year 2020-2021 (when I conducted my fieldwork). Of these, four were pertaining to Members of Parliament. The largest number of complaints, numbering 57, pertained to Group A and Group B officials, which constitutes the middle management within the bureaucratic order. And 44 complaints concerned the “Chairperson/Member/Officer/Employee in any body/Board/Corporation/Authority/Company/Society/Trust/Autonomous Body (established by an Act of Parliament or wholly or partially financed by the Central Government or controlled by it)” (reproduced from the Lokpal website). It is clear from the above summary that the organisation had more intention to hide than reveal the nature of its specific interventions. What exactly were these complaints and what kind of action had been taken against officials or Parliament members who were accused of corruption? What

were the charges against them, to be precise? There were more questions than answers thrown up by these figures. Like a player of Kriegsspiel, I made my move with the limited information I possessed. I decided to file a right to information query to collect the missing pieces of information. I am attaching the query I had framed and the response I received from the Lokpal CPIO (Central Public Information Officer) below in an image format, followed by an analysis of this document, which is a perfect illustration of ‘statethink’. My query was rather straightforward; I asked to see the annual report of the Lokpal submitted to the President as is required by the law. In case this report could not be given to the ordinary citizen, I enquired about the nature of corruption charges received and investigated by the Lokpal in 2019, 2020 and 2021, the three years it had been functional at the time of my fieldwork. I sought access to copies of the records that could provide specific answers to my queries. In response, the Lokpal CPIO dodged most of my questions and merely directed me to access the relevant statistics from their official website. I was back to square one!

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Online RTI Status Form

Note: Fields marked with * are Mandatory.

Enter Registration Number	LOKPL/R/E/21/00288
Name	Vidya Venkat
Received Date	16/12/2021
Public Authority	LOKPAL
Status	REQUEST DISPOSED OF
Date of action	27/12/2021

Reply :- With reference to your application under the RTI Act, 2005, the pointwise information may be read as under

1. It is hereby informed that the Lokpal of India came into the existence in the year 2019 and the Annual Report of 2019-20 has been submitted to the Honorable President of India as per provisions of the Lokpal and Lokayuktas Act, 2013. Annual Report of 2020-21 is under preparation.

In view of the above position, further information w.r.t. point numbers 1 to 5 may be read as under-
 Point No. 1 to 5, In view of the above position, the pointwise information cannot be furnished to you at this stage. However, the statistics of the complaints received and action taken on them, from the year 2019 onwards are available on the website of Lokpal of India i.e. www.lokpal.gov.in under the heading- Complaint Corner and subheading- Complaints Statistics and the same may satisfy you to the some extent.

CPIO Details :-	Rajesh Kumar Phone: 011-26125023 rajesh[dot]css[at]gov[dot]in
First Appellate Authority Details :-	Yuvraj R[dot] Patil Phone: 011-26125025 yuvraj[dot]patil85[at]gov[dot]in
Nodal Officer Details :-	
Telephone Number	24100180
Email Id	us[at]lokpal[dot]gov[dot]in

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1 of 1

02-12-2023, 02:13

The information I sought was denied, point-blank. So, I decided to file a first appeal with the higher authority within the Lokpal to contest this denial. The response I received for that appeal is below, and this time too I was denied information.

F.No. LOKPL/A/E/22/00002



भारत के लोकपाल
Lokpal of India

Plot No.6, Phase II,
Vasant Kunj Institutional Area,
Vasant Kunj, New Delhi-110070.
Dated: 14th February, 2022.

Online Appeal Registration Number: LOKPL/A/E/22/00002
Reference: Online RTI Registration Number: LOKPL/R/E/21/00288

Appellant/Applicant : Ms. Vidya Venkat
Respondent: Shri Awinash Chandra, CPIO & Under Secretary, Lokpal of India.
Date of RTI Application : 16.12.2021
Date of CPIO Reply : 27.12.2021
Date of RTI Appeal : 28.01.2022
Date of RTI Appeal Decision : 14.02.2022

The appellant/applicant sought 5 nos. of information, vide her application dated 16.12.2021 under the RTI Act, 2005(Act), which was replied by a CPIO reply/letter dated 27.12.2021, as per records. Not satisfied with the reply, now, the appellant has filed the 1st Appeal dated 28.01.2022.

2. The relevant extract of RTI Information sought by the appellant/applicant and CPIO Reply is summarized below:

RTI Application dated 16.12.2021	CPIO Reply dated 27.12.2021
1. Copy of Annual Report of the Lokpal for the years 2019, 2020 and 2021, detailing complaints received and action taken on these. If the reports cannot be provided, furnish the below-mentioned details.	It is hereby informed that the Lokpal of India came into the existence in the year 2019 and the Annual Report of 2019-20 has been submitted to the Hon'ble President of India as per provisions of the Lokpal and Lokayuktas Act, 2013. Annual Report of 2020-21 is under preparation.
(i) How many complaints of	Point Nos. (i) to (v) - The statistics of

<p>corruption has the Lokpal received since it was formed in 2019? Please provide relevant government records, files, and action-taken reports, if any on these complaints.</p> <p>(ii) Of the total number of corruption complaints received, how many have been found to be genuine? Kindly furnish information on genuine versus fake corruption complaints and share any relevant government records and files in the possession of Lokpal in the matter.</p> <p>(iii) Of the total number of corruption complaints received, how many pertain to central government and how many pertain to state governments? Kindly share any relevant government records and files in the possession of Lokpal in the matter.</p> <p>(iv) Of the corruption complaints received, how many pertain to bribery in government offices? Kindly furnish relevant government records and files in the possession of Lokpal in the matter.</p> <p>(v) How many corruption cases have been investigated and convicted by the Lokpal till date? Kindly furnish relevant government records and files in the possession of Lokpal in the matter with details of what these cases are and what the nature of conviction has been?</p>	<p>the complaints received and action taken on them, from the year 2019 onwards are available on the website of the Lokpal of India (i.e. https://www.lokpal.gov.in under the heading - Complaint Corner and subheading - Complaints Statistics and the same may satisfy you to some extent.</p>
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3. We have carefully gone through the records in this case. I am in agreement with the CPIO's reply provided to you, except for Point No. 1(Part information, i.e. Annual Report of 2019-20). In our opinion, the desired information w.r.t. Point No. 1(i.e. Annual Report of 2019-20) is available on the website of the Lokpal of India (i.e. <https://www.lokpal.gov.in> under the heading "About Us"). Please check our website.

4. It is pertinent to mention that the appellant/applicant sought the information (05 Nos.) in the format (mostly in the form of questions), vide his application dated 16.12.2021 under the RTI Act, 2005(Act). As the information in the manner sought by the applicant was not available, the desired information, as available with us, was provided, vide CPIO letter dated 27.12.2021.

- (i) As per the CIC decision, dated 12.04.2021, in the matter of Harish Malik vs. CPIO, GAIL (India) Limited, it was held that:

"In this regard, this Commission observes that if the required information was not maintained in the manner as asked for, the CPIO could not be asked to compile such data. It is further observed that the CPIO was expected to provide the information which was available with him. He was not required to collect and compile the information on the demand of a requester nor was he expected to create a fresh one merely because someone had asked for it. This is supported by the decision of the Hon'ble High Court of Delhi in its judgment dated 04-12-2014 in W.P.(C) 6634/2011 & CM No.13398/2011 titled as The Registrar, Supreme Court Of India v. Commodore Lokesh K. Batra and Ors., wherein, it was observed as follows:-

"11. Insofar as the question of disclosing information that is not available with the public authority is concerned, the law is now well settled that the Act does not enjoin a public authority to create, collect or collate information that is not available with it. There is no obligation on a public authority to process any information in order to create further information as is sought by an applicant."

- (ii) Further, most of the information sought by the appellant/applicant was in the form of questions, even though the desired information, as available, was provided in the spirit of the Act. However, as per the CIC decision dated 21.04.2006 in the matter of Dr. D.V. Rao vs. Department of Legal Affairs, it has been clarified that it is not open to an appellant/applicant to ask, in the guise of seeking information questions to the public authorities about the nature and quality of their actions. The RTI Act does not cast on the public authority any obligation to answer queries, as in this case in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seek information as defined in Section 2(f) of the RTI Act, either by pinpointing the file, documents, paper or record etc., or by mentioning the type of information, as may be available with specified public authority.

4. With the above observations, the Appeal stands disposed of.

5. However, if you are not satisfied with this Decision, you may file the 2nd Appeal before the 2nd Appellate Authority i.e. Hon'ble Central Information Commission within 90 days under Section 19(3) of the RTI Act, 2005, whose address is given hereunder:

Hon'ble Central Information Commission
CIC Bhawan, Baba Gangnath Marg,
Near Staff Quarters, Old JNU Campus,
Munirka, New Delhi-110067.



(Manoj Kumar Mishra)
Appellate Authority & Dy. Secretary,
Lokpal of India.

Ms. Vidya Venkat
S237, 2nd Floor,
Greater Kailash-1,
New Delhi-110048.
Mobile No. 9884442772
Email id: vidyajourno@gmail.com

Copy to: Shri Awinash Chandra, CPIO & Under Secretary, Lokpal of India.

Even though I had specifically sought copies of relevant reports and files available with the Lokpal, which is the fundamental purpose of the RTI Act, no effort was made by the anti-corruption body to address this request. Instead, the CPIO found a circuitous way to deny me a response to my queries by arguing that I had framed my RTI application in the form of questions! By arguing that answering my query would require the Lokpal to collate or collect information it did not readily possess, the Lokpal was conceding that it had no information concerning cases of corruption that it was official deemed to investigate! This was, of course, not true! The CPIO also lent an element of legitimacy to this absurd argument by citing a court order. This response from the Lokpal office was filled with legal verbiage that literally made my head spin! During an interaction with another RTI activist at an online forum, I received further confirmation that CPIOs in government departments were now engaging legal consultants who could frame responses to RTI queries such that any information could be denied on grounds that seemed legitimate.

This faceless encounter with the Indian bureaucracy where there was no direct human interaction but merely an exchange of words on a piece of paper, I realised, called into question the common sociological assumption about bureaucracy obviating individual agency. “The humanness of the human condition gets lost in the files, the halls, the shufflings of bureaucratic administration” (Bernstein & Mertz, 2011, p. 7). This is the general view that most sociological engagements with bureaucracy propagate. But if one were to peruse the response to the RTI query I have attached above, it is obvious that human agency was very much at work in the framing of this response. This creative effort at dodging a question under RTI was at best a demonstration of the bureaucratic thought-work that I discussed in the Introduction (Heyman, 1995). The decision to deny information to me was a conscious choice, made

keeping in mind the nature of the query. If anything, then this response revealed to me what the Indian state did not want me to know. I could have taken recourse to this by filing a second appeal before the Central Information Commission but given the long list of pending cases before the CIC, seasoned activists advised me that receiving a date for a hearing would take me a good two to three years. I dropped the idea altogether. The state clearly won this game of chess by keeping me in the dark about its moves.

If you are wondering how I could be so sure about my interpretation of this bureaucratic response, then allow me to narrate a small anecdote here. During my fieldwork time in Delhi, I befriended a person who worked as a consultant in one of the central government ministries handling legal matters. I shared with this person the frustrating experience of filing RTIs and this person told me that I should not be surprised about the denial of information. “There is an implicit understanding among officials that responding to RTIs that could potentially reveal any sensitive information could hamper their work in the future and thus denying information is a strategic response.” In the next bureaucratic encounter I describe, it becomes amply clear as to how officials reach such decisions regarding responding to RTI queries.

Inside the Election Commission

After interviewing Mr. X, I had made up my mind to pay a visit to the office of the Election Commission (EC) in New Delhi and learn more about why it had blocked the RTI query demanding access to the dissent note submitted by one of its Commissioners. This note pertained to election speeches made by PM Modi during the general election campaign in 2019 that allegedly violated the model code of conduct

laid down by the poll body¹²⁷. I was especially intrigued by a report I read in India Today, which noted that revealing the information sought under RTI could potentially endanger the life of an individual¹²⁸. How did the Commission reach such a conclusion and what was the bureaucratic thought-work that went behind the framing of such a response? The Commissioner who had dissented against the election speeches of PM Modi had already tendered his resignation at the EC and was serving his notice period when I caught up with him. This official was next in line to be elevated as the Chief Election Commissioner when he resigned, indicating that there were other reasons for his premature departure. There were reports in the press about the official's wife and son being hounded by the Income Tax department for alleged tax evasion¹²⁹, although the whispers in the state corridor were that the officer was being punished for daring to speak up against the PM. I asked this officer why the EC had issued such a response to the RTI, which sought access to his dissent note, to which he said that he did not frame that response to the RTI but one of the lower-level secretarial staff engaged for the task did. The officer, however, was upfront in his criticism of the Election Commission blocking the information query and said that when the law requires public authorities to respond to citizen queries, why should it actively block records and documents held in its possession? This is a flagrant violation of the law and exposes an intention to hide, he rued. Putting the dissent note out in the public could have lent legitimacy to demands from certain quarters to disqualify Modi's 2019

¹²⁷ ECI. (2013). *Compendium of Instructions- Model Code of Conduct*. Election Commission of India. <https://binged.it/47OA9C2>

¹²⁸ PTI. (n.d.). Disclosure of Ashok Lavasa's dissent note may endanger life or physical safety of individual: EC. *India Today*. Retrieved 7 December 2023, from <https://www.indiatoday.in/india/story/election-commission-disclosure-of-ashok-lavasa-dissent-note-pm-modi-speech-may-endanger-life-or-physical-safety-of-individual-1555235-2019-06-24>

¹²⁹ Vishnoi, A. (2019, November 13). *CBDT apprises CEC of I-T action against Lavasa family—The Economic Times*. <https://economictimes.indiatimes.com/news/politics-and-nation/cbd-t-apprises-cec-of-i-t-action-against-lavasa-family/articleshow/72031603.cms?from=mdr>

election verdict¹³⁰. This note carried the same weight as the Blue Book did in deciding the fate of Indira Gandhi's election verdict in 1971. However, the BJP government successfully dodged the bullet by securing a clean chit from the EC and isolating the lone Commissioner who objected to the PM candidate's campaign speeches¹³¹.

I was keen to meet the EC staff who had framed this specific RTI response. This led me to meeting staff at the under-secretary level and clerks, who handled the everyday tasks of moving files within the Commission. I learnt that no single official was vested with the task of answering RTIs, instead a team of officers, who handled other tasks as well, answered RTI queries as an additional responsibility working on the queries whenever they found the time to work on it. One of these officials showed me around the computer room where they handled such work and noted that RTI queries filed online were processed more swiftly than paper-based applications, as they just had to copy and paste answers from ready-made templates, which they maintained based on the kind of queries they anticipated. During election season, for example, the EC received lots of queries from voters asking to verify voter lists in their specific constituencies or they raised complaints about their names being deleted from the voter list and so on. To tackle such queries or FAQs, the EC had also created a telephone helpline with an automated response system that could minimise the load of public queries coming to them. "It is annoying when we get RTIs asking questions for which answers are already available online," he said. At this point, I asked this official if he knew why the EC had not released the Commissioner's dissent note

¹³⁰ Disqualify Modi from contesting polls, HK Patil to EC. (2019, March 30). *The Times of India*. <https://timesofindia.indiatimes.com/city/hubballi/disqualify-modi-from-contesting-polls-hk-patil-to-ec/articleshow/68638027.cms>

¹³¹ Dissent notes in EC clean chits to PM Modi, Amit Shah not stated in orders. (2019, May 5). Hindustan Times. <https://www.hindustantimes.com/lok-sabha-elections/lok-sabha-elections-2019-dissent-notes-in-ec-clean-chits-to-pm-modi-amit-shah-not-stated-in-orders/story-9eo82I1keRIuBQm5QYqz4H.html>

concerning PM Modi's election speeches, to which he responded: "*Jab oopar se dabaav padta hai toh jawaab dena mushkil ho jaata hai.*" (When there is pressure from above, it is difficult to provide answers.) According to this officer, RTIs were categorised into two types, the straightforward ones for which they mostly had readily available answers, and the other RTIs, which bureaucrats refer to as "vexatious" queries, which called for a more creative approach. It is queries that fell into the second category which usually took longer to respond to, or were deliberately ignored, although the official noted that the fear of the Central Information Commission imposing a fine on them for not responding to RTIs, as per provisions under the law, usually kept them on their toes. The RTI query demanding the Commissioner's dissent note belonged to the "vexatious" category and the response framed in response was not widely off the mark, he quipped. The EC had cited Section 8(1)(g) of the RTI Act which exempts public authorities from disclosing information that would "endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes". Whose life was in danger here? That of the Commissioner? Or that of the lowly clerk who had to frame this cryptic response? The official said it was the EC's task to provide a response, but the task of interpretation was left to the citizen... "Go figure" was what he seemed to tell me. The official directed me to the HR wing of the Commission and asked me to trace the contact of the officer who had been tasked with framing this particular response to the RTI query. Although I managed to trace the name of this person, I was told that he had left his position since, and there was no information whatsoever as to where he was posted now. I tried the residential landline number of this clerk received from the HR department, to which an automated voice response kept repeating, "This telephone number does not exist..."

Do citizens care about accountability?

After speaking to Mr. X about the RTI amendments I was convinced that there were skeletons in the closet of the present government which had prompted them to hurriedly amend the information law. A day after meeting Mr. X, I brought up this subject of RTI amendment at the breakfast table for discussion with my landlord. After hearing me rant about how the new RTI amendment would mean that Commissioners would now fear passing orders that force the government to reveal its secrets, my landlord burst into a loud cackle. “A smart move by Modiji! Why should the government share its secrets with these troublemakers (referring to transparency activists)? Only a foolish man would keep his *tijori* (safe lock box) open for others to steal from...” My landlord was actually impressed with the Modi government for successfully defending itself against prying citizens/activists who he felt were waiting to unearth the next scandal to embarrass the government with. This forced me to ask him if he really did not care about accountability. To this he replied that he cared more about the ability of his elected representatives to stay in power and guard their position so the government could focus its energies on more important tasks such as nation-building and development. The cause of transparency and accountability was not as crucial for him as, say, controlling air pollution in Delhi, for instance, or eliminating terrorism in the country. In August 2020, when the BJP government revoked Article 370 of the Constitution, depriving Jammu and Kashmir of its special status of autonomy, and downgraded it to a Union territory from the position of a full-fledged state¹³², my landlord, like many other politically conservative residents in New Delhi, felt triumphant. He was, in fact, glad that the government had taken a stern stand

¹³² Pandey, G. (2019, August 5). Article 370: What happened with Kashmir and why it matters. *BBC News*. <https://www.bbc.com/news/world-asia-india-49234708>

against the Muslim majority state that had become a breeding ground for terrorism and had opened itself to influence from Pakistan¹³³. I had a heated debate with him about the undemocratic manner in which the government went about this job – arresting regional political leaders, cutting off Internet access to citizens there, and disrespecting the Kashmiri people’s autonomy to decide their own future. On September 28, observed as International Day for Universal Access to Information, I was invited to attend an event organised by the UNESCO in New Delhi where the chief speaker spoke about how the Internet blackout in Kashmir was a clear violation of citizen’s right to information. The BBC had reported that India had shut down Internet services in the northernmost state for over four months¹³⁴. While Mr. Singh agreed that people’s freedom of information and political choice ought to be respected, he felt that given the sensitive security situation in Kashmir, the move might have been deemed necessary. Irrespective of what counterargument I offered, he had only one thing to say in response: “He is the Leader, He knows what He is doing...” Such unquestioning acceptance of government decisions seemed surprising to me, but I was also beginning to appreciate the simple fact that dissent was not everyone’s cup of tea.

Mr. Singh had two primary pastimes to keep him busy through the day – watching television and going on short rides to the neighbourhood market on his rickety Bajaj scooter. As for his choice of television channels, he loved watching Hindi news channels with loud and sensational anchors who mostly dramatized the official

¹³³ I am reproducing his exact comments from my notes.

¹³⁴ Nazmi, S. (2019, December 19). Why India shuts down the internet more than any other democracy. *BBC News*. <https://www.bbc.com/news/world-asia-india-50819905>

government narrative of events in the country¹³⁵¹³⁶. The extent to which my landlord was influenced by the mainstream news media and its regurgitation of the official narrative on current affairs was surprising and he even eagerly awaited the sermons our Prime Minister offered the nation every now and then at 8 pm on national TV¹³⁷... At times, I felt as though India under Modi was not very different from George Orwell's Oceania in his dystopian novel '1984'. The Pavlovian response of compliance with the commands of the Supreme Leader that the mainstream media evoked in lay citizens took me by surprise. In March 2020, for instance, in the midst of the Coronavirus pandemic, when the PM made a request to all Indians to bang plates and pots from their house balconies as a mark of support for doctors and nurses across the country, most people surprisingly obliged as though controlled by some mysterious remote control¹³⁸. My family members too were out in the balcony of our house in Chennai banging plates and pans "because the PM wants us to do so"! This empty gesture was solicited at a time when doctors and nurses across the country were grappling with severe shortages of personal protection equipment (PPE) kits while dealing with steadily rising COVID-19 caseloads¹³⁹. The reason I am raising these concerns here is to draw attention to the dichotomy between the world of activism and the rest of the people I had referred to earlier, and how not all citizens could be bothered with

¹³⁵Inamdar, N. (2019, March 12). *How Narendra Modi has almost killed the Indian media*. Quartz. <https://qz.com/india/1570899/how-narendra-modi-has-almost-killed-indian-media>

¹³⁶Goel, V., Gettleman, J., & Khandelwal, S. (2020, April 2). Under Modi, India's Press Is Not So Free Anymore. *The New York Times*. <https://www.nytimes.com/2020/04/02/world/asia/modi-india-press-media.html>

¹³⁷PM Narendra Modi to address the nation at 8 pm. (2020, May 12). *The Times of India*. <https://timesofindia.indiatimes.com/india/pm-narendra-modi-to-address-the-nation-at-8pm/articleshow/75690732.cms>

¹³⁸Indians bang pots and pans to support virus fight. (n.d.). *BBC News*. Retrieved 23 November 2021, from <https://www.bbc.co.uk/news/av/world-asia-india-51997699>

¹³⁹*Doctors Are Running Out of Protective Gear. Why Didn't the Govt Stop Exports in Time?* (n.d.). The Wire. Retrieved 23 November 2023, from <https://thewire.in/government/coronavirus-protective-gear-doctors-ppe-india-exports>

questioning the government's conduct as envisaged in the right to information law. Social psychologist Erich Fromm has explained this phenomena as tied to man's natural inclination to submit to authority over exercising freedom of thought, as freedom places a unique burden on citizens to act, which they are constantly trying to escape from (Fromm, 2001). I must acknowledge here some of the intellectual debt I owe to the MKSS leadership regarding these ideas which I discussed with them during my fieldwork trip. This made me wonder under what circumstances might an ordinary citizen like Mr. Singh actually be pushed to demand accountability from the government?

I found the answer to that question and also a valid explanation for my landlord's unwavering support to the ruling party soon enough one day. Around mid-September in 2019, Mr. Singh had ventured out on his scooter as usual to buy vegetables when he was stopped at the traffic signal by the police for checking his insurance papers. He was not carrying any of the driver's documents—including vehicle insurance and driver's license—and was warned by the police that next time he would have to cough up Rs. 5000/- as a fine for doing the same. My landlord returned home that day fuming with anger. Deferring to his old age, and his explanation that he had forgotten the vehicle registration documents at home, the police let him off this time, but Mr. Singh was livid that the traffic fines had been hiked ten times compared to their previous rates by the Modi government. I told him it was his beloved Leader, whom he so vehemently defended in every argument with me over breakfast, that had overseen this increase in fines for traffic violations. I told him that like a good citizen he ought to oblige and pay up when asked to¹⁴⁰! And for the first

¹⁴⁰ Tanwar, S. (2019, September 12). *India's road safety should be paved with behavioural change, not heavy fines*. Quartz. <https://qz.com/india/1707719/will-new-fines-under-motor-vehicles-act-make-indian-roads-safer>

time in three months, I heard my landlord abuse the government that day! After all, those scooter rides were the only source of entertainment he had other than the TV blaring in a corner of his bedroom; both were indispensable to him in his ripe old age. Mr. Singh was also angry because to avoid a long U-turn to enter into the service lane to get to his house, he was used to driving for a short distance on the wrong side of the road, and now he could not do so fearing a hefty fine for traffic violation from the cops stationed near the signal on the arterial road running before the house...

So yes, even a citizen like Mr. Singh could be pushed to question the decisions of the government only when those decisions *affected him adversely*. Conversely, this also explained to me why many RTI applicants I interviewed during the course of the research could not appreciate the spirit of the transparency law until it brought them some form of concrete material benefit, like getting a government pension that was delayed, or managing to get a road repaired in their neighbourhood after shooting off an RTI query to the local municipal office on why there are so many potholes and suchlike. At the Jagdamba camp in Malviya Nagar, Delhi, I interviewed a widowed woman with three children, struggling to make ends meet, who had used the RTI Act to avail herself of the widow pension to help her family. When I asked her if she felt that using the law was part of her right to exercise her duty as a citizen, she quipped that her primary duty was towards feeding her three children, and she could barely think beyond her everyday concerns. The RTI law and its basic premise —of a proactive citizenry asking questions of the government of the day because of some intangible democratic responsibility placed on their shoulders— was hard for most people to relate to. I also understood that day that my landlord's support for those in power at

the centre was not so much an expression of his fondness for the ruling party but stemmed rather from his absolute hatred for the Congress party instead, especially the Nehru-Gandhi dynasty leading it¹⁴¹. And this was not without good reason. That day, after Mr. Singh finally expressed displeasure with the Modi government for imposing exorbitant traffic violation fines on errant drivers, I gently teased him about his blind devotion for the Leader, who I argued was an authoritarian ruler after all. We were sitting at the dinner table and Mr. Singh asked me suddenly, “You do know I am a Sikh by faith, right?” I said yes, since I had seen Mrs. Singh watch Sikh spiritual programmes on TV. He then drew attention to the fact that he had not grown out his beard or worn a turban, like Sikh men usually do, for many years now. I nodded and asked him why that was so. And he shared an anecdote that put everything I had assumed about Mr. Singh so far in perspective.

The year was 1984. Mr. Singh had set out to work on an October morning as usual, when he ran into a friend at the bus stand who warned him that there were rumours that Prime Minister Indira Gandhi had been shot dead by her Sikh bodyguards and there were fears of a riot breaking out in the city. His residence was a ten-minute drive away from Mrs. Gandhi’s Safdarjung Road residence where the assassination took place. Also, the All-India Institute of Medical Sciences (AIIMS) where Mrs. Gandhi was rushed for treatment, was barely two miles from the house. The neighbourhood next to AIIMS was the primary target of rioters who unleashed their anger on the Sikh community to avenge Mrs. Gandhi’s murder. Mrs. Singh was working as a government schoolteacher in those days and had already left for work early that morning. Both their children were off to their private English medium school

¹⁴¹ Narendra Modi took advantage of the sentiments of Sikh voters by raising the 1984 riots issue ahead of the 2019 general elections. See: <https://www.sundayguardianlive.com/news/pm-raising-1984-may-help-bjp-certain-seats>

for their classes as well. Mr. Singh's first instinct was to go and pull his wife out of school and arrange for a Hindu friend to fetch his children from school as he did not want to jeopardise their safety with his noticeably Sikh appearance (he sported a long beard and wore a turban back then). Since his brother was a civil servant in government, he was able to arrange a safe house for the family members to hide in by noon, so they could escape the search parties that the mobs led by Congress partymen had started sending to every house in Delhi to pull out Sikh residents and kill them. Most of the tales of murders of Sikh men and rapes of Sikh women are well-documented in the press (A. Mathur, 2018) and there are several books that have vividly recounted the violence unleashed on members of the Sikh community in New Delhi for several days after Mrs. Gandhi's assassination (Mitta & Phoolka, 2008; P. Singh, 2017). Mr. Singh and his wife reached the safe house arranged by his brother and to escape any further harassment and, at the insistence of their host, Gurdas Singh shaved off his beard and cut his hair short after removing his turban that day¹⁴². Mr. Singh recalled with absolute horror how his friend was unable to find his children in the school, they had been pulled out apparently, but there was no information regarding where they had gone... It was only late in the evening that day that one of the school mates of his children relayed information to the family that his children were kept hidden in the house of one of the schoolteachers and that they would be sent over only after there was confirmation that it was safe for them to return home.

¹⁴² For Sikhs, maintaining the beard is a very important part of their religious belief, and uncut hair (kesh) is one of the Five K's that Sikhs are supposed to wear to identify themselves. So, cutting one's beard/hair can be a very traumatic experience for a believer of Sikhism. *BBC - Religions - Sikhism: The Five Ks*. (n.d.). Retrieved 23 November 2021, from <https://www.bbc.co.uk/religion/religions/sikhism/customs/fiveks.shtml>

“That day I was chilled to the marrow with fear. The thought that my wife could have been raped, my children murdered by a mad mob only because the PM was assassinated by one of my community members filled me with rage and hatred for the Congress party. Just like I had sacrificed my beard in anguish that day, never to grow it back again, I also swore never to support the Congress again in all my life.”

Mr. Singh said that for nearly a week after the riots first broke out in Delhi on October 31, 1984, his family remained in hiding, and when they returned back home, they decided to rent out the front portion of the house facing the main road (where I lived now), just so that in case search parties came asking for his family members (such visits from Congress-affiliated mobs continued long after the violence had subsided that year, he said), the tenants could simply answer on their behalf that the house has been rented to a Hindu family and deny Sikh persons lived there...

*

I could totally empathise with my landlord's discomfort with the incidents of 1984, because I was not completely oblivious to the fear that the state could induce within the citizen either. The Delhi riots of 2020 had invoked a similar response in me, though my family or I were not directly affected by it. My mother was very afraid of the goings-on in Delhi after reading in the newspaper about the arrest of a research scholar in Jawaharlal Nehru University under the draconian Unlawful Activities Prevention Act (UAPA) (The Wire Staff, 2020), which empowered the state to arrest citizens on suspicion of terrorist activities or acting against the state. She warned me not to participate in any meetings or speak or write about anything that would put me under the radar of the government. Though I realised that given the nature of my research topic, it was not always possible to abide by this injunction... I interviewed

bureaucrats and politicians who were on the out with the government and the opinions they expressed were not always in agreement with the actions of the ruling powers. There were also reports about the government using spyware to track the phones and computers of journalists and oppositional leaders (Livemint, 2023), and many of these people were known to me through my research work. Although I took every manner of precaution to protect my research informants, I could never be fully sure that these were completely foolproof. I changed my phone handset twice during the course of my fieldwork out of fear of being tracked and did not leave any research notes or data in a physically accessible format anywhere while I lived alone in Delhi during my fieldwork.

Even with these precautions it seemed as though I was always being watched by



A signage at the Greater Kailash metro station .

invisible eyes. I also learnt that after the Aam Aadmi Party came to power, the Chief Minister Arvind Kejriwal had spent a fair amount from his development fund on installing CCTV cameras across the city that increased surveillance (HT

Correspondent, 2021). In many ways, this trend reversed the earlier focus on empowering the citizens to watch the state. Instead, the state had empowered itself to watch the people more intently with an unrelenting gaze. It reminded me of Nietzsche's quote: "Battle not with monsters, lest ye become a monster, and if you gaze into the abyss, the abyss gazes also into you" (Nietzsche, 2014). The more citizens evinced the desire to gaze into the affairs of the state, a reciprocal desire to gaze back emanated from within the state.

In conclusion, this chapter makes it evident that the decision of the ruling powers to amend the RTI Act is a direct consequence of the toppling of the UPA government due to pro-transparency measures implemented after 2005. While government representatives pay lip service to upholding transparency and eradicating corruption, their actions expose their true intentions: to secure their own power and position. The absence of a strong coalition of interests to uphold political accountability and the compromise of power on behalf of citizens who remain silent, instead of asking questions of the state, has resulted in the dilution of the powers bestowed to the people under the RTI law. The state asserts its symbolic power over citizens by staging elaborate paper-based rituals deterring any effort on the part of the hapless citizen using the law to fix accountability on matters of public interest.

Chapter Seven

Rethinking revolution in a democracy

In the title of this thesis, I refer to the right-to-information movement as a democratic revolution. Speaking of revolutions, the first historical event that comes to our mind is that of the French Revolution of 1789. As Hannah Arendt notes in her seminal work *On Revolution*, the meaning of revolution is intricately tied to the idea of freedom. In this context, “Freedom is understood as a form of political organisation in which the citizens lived together under conditions of no-rule, without a division between rulers and ruled” (2006, p. 20). If we consider the goals of the right-to-information movement, it comes close to this idea of freedom as articulated by Arendt. Bridging the gap between citizens and the state and empowering citizens to challenge the state is a cherished goal of the right-to-information movement in India. Arendt has used the example of the 1789 Revolution to draw our attention to the element of paradox, the “despotism of liberty” invoked by Maximilien Robespierre (2006, p. 19), who led the uprisings in France. If there is one thing that has become evident from the nature of the political dynamics unleashed by India’s right-to-information movement, it is that even the best of intentions with the most politically appropriate reasoning can lead to such consequences that can reverse the very goals that were sought to be achieved in the first place. And it is in this aspect that India’s RTI movement reminds one of the 1789 French Revolution, which unleashed a reign of terror after abolishing the monarchy in the name of reclaiming freedom. After 2014, India has inched closer to an authoritarian style of government (Jaffrelot, 2023). This is not to say that transparency activism *per se* is undesirable, but we cannot ignore the consequences of how the idea of transparency and accountability was mobilised in India to bring to

power an alternative political regime that has undermined the whole cause of freedom and democracy, thus, subverting the very objective of the RTI movement.

In the context of rebellions and uprisings against established authority, Arendt notes that often “the aim of such rebellion was not a challenge of authority or the established order of things as such, it was always a matter of exchanging the person who happened to be in authority, be it the exchange of a usurper for the legitimate king or the exchange of a tyrant who had abused his power for a lawful ruler” (2006, p.30). Considering the material that I have presented in Chapters Four, Five and Six, it is clear how the right-to-information movement helped not just to claim the idea of citizen’s freedom to question the powers-that-be but also organised the demand for transparency with the aim of challenging someone in power only to have them replaced by someone else. Arendt also notes in her writings how: “Democracy is majority rule by those opposed to isonomy” (2006, p. 23). In India too, today, majoritarian democracy has been opposed to the equality of every citizen before the law, and this power discrepancy has created an unequal playing field in which only some actors are able to wield RTI and its transparency provisions in a manner that produces favourable social and political outcomes for them. Though the law was intended to be pro-poor, the social capital of the person using RTI and their prior knowledge of the state apparatus; knowing whom to ask what and how, are the practical navigational skills that make some information seekers more capable of benefitting from the law than some others. One of the aims of the right-to-information movement was to collapse the access barriers between the state and citizen. However, a perusal of the case studies presented in this thesis demonstrate how the manner of implementation of the law has only sought to reinforce these access barriers to information along class and caste lines. The eventual watering down of the powers

bestowed upon citizens through the RTI Act by means of legal amendments as also court orders, and bureaucratic resistance to the proper implementation of the law has meant that the gap between the citizen and the state has only been further widened.

In 2005, when India passed the RTI Act, it helped the Congress-led coalition government legitimise its right to rule by appearing to act as though it was serving public interest. A democracy is after all based on obtaining the consent of the people, which means that the government is supposed to share information regarding its activities with citizens, recognising their right to participate in governance (Naib, 2011). This is what the RTI Act intended to achieve. But we have seen how the practices of those in power subverted their stated intentions of upholding transparency. One of the reasons for this is that the new accountability regime pitted citizens and the state against one another such that the state had to eventually push back on transparency to reassert its powers. The example of pro-transparency moves aimed at the UPA government and the judiciary soon after the law was passed in 2005 is an illustration of this dynamic, where erstwhile supporters of the law were compelled to act in self-interest to evade public scrutiny.

The case studies presented in this thesis also reveal how corruption narratives are useful in producing a critique of power, with information obtained under RTI adding legitimacy to these claims. However, this is often a tactic for assertion of power by rival groups. Only groups or individuals who are already vocal in raising public matters of concern within the community participate in such transparency activism. And though mediation by non-governmental groups such as the MKSS has helped to expand the sphere of political participation for ordinary citizens this is only to a limited extent as demonstrated in Chapter Five of the thesis. Through the maintenance of elaborate government rituals and the emphasis on paper-based procedures, the state

representatives manage to assert symbolic domination over lay citizens. However, there are also moments when the power of the state and its façade of domination, concealed behind a thicket of paper trails and rule books, begins to unravel and the people take over. It is safe to conclude that the distinction between the powerful and the subordinate is not a static one, and the use of such a conceptual framework does not work in the context of analysing citizen-state relations within a democratic framework. The apparatus of state domination is then upheld through co-optation and the compromise of power by the subordinate classes (Li, 1999). Greenhouse has challenged the binary of powerful and powerless used in Scott's depiction (C. Greenhouse, 2008). The democratic process ensures that the power centres are diffuse, and people can negotiate and contest their conditions of subordination. However, due to a compromise of power on behalf of the citizens, and due to their co-optation, the project of challenging the powerful remains incomplete.

Considering the performative aspects of power at play, it is also worth examining as to who is employing the anti-corruption rhetoric and whom it aims to empower. Drawing upon the evidence presented by the Indian case we can conclude that the poor are yet to benefit substantially from the new accountability regime and the outcomes of transparency measures brought in via the RTI Act have been fairly arbitrary. An important contribution I wish to make to the literature on corruption, made evident through the arguments presented in the thesis, is that anti-corruption activism cannot be disentangled from political interests. The practice of corruption must, therefore, be viewed as a tactic for the preservation of power of the political class operating via the state machinery. While anti-corruption activism has counter-hegemonic potential, to realise it, people outside the fold of this "corruption complex" must desist co-optation. Otherwise, the anti-corruption discourse will become about

mobilising a certain legitimising discourse for a competing group to claim power while the greater common good is subordinated. The transparency activism aimed at the Congress-led UPA government resulted in the ascent of the majority BJP government at the Centre which has managed to coopt a large number of citizens by propagating the Hindu majoritarian ideology and also offering monetary allurements to voters (Biswas, 2020; Tanwar, 2019). This ensured that questionable financial practices such as mobilising anonymous political donations via electoral bonds could be legitimised and normalised by the ruling powers after 2014 without attracting the sort of resistance and criticism that political corruption did under the UPA government. Driving the activities of the government that could potentially attract accusations of corruption, such as raising party funds through private donors, behind a veil of secrecy, the clause of privacy is now invoked or some similar excuse is lobbed at the vigilant citizen each time he/she tries to probe murky activities of the government.

In the light of my fieldwork experiences, what I realise now is that transparency activism can only be as “successful” (to borrow a term often used by activists working on the issue) in living up to its potential as the other supporting factors are enabling. In cases where a strong coalition of interests converged to generate pressure on state authorities, there was social and political change effected through the use of the law. Institutional mechanisms such as the impartial functioning of Information Commissions, the judiciary, and other law enforcement agencies such as the central and state vigilance authorities are vital to ensure cases of political corruption are followed through and relevant action is taken. In many cases, this is not realised because of coercion or compromise between various parties, and at times, due to citizens’ own reluctance to take on those in positions of power. There is no single, straightforward answer to the question whether the anti-corruption discourse in India

is about fighting corruption or it is merely a part of a larger machination for capturing power. As is evident in this thesis there is a need to unravel the wider social and political relations that determine the specific outcomes of right-to-information and anti-corruption activism.

During the UPA regime the Kejriwal-Hazare group and the oppositional political parties formed an assemblage that successfully amplified corruption charges against the government to sustain an effective anti-corruption discourse. The investigative agencies (CBI and CAG) and the legal processes initiated by the courts generated a public trial against corruption, which allowed those accused of corruption to be held accountable; even though some of the accused were let off as a consequence of the judicial process in the end. We also see in this thesis how acts of corruption and discourses aimed at addressing them were not always targeting the larger goal of addressing corruption, because that process continued, whereas anti-corruption discourses were only aimed at particular manifestations of this process. These anti-corruption discourses resulted in creating fissures which could potentially disrupt particular instances of corruption, only to allow the phenomenon to reappear in other forms elsewhere. Let me recall the “ship hitting the iceberg” analogy that I discuss in Chapter Four. So, in conclusion, transparency activism will be able to resolve the “problem” of corruption in society insofar as the institutional processes deliver as intended, and a broad coalition of actors collaborate to see this through. Also, any oppositional coalition against corruption could disintegrate if any of the parties involved reached a compromise, as the case study discussed in Chapter Five shows.

This brings us to the other aspect of the politics of anti-corruption which I have discussed earlier in the thesis. It pertains to the specific objects around which politics itself revolves at any given time, and how the need to fight corruption became a central

concern during the UPA regime but this was not the case during the BJP government after 2014. As I have demonstrated in Chapters Four and Six, the gradual evolution of the anti-corruption discourse prior to 2014 was a consequence of the assembling of various disparate actors looking to hold the government accountable, but after 2014, the object of concern around which the politics of the day revolved shifted to the ideology of Hindutva. The unravelling of the political opposition after the majority BJP came to power made it next to impossible for any anti-corruption narrative aimed at the BJP government to gain the sort of momentum that it did under the previous government. The body blow delivered to the RTI Act by the BJP government has meant that the instrument of law could not be effectively operationalised in the same way as it was done in the initial years of passing the RTI law when the institutions of accountability felt duty-bound to uphold the cause of transparency in governance.

Finally, the central pivot around which this thesis revolves –engaging with the question of whether citizens can effectively mount a challenge against the state in a democracy through transparency activism– can only be addressed thus: in a democracy such as India, any political or social campaign aiming to effect change can only be sustained in a cyclical manner, rising, and falling in waves, and designed specifically around issues that are central to the dominant political narrative of the time. The RTI movement has resulted in several ‘cycles of contention’, including the struggle for recognising whistleblower’s rights, or holding bureaucrats accountable for public service delivery, or setting up an anti-corruption ombudsman (Lokpal) which did not deliver as intended. Similar struggles will have to be timed as and when the appropriate opportunity period for the demands to be met arises. This is generally linked to the election cycle. The passage of the RTI Act was similarly accomplished owing to such an appropriate timing in 2005 when the UPA-I government was

committed to a policy of transparent governance and a coalition of civil society networks mounted pressure on the authorities to get the transparency law passed. However, in this thesis, I also demonstrate how this project of transparency in governance fell apart after 2014 when the BJP government reinforced state secrecy in order to preserve its political power. The only way the right-to-information movement can reemerge as a social and political force in India will depend upon the ability of citizen-actors to identify opportunity periods when such transparency activism can gather the sort of impetus it did prior to 2014. As the example of the corruption scandals uncovered under the UPA regime demonstrate this need not be accomplished only through the use of right to information but informal means of information gathering can also be employed to uncover the goings on within the closed corridors of power. Another question that often comes up in the course of such discussions concerns the effectiveness of transparency activism in revealing the desired information. It is clear from the cases presented in this thesis that there are limitations to how much we can truly *know* about the state by using the RTI Act. But what the state conceals from the public eye need not be treated as a lost opportunity to know what is going on in a given situation. We can make sense of the blind spots perpetuated by the state as akin to the “public secrets” of democracy that constitute the very “basis of society, social formations, and their attendant knowledges” as “that which is generally known, but cannot be articulated” (Surin, 2001; Taussig, 1999).

Ultimately, the big question we need to address concerns the desirability of transparency itself as a democratic virtue. Although openness has been argued to put governments at risk of a “policy paralysis” (N. Mathur, 2016) —meaning, bureaucrats were hesitant to take any decisions because of the fear that their decisions will be held against them or they would be accused of favouring someone— as was supposedly

experienced during the second stint of the UPA government (2009-2014); though such a view has been challenged as well (Rai, 2016); the complete absence of a commitment to transparency can also result in governments abusing their power. What is required, therefore, is a balanced approach to transparency that can enable citizens to effectively contribute to the democratic process without jeopardising the functioning of the state. The case of electoral bonds that I discuss in Chapter Six is a good example of the need to implement transparency provisions because in the absence of transparency measures the very essence of democracy would be at stake. Another key contribution this thesis makes to the literature on this subject is addressing the mistrust and misgivings associated with transparency and audit provisions as expressed in academic literature (N. Mathur, 2016; A. Sharma, 2013; Strathern, 2000). My argument is that this stems largely from the idea regarding the neoliberal genesis of the pro-transparency discourse. However, when we shift this analytical perspective and view the demand for transparency as emanating from the democratic aspiration of a rights-bearing citizen whose taxpayer money runs the state, the need to implement right to information in the true spirit of the law becomes imperative.

What we witness through the cases and developments explored in this thesis is not only how the state as an entity has re-appropriated the power it relinquished to citizens under RTI, but it has also resorted to perfunctory transparency measures such as putting out statistics on websites and uploading digital performance reports that help to maintain a semblance of accountability, while withholding critical details about its functioning from the people. The bureaucratic encounters I describe in Chapter Six allow us a peek into how the state thinks about citizens wanting to know about its activities. Bureaucrats view transparency provisions as adding to the burden of their existing work or a plain nuisance. The lack of political will to implement the law has

only further emboldened the bureaucrats to adopt an apathetic attitude towards information seekers. I am reminded in this context of Herzfeld's observation as to how "both bureaucracy and the stereotypical complaints about it are parts of a larger universe that we might call...the ideology and practice of accountability" (1992, p. 3). I also find Graeber's interpretation of bureaucracy's stupidity —as revealed, for instance, in the absurd RTI responses I discuss— as being a cover for the structural violence the state embodies (Graeber, 2012).

In Chapter Three we see an assembling of varied actors, each bringing their own experience into the right-to-information movement, which went on to generate a broad consensus in favour of an RTI law. This involved the poor working class, right activists, bureaucrats, journalists, judges, and politicians of varied hues. But once the law was implemented after 2005, the transparency regime started to turn against the state and its wider apparatus, generating a systemic backlash. However, the pro-transparency measures upheld by the Central Information Commission, and the pressure exerted by the activists on the government each time a regressive move was attempted to soften the blow from RTI, further pried open the inner workings of the bureaucracy uncovering cases of corruption. Due to the diffuse power centres in the Congress-led UPA government, it became possible for journalists and oppositional politicians to exploit the fissures each time a corruption scandal emerged onto the public surface, until the government itself came undone finally after the 2011 anti-corruption struggle. The dismantling of this oppositional alliance once the BJP assumed power at the centre in 2014, and the AAP formed the government in Delhi in 2015, meant that there has been no consistent effort to sustain an anti-corruption discourse holding the ruling powers accountable after 2014. Even when the BJP government faced corruption charges such as in the Rafale 'scam' (Ram, 2019) or

controversy around questions of accountability as with the electoral bonds scheme (Hrishikesh, 2019) these did not acquire the sort of momentum in public fora via court procedures that corruption scams did under the Congress-led UPA government. The revolutionary transformation the RTI Act envisaged favouring greater probity in public life has evidently been usurped by the might of the state. Rethinking revolution in a democracy, therefore, calls for us to contemplate the cyclical nature of social change that can be achieved via strategizing one's action by identifying windows of political opportunity as and when they arise.

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I would like to wrap up this discussion by underlining the contribution this thesis aims to make to the discipline of social anthropology overall. First and foremost, ethnographic studies of democratic politics are relatively new and such studies have, by and large, been conducted by political scientists studying political institutions, formal regime changes, etc. (Paley, 2002). My work navigates multiple areas of research within anthropology –political anthropology, legal anthropology, and the anthropology of policy– and contributes to empirically tracking the political fallout of transparency activism. An actor-oriented approach to the study of democracy and democratic politics complements existing literature on the subject heavily focusing on institutional processes and institutional change. I have also engaged in innovative ethnographic methodology by using the RTI law to generate data about bureaucratic thought-work. Given the elusiveness of the state as an object of study, and corruption as a social phenomenon, such innovative ethnographic methods can help bridge the knowledge gap. I have also gone beyond the study of corruption narratives to engage with the actual practice of corruption using empirical data which is also a vital contribution to the anthropological literature on corruption. Most academic works on

the subject of right to information in India have only focussed on the passage of the law without looking at the developments after 2005 when the law became a tool for political activism. Thus, my thesis fills a vital gap in the literature on this subject, while also contributing to the overall discipline by generating ethnographic data on a politically sensitive subject. Being an elaborate study on transparency activism in India, which is a vibrant democracy, this work illuminates both the possibilities and the limitations for reviving democracy at the grassroots everywhere.

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