Chapter: 01

EMPOWERING DEMOCRACY: CITIZEN ACTIVISM AND POLICY ADVOCACY IN THE DYNAMICS OF GOVERNANCE

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ABSTRACT

The article explores the principles, strategies, and leadership dynamics underlying the citizen-driven movement for the Right to Information (RTI) in India. Rooted in citizen activism, the movement strategically employed tactics such as public hearings, sit-ins, and awareness campaigns to demand information rights. The National Campaign for People's Right to Information (NCPRI) played a pivotal role, forming alliances, mobilizing support, and navigating complex stakeholder interests. The article delves into internal dynamics, power contestations, and evolving strategies, highlighting the movement's multifaceted leadership. It also discusses the media's influential role, social media's impact, and the challenges of maintaining collective action. The analysis spans the interplay between civil society, government relations, and policy advocacy, emphasizing the transformative impact of the RTI movement on Indian democracy.

Keywords: Citizen Activism, Strategic Tactics, Alliance Building, Policy Advocacy and Internal Dynamics.

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1.   INTRODUCTION

Principles and Strategies and Leadership: Throughout the search, civil society were determined to find a method in which people could be involved from beginning to end. Civil society also focused on the use of the public domain and public space (Amanchukwu, 2015). We turned our attention to involving citizens in a struggle to demand the right to information, which would provide the basis for citizen activism and participation in a movement for economic and social rights. The tactics identified served the strategic goal of building an effective, participatory democracy in India. Civil society organization used to build public support for and participation in the struggle for the right to information: Jan Sunwai (public hearing); Dharnas (sit-ins); Ghotala Rath Yatra (Chariot of Scams); Street theatre; Songs and slogans; Truck yatra (truck journey) Civil society organization used these tactics alone and in conjunction with one another. In all cases, they tried to make the tactics fun, informative, and symbolic "All strategies and tactics are related symbiotically to a larger political and ideological vision. The need for collective understanding as the basis of a campaign or a movement drew the MKSS to forms of engagement that were collective, transparent and in the public domain. The need to weave immediate and visible needs into a collective understanding of how democratically mandated governments function became important. Each of the forms chosen, therefore, educated people as much as it mobilized support for public action." – MKSS Journal

Interms of strategy, the RTI movement used 'opposition and engagement' with the State, and within the boundaries of parliamentary democracy. WNTA worked with an 'outsiderinsider' strategy, of engaging with the State, but retaining the distance to oppose. It worked within the given planning framework—advocating with institutions of Parliamentary democracy. The Lokpal/anti-corruption movement clearly took on an oppositional strategy, and in its methods and vision, which circumvented institutions and procedures of Parliamentary democracy, and pushed for direct democracy. Again while consolidating alliances, and taking care to be being perceived as 'horizontal leadership' was seen as critical in the case of WNTA and RTI movement, the anti-corruption/Lokpal movement worked with 'alliance' that came together for a 'moment', and where Anna along with his 'team' stood out as the leaders (Kumar, R., 2014).

Social workers can also engage in policy practice aimed at initiating new legislation or amend the existing legislation by lobbying with communities and politicians. For example, see the work of Mrs. Medha Patkar, a well-known environmental activist from India (Pawar & Pulla, 2015) and Bernadette McMenamin, a leading campaigner against child sex abuse, from Australia (Pawar & Briskman, 2017), who have effectively worked with communities and government and non-government organisations to transform peoples' lives, though in different cultural contexts. The initial leadership of RTI came from MKSS's founders—Aruna Roy, who had resigned from Indian Administrative Service, and worked with the Social Work and Research Centre, Tilonia; Nikhil Dey, who had left his studies in the US for social activism; and Shankar Singh, an expert on rural communication strategy, who provided the local connect as resident of a village not far from Devdungri. However, the real story of the success of RTI movement was a collective and diverse leadership, from grassroots to intelligentsia, from lawyers, retired judges to social activists and journalists. As Aruna Roy had said, the fact that different people claim credit for the Right to Information reflects plurality, and an alliance that was critical for the success of RTI movement.

Some of the key allies in the RTI movement were human rights activists, particularly in conflict zones, who felt the need for an RTI to investigate disappearances and illegal detentions and abuse; environmentalists, who felt spurred by the success of an earlier petition to the Supreme Court demanding transparency about environmental matters; professionals such as journalists, lawyers, academics, and a few retired and serving civil servants. These alliances led to the formation of NCPRI, a body entrusted to oversee the drafting and pushing for an RTI legislation, and mobilize public support for the movement and RTI bill. Among the varied kinds of organizations that played an important role included Commonwealth Human Rights Initiative (CHRI), Press Council and Lal Bahadur Shastri National Academy of Administration (LBSNAA), Mussoorie.

However, as pointed out by Bharat Dogra of NCPRI the entire leadership remained horizontal and diverse, with each group relating their own specific issue to the larger question of accountability and transparency, and ensuring that discussions on RTI were elaborate, extensive and participatory. The media and in recent years social media have played very active role in the agenda-setting process in India. Newspaper articles and more importantly, the television debates help form public opinions in the country. The extensive spread of mobile phones and the popularity of social media platforms such as Facebook, Twitter and Youtube have helped people network and communicate at an unprecedented level. It has increased the level of transparency in the country but also has some negative fall-outs.

The most common framework that seems to fit India's policy process is a combination of punctuated equilibrium theory, multiple streams theory and the advocacy coalition framework – the Lokpal Act, the Criminal Laws (Amendment) Act, the RTI Act, the Land Acquisition Act, the Child Labour Bill and the Food Security Act. In the RTI movement, particularly in its later phase, and the Lokpal movement, support of the middle class and media seemed to be the vehicles, which made the centre of power more accessible. In the Lokpal movement, middle class activism, or 'citizens' activism', emerged as a dominant trend.

Though it may be argued that a number of activists, and many actors of civil society come from the middle class, in categorizing the middle class activism above, it is the values and aspirations of the middle class that has been taken as the defining factor. Nevertheless, in studying the case of civil society-Planning Commission engagement, it stands out that given the niche area of planning, public participation assumes a level of articulation and resources, that has its base in the middle class and not the rural or local activists. In all the cases, civil society's entry into the policy domain was preceded by first 'claiming' spaces either through engagement, advocacy or oppositional mode. Notably, the two sorts of spaces were fluid—i.e. they mutually constituted an interactive relationship, rather than a binary one. Civil society's participation, as discussed by Sapru (2012), combines and moves across claimed and invited spaces of participation, spanning formal and informal arenas of politics. This dynamic engagement of civil society is particularly relevant when examining the influence of labor regulations on Uttar Pradesh's tourism industry, as explored in the study by Dixit, A. K., & Kumar, V. (2023). The interplay of civil society in both acknowledged and permissive spheres of participation sheds light on the multifaceted dynamics shaping labor regulations and their impact on the tourism sector in Uttar Pradesh.

2.   CONFLICT RESOLUTION AND COLLECTIVE ACTIONS

Civil society's attempt to intervene in policymaking process was through collective action, in a coalitions or alliance. However, the structure of these alliances and coalition differed. The WNTA engagement with the Planning Commission was an alliance of mostly 'developmental civil society', working as a campaign in a platform mode with decentralized leadership; the RTI movement was a broad but sustained alliance of rural workers, peasants and their organizations, developmental civil society, media, academics and middle class, among others, working with horizontal leadership through a centralized coordination committee; the Lokpal movement was an unstructured coming together of disparate groups—leftist, centrist, rightist ideologies, along with citizens who described themselves as 'apolitical' and outside any given ideologies, all of whom had come together in a 'moment'. The leadership here centered around 'Team Anna', with a larger than life image of Anna Hazare. Though the forms of collective action varied greatly in the RTI movement, the ability to outreach and mobilise large numbers of people appeared to be important for impact.

3.   INTERNAL DYNAMICS, POWER CONTESTATION AND RELATIONSHIP DYNAMICS WITH THE GOVERNMENT

As reflected by some RTI activists and NCPRI members, initially, there were challenges in getting different civil society members on board in the movement. This required a lot of negotiations, and at times resulted in internal differences. Differences also arose in the process of drafting of the RTI bill—over what should be included in the draft, what left out, and what should be the non-negotiable—all of which were intensely debated. Some groups, such as the human rights groups argued that information restricted under the guise of 'national security', such as information on the defence sector, should also be placed under RTI19.It was eventually dropped since the government did not agree. However, what helped not letting differences spill over was the consensus carefully built over time, and the need for RTI felt by all. Once RTI became an act, tensions became more apparent over claiming credit. According to Bharat Dogra, 'Ego clashes that came up after RTI legislation did leave a bad mark on the collective work done by the members of the civil society.' Given government's general apprehension over making information open at one level, and a strong movement for RTI on the other, the relationship was marked by a constant push and pullof civil society's demand for a strong RTI act, and the government's offer of a weak one. One of the key strategies in the movement was the effective use of opposition to push the government on the RTI bill, as well as engage constructively with the government to negotiate.

The relationship also changed with different power regimes and political parties. According to Ashok Srivastav, 'The negotiations with the BJP government were slow where they continued to delay the process of making the bill an act. However, with the UPA–1, a commitment came for the bill. Government favoured this civil society alliance. I also want to add that UPA-1 was a new government which wanted to do something'. He further added that 'the key challenge was to get the bill passed which bureaucracy and many within the government did not want. They continued to question civil society's legitimacy and agenda'. According to some RTI activists, the role played by the leader of the party, Sonia Gandhi, in support of the RTI was critical in civil society gaining legitimacy for pushing RTI to become legislation (Singh, R. K).

4. AN EVOLVING STRATEGY, ADVOCACY AND THE LAW AND GRANTING THE ENTITLEMENT

Over the years, the MKSS has initiated many creative tactics to engage citizens in a movement for the Right to Information. Our strategy to engage and mobilize at the grassroots level provided us with legitimacy and strength to carry the movement forward. As that movement grew, and when we had seen success at the state level, it became clear to us that we needed to incorporate an additional strategy — to advocate for legislation at the national level. This was a crucial process[24], because the law was then owned by people. This involvement with lawmaking fundamentally sustained people's participation in the many battles with government to prevent the dilution of the law." (MKSS Journal)

When objections were raised by the MKSS and the NCPRI, Rajasthan, on the absence of any citizens' representative in the committee, the State government and the committee it had set up invited assistance from these two organisations to prepare the draft bill; The present State government has tried to institutionalise the experiment of Jan Sunwais by granting Social Audit powers to the Ward Sabhas, the general assembly of all adult members of a village ward and potentially the most powerful institution of self-governance; The Right to Information initiatives at the state and national levels denote recognition by the Indian State of a significant entitlement and inalienable right that the Constitution has granted to every Indian citizen; The Tamilnadu Act goes into meticulous detail while listing areas where information is made inaccessible or enumerating grounds on which it can be withheld; The Tamilnadu Right to Information Act does not prescribe any penalty for wilfully withholding or delaying information. The Tamilnadu Act is thus rendered toothless and sounds more like an expression of good intent than an effective law; to lessen misuse of the exemptions provisions, the Goa Act introduced a proviso that was subsequently emulated by some other states. It says,

"Information which cannot be denied to the State Legislature shall not be denied to any person." A very significant feature of the Goa Act is the provision for a State Council for the Right to Information; The Rajasthan Act also has an insidious ground for refusing an information request.

Information can be withheld on the ground that the request is too general and the volume of information required would involve disproportionate diversion of resources of a public authority or would adversely interfere with the functioning of such authority; In the light of severe public criticism led by the well-known anti-corruption campaigner and social worker Anna Hazare, Maharashtra passed an amended Right to Information Act in the second half of 2002 which introduced suo moto information sharing by the government in certain respects and made some other minor changes; As far as access to information is concerned, the Delhi Act combines the best features of the Rajasthan, Goa and the Karnataka Acts to extend access to samples of material of public works and electronically stored information; The Freedom of Information Act, 2002 covers only the organs of the State which include, apart from the executive, the legislature and the judiciary and leaves out the whole of private sector, including the corporate world and the non-profit non-government organizations; Any law is significant, and hence is evaluated, with regard to two aspects: what it allows or enables and what it restricts. And the list of restrictions or exemptions is fairly long in the Freedom of Information Act, 2002; As far as institutional restrictions go, a significant exemption is the whole of the private sector, including the corporate world and the non-profit non-governmental organisations. A government sharing information proactively without being asked for it is a true indication of a democratic and transparent society. It marks a paradigm shift from the culture of secrecy to one of transparency; The nomenclature of the Act should also be changed from the Freedom of Information Act to the Right to Information Act because it would mean recognising that information is an entitlement and not a favour (Shihag & Shihag, 2009).

The speed with which the policy process works can be an indicator of efficiency of the system as well as quality of the law. If policy change comes about through incremental steps, some serious lasting mistakes may be avoided. However, it may also mean that the system is not efficient enough to deal with a perceived problem in a time bound manner. The enactment of the RTI Act is the only exception since there was no triggering event. However, the Common Minimum Programme of UPA in 2004 promised that the Right to Information Act will be made more progressive participatory and meaningful. Also, the formation of the National Advisory Council (NAC), a quasi-government group headed by Mrs Sonia Gandhi, gave the impetus to the process since stalwarts of the RTI movement, Aruna Roy and Jean Dreze were members of the NAC.

In other cases, the legislative process, on average, takes about a year and a half to complete but the pre-legislative process can vary widely. Bills such as the Food Security Act and the Land Acquisition Act, which were also pushed by the NAC members got passed in roughly the same timelines.

5.   CONCLUSION

The article highlights the strategic efforts of civil society, particularly the National Campaign for People's Right to Information (NCPRI), in advocating for the Right to Information (RTI) in India. The approach involved a dynamic and flexible strategy, incorporating various tactics such as public hearings, sit-ins, street theatre, and media engagement. The alliance-building process and collaboration with diverse stakeholders, including human rights activists and environmentalists, strengthened the movement. The article emphasizes the symbiotic relationship between strategies, tactics, and a larger political vision. Additionally, it explores internal dynamics, power contests, and the evolving relationship with the government. The success of the RTI movement is attributed to collective leadership, public engagement, and an alignment of goals. The article underscores the importance of civil society in influencing policy change and fostering transparency in governance.

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