

Accounts and Accountability

Theoretical Implications of the Right-to-Information Movement in India

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The work of a small and unusual activist group in the north Indian state of Rajasthan has raised a series of practical and theoretical issues concerning the best means for combating specific instances of corruption, and for promoting accountability more generally. The Mazdoor Kisan Shakti Sangathan (MKSS), or Association for the Empowerment of Workers and Farmers, has waged a campaign to secure the right of ordinary people to gain access to information held by government officials. In the process of experimenting with methods for compiling, sharing and verifying expenditure data at very local levels – thus far, in the absence of a statutory entitlement to such information – the MKSS has developed a radical interpretation of the notion that citizens have a right both to know how they are governed and to participate actively in the process of auditing their representatives. This article examines the process by which this campaign emerged and the means by which it pursues its goals. It then analyses the implications of the MKSS experience, and the larger movement it has spawned, for contemporary debates in three areas: human rights, participatory development and, of course, anti-corruption.

The MKSS and the Right to Information

The MKSS is a grassroots organisation based in Rajasthan's centrally located Rajsamand district. It has described itself as a "non-party political formation".² It relies for support less on its relatively small formal membership than on its much larger informal following. The driving force behind the MKSS is a combination of local residents and a handful of committed activists from other parts of India who, since the late 1980s, have made the area their home. Over the past four years, the core group has been joined by others from outside the area on a rotating basis. The MKSS distinguishes itself from conventional non-governmental organisations (NGOs). Instead of channelling external

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² In using this descriptor, the MKSS follows a stream of thinking on the role of voluntary organisations in Indian politics which can be traced to the theorising of Rajni Kothari, who coined the term in the mid 1980s. For a more recent elaboration of this concept, see his "The Rise of People's Movements", *Social Action*, vol. 40, no. 3 (1990), pp. 232-40.

funds or focusing on service-delivery, the MKSS addresses issues of concern to the poorer sections of local society.

The MKSS's interest in the right to information arose from its work in the late 1980s and early 1990s on livelihood issues, such as the failure of the state government to enforce minimum-wage regulations on drought-relief works, to ensure availability of subsidised food and other essential commodities through the Public Distribution System (PDS), or to prevent the illegal occupation of government land by powerful local interests. Though the MKSS is also active on a number of other fronts – for instance, protesting atrocities against lower castes, religious minorities and women – it is particularly the efforts around wages and prices which generated a belief that access to official documents was an essential part of the struggle to demand accountability from local authorities. Its work on minimum wages, for instance, highlighted the role of corruption in the underpayment of wages, as it became clear that local authorities were billing the central and state governments for the full amount. This led to greater awareness of other malpractices which local workers had observed first-hand, but had no method of documenting. These included inflated estimates for public-works projects, the use of poor-quality materials, and over-billing by suppliers. To combat these forms of fraud, it became clear that access was required not only to balance sheets, but also to supporting documentation which could be cross-checked by workers organised through the MKSS – for instance, employment registers and bills submitted for the purchase of materials.

As for the Public Distribution System (PDS), the main problem was the diversion of foodgrains and other commodities by “ration shop” owners to the open market, where they fetch much higher prices. This severely depleted the stocks available for poorer people, who should have been able to purchase food and other essentials (like kerosene) at government-determined subsidised prices through the ration shops. The MKSS came to the conclusion that such malfeasance could not be traced without access to official documentation indicating how much of each subsidised commodity had been delivered by the government's civil supplies department to each licensed ration shop, and access to the shop-level sale registers which furnish the names and ration-card numbers of those who purportedly purchased these goods at the official, subsidised price. In theory, the amount delivered to the shop by the government should match the amount sold to ration-card holders. In practice, bogus names (or inflated quantities for genuine names) are listed in sale registers to make up for the amounts illegally diverted by shop-owners to the open market.³

While the nexus between local politicians, local officials, and local contractors was well known, it continued to thrive under a veil of secrecy. Hence the focus on information, which provided a rallying point for resistance among poorer groups and the basis for a larger campaign addressed at the state government, which is responsible for framing rules to govern the procedures of local authorities.

One of the MKSS's most important innovations has been the development of a collective method for analysing the official information it has been able to obtain by persuading sympathetic bureaucrats, or by putting pressure on those who were less forthcoming. In a series of *jan sunwais* – or “public hearings” – detailed accounts, derived from official expenditure records and other supporting documentation, are read aloud to assembled villagers. These meetings are organised independently, not through the official, statutorily recognised village assemblies (or gram sabhas), but elected representatives and local government officials are also invited to attend. These orderly hearings are presided over by a panel of respected individuals from within and outside the area. Local people are

³ In addition to protesting against collusion between ration-shop owners and government inspectors, the MKSS operates its own ration shops. An experiment in 1996 by an innovative civil servant in the neighbouring state of Madhya Pradesh brought transparency principles to the operation of the PDS in the region under his authority. He issued an order requiring ration shops to prepare duplicate copies of monthly registers of all stocks, sales, and ration cards. These were then deposited in sub-district offices and made available for inspection or photocopying. See Harsh Mander and Abha Singhal Joshi, “The Movement for Right to Information in India: People's Power for the Control of Corruption”, paper presented to the Commonwealth Human Rights Initiative Conference, Harare, January 1998.

invited to give testimony which highlights discrepancies between the official record and their own experiences as labourers on public-works projects, applicants for means-tested anti-poverty schemes, or consumers in ration shops. Through this direct form of “social audit”, many people discovered that they had been listed as beneficiaries of anti-poverty schemes, though they had never received payment. Others were astonished to learn of large payments to local building contractors for works that were never performed. This approach depends upon a principle of collective and very local verification of official accounts, as it is only at the local level that the many small diversions of funds, which go unnoticed in massive formal audits, can be detected. These *jan sunwais* not only exposed the misdeeds of local politicians, government engineers, and private contractors – in a number of cases leading to voluntary restitution – but also demonstrated the potential for collective action among groups that tend to shun organised “political” activity.

While the amounts diverted through such means may seem insignificant to anti-corruption activists pursuing cases of high-level corruption, the cumulative diversion of resources intended specifically for the poor, or for local public goods more generally, is enormous. A hint of the scale of misappropriation in local development schemes is evident from the outcome of a January 1998 *jan sunwai* for five *gram panchayats* (village councils), where at least Rs 100,000 (US\$ 2,500) was unaccounted for in each village. In one village the amount was estimated at Rs 500,000 (US\$ 12,500).⁴ This is just a tiny snapshot of fraud at one point in time on one set of relief schemes in one locality. Exposure of the mechanics of these everyday forms of corruption through access to government documents and cross-checking them in public hearings has helped to fuel local discontent and a willingness to engage in organised protest against both the specific cases of corruption and the continued refusal of officials to release information. Indian Administrative Service (IAS) officer Amitabh Mukhopadhyay has argued that public hearings have an important educative function: the struggle for access to information challenges the obscurantist and remote culture of the bureaucracy, and reinforces democratic notions regarding the obligations of government officials and elected representatives as public servants.⁵

Although successful in exposing corruption in a number of localities, *jan sunwais* have been relatively rare because of the difficulty in obtaining certified copies of government accounts from reluctant officials. In response, the MKSS and its allies in Rajasthan’s large and diverse voluntary sector developed a parallel strategy involving large-scale public protests extending over weeks. The objective: legislative and regulatory reforms to provide a legal basis for local efforts to obtain official documents. The main demand is that citizens be entitled to photocopy government documents, except those with national-security implications. The state government has vacillated in response to this demand. In April 1995 the state’s chief minister made a dramatic promise on the floor of the state legislature to give citizens the right to photocopy documents relating to local development works. But the order which followed this after a one-year delay only granted inspection rights, not permission to photocopying documents. This made it next to useless for social audits, since certified copies of documents are needed for use as evidence when registering *prima facie* cases of corruption. Photocopying is also a key requirement where illiterate people need time and assistance to interpret the sometimes technical detail in official documents.

Another extended sit-in was held in the state capital of Jaipur in May/June 1997 to protest continued government inaction on the issue. After 52 days of protest action the state government informed the demonstrators that an order had been issued six months earlier permitting photocopying of records relating development works under the formal authority of local government institutions. The rule, therefore, does not apply to the PDS, which is under the joint control of the state and central governments, or to any of the other governance activities which impinge on the lives of citizens, such

⁴ “Public Hearings: Why and How?”, in *Transparency: Bulletin of the Right to Information Movement*, Vol. 3, No. 1 (January 1998), p. 3.

⁵ Mukhopadhyay also argues that the participatory approach to auditing government expenditure is more effective than formal audits in illuminating local spending discrepancies, which are elided in massive formal audits. See his “Three Styles in Social Audit”, *Lokayan Bulletin*, vol. 12, no. 5 (1996), pp. 35-44.

as police procedures, the awarding of public-works contracts by the state government, and so on. Nor does the relevant access-to-information provision include specific punitive measures for officials which fail to supply information. As a result, local bureaucrats have been able to continue to resist the MKSS's requests for information.

One measure of the impact of the MKSS strategy is the resistance it has encountered. Aside from incidents of harassment and intimidation, particularly by elected representatives and their henchmen, one of the most significant reactions was a state-wide strike of village-level development officers in 1996. This followed the decision of one district's chief administrative officer (or "collector") to issue instructions allowing the MKSS activists to photocopy documents relating to development works, in preparation for a public hearing. The village-level development officers, through their union, refused to comply, arguing that they were subject only to a government audit, not to what they considered a public inquisition.⁶ Resistance has also been expressed in pronounced foot-dragging on the part of the administration in launching investigations into corruption cases exposed through *jan sunwais*. While some district collectors have helped to organise special audits to investigate charges,⁷ elsewhere bureaucrats have assisted elected representatives to evade prosecution. In a recent case, an elected village chairperson who had admitted her guilt in a fraud of Rs 100,000 during a *jan sunwai*, and who had returned half the amount to the village fund on the spot, was persuaded by her counterparts in neighbouring villages in the presence of senior officials to recant and take back the money. No action has been taken against her.

Both independently, and in emulation of the MKSS, organisations in other parts of India have also begun to focus on the role of information as a weapon in the battle for government accountability. Few have been able to go as far as replicating the *jan sunwai* method. Nevertheless, the MKSS has had an impact out of proportion to its size. In mid-1996, local associations engaged in anti-corruption struggles joined with other interested groups across India, including the Press Institute of India and senior faculty members of the National Academy of Administration (which trains IAS officers), to establish the National Campaign for People's Right to Information. This seeks reform of legal provisions relating to the accessibility of government documents, which continue to be governed by the Official Secrets Act of 1923. Two draft Freedom of Information Bills were produced in early 1997, one by a committee appointed by the United Front coalition government, and the other by the Press Council of India. The collapse of the United Front government in late 1997 postponed the introduction of the proposed right-to-information legislation, and its successor has shown little inclination to revive either the issue or the bill.

Relevance to Contemporary Governance Debates

The idea that government decision-making should be transparent is nothing new. A range of factors – some of them contradictory – have pushed it to the centre of contemporary governance debates. For instance, the concern with transparency is a reaction against both the arbitrary decision-making found in state-dominated economies and the often secretive processes by which liberal economic policies are introduced.⁸ The link between transparency and the cognate concept of accountability is, on an abstract plane, unassailable. In operational terms, however, the connection is far from obvious. Transparency does not automatically result in accountability. Moreover, neither term on its own is self-explanatory. Transparency is often conceived of in terms of making procedures clear and removing discretionary control, but without a corresponding elaboration of the preconditions

⁶ Harsh Mander, "Battles for People's Power", mimeo, 1996.

⁷ The collector for Ajmer District, for instance, ensured that police complaints were filed against two chairpersons of elected village councils, and recovered land-revenue arrears which had been misappropriated. See Mander and Joshi, "The Movement for Right to Information in India...".

⁸ See Rob Jenkins, *Democratic Politics and Economic Reform in India* (Cambridge: Cambridge University Press, 1999), forthcoming.

necessary for making clarity produce the desired results. Accountability itself can mean any number of things: that officials must explain – ie, “account for” – their actions (which makes accountability almost synonymous with transparency); that officials must “take responsibility” for their actions (but whether this is to be judged on procedural grounds or in terms of impacts is unclear); that elected officials will be made accountable by voters through elections; and so on. It is the range of meanings to which the two concepts lend themselves, individually and in tandem, that perhaps explains their ubiquity. That, as well as their utility as a euphemism for “means of combating corruption”. Government policy-makers, and aid agencies sensitive to their feelings, are reluctant openly to admit the existence of corruption. They increasingly refer to the “transparency and accountability dimensions” of policy initiatives.⁹

These sorts of ambiguities, alongside buzzword fatigue, make it easy to dismiss movements for transparency as so much repackaged liberal-pluralist theory – a neutered conceptual form which does nothing to address existing power inequalities, the tenacity of bureaucratic cultures, and the impact of trends which have increased the influence of far-away events on once fairly insulated local politics – in short, globalisation. But like democracy itself, the idea of transparency maintains its grip on the popular imagination – or at least the intellectual inclinations of political analysts. The grassroots work of the MKSS – as well as the rethinking it has catalysed amongst activists, non-governmental organisations, the media, and even bureaucrats and politicians – has the capacity to breathe new life into a concept which is in danger of withering from under-specification and over-use. When trying to make sense of the MKSS experience – particularly the way in which information and its link to the idea of transparency is characterised – one is inevitably drawn to several related debates, if for no other reason than to situate this experience within a comprehensible frame of reference. For reasons of space and clarity, we will focus on three areas, each of which has spawned its own voluminous and often inward-looking literature: human rights, participatory development, and anti-corruption.

Human Rights

The literature on human rights ranges from the most practical debates in the study of democracy (e.g., the crafting of national and international law) to the most abstract (e.g., distinctions between categories of rights). We will begin from the theoretical perspective, in an attempt to delineate how it might inform a more nuanced approach to questions of great practical relevance.

It must first be recognised that almost any enumeration of desirable rights usually lists the importance of the right to information, the right to know, or some such related formulation. There is a perceptible lack of excitement about the value of this entitlement, however. It is invoked dutifully rather than passionately. The right to information has an undeniably old-fashioned ring to it. It is, to use the jargon, a “first-generation” civil-political right, one which elaborates, but does not appear to redefine, the individual citizen’s relationship to the state.¹⁰ It is understandable that rights *advocates*, steeped in the rhetoric of “ground realities”, should be less than enthusiastic about something which lacks the immediacy of struggles to obtain “second-generation” rights, such as demands that the state recognise a right to basic economic necessities like food, shelter, education and healthcare. The right to information is too abstract for this constituency. It is, in a different way, just as understandable that rights *theorists*, concerned above all with intellectual novelty and sophistication, find it more appealing to probe the limits of democratic theory by elaborating “third-generation” rights – that is, “group rights”, particularly those which accord communities an entitlement to cultural preservation and autonomy. These still-evolving concepts stretch the definition of rights themselves, in that they question the notion of the rights-bearing individual as the essential unit of the political community.

⁹ This was the phrase used by a high-ranking civil servant in the Rajasthan government when discussing proposed reforms to the state’s system of local government. Interview, 5 March 1999, Jaipur.

¹⁰ For an overview of the changing nature of thinking on rights, see J. Galtung, *Human Rights in Another Key* (Cambridge: Polity Press, 1994).

The right to information cannot compete in such an alluring marketplace of ideas. It has thus become damaged goods, branded as quintessentially liberal – the intellectual equivalent of the death sentence.

There is of course an irony in this dismissive tone – a tone, incidentally, not absent among some Indian activists and intellectuals familiar with the MKSS's work. The right to information is portrayed as something of little practical relevance to poor and marginalised people, since they do not possess the means required to actualise it: time, literacy, appropriate forms of collective action, and so forth. But, given the very same ground realities that lead rights advocates to dismiss the utility of first generation rights, there is just as much reason to doubt that poorer people will benefit materially from the legal provisions “guaranteeing” second- or third-generation rights. Indeed, optimism on this front in the face of indifferent or hostile state authorities is, if anything, even less warranted. If even basic procedural rights, such as due process or the right to information, are considered beyond the grasp of ordinary people, then why are the fine-sounding rights declarations concerning socio-economic or cultural rights any more relevant to the immediate needs of poor and socially marginalised people?

Some analysts of the encounter between democratic practice and processes of social and economic transformation – the domain of political scientists within the field of “development studies” – have gone even further, questioning the rights agenda itself. Davies argues that democracy defined in terms of rights is insensitive to the needs of the rural poor, particularly given their lack of access to resources and their need to strengthen the basis of their often precarious livelihoods. Based upon a review of the literature on democratization, Davies concludes that

[t]he apparent universality of democratization masks the fact that democrats continue to express their own urban elitist perceptions of rural people's needs and interests, rather than giving a voice to the rural poor's own understanding of what rights they require in order to pursue sustainable livelihoods.¹¹

That movements for democracy are, by and large, led by urban elites is not in question. It does not logically follow, however, that the practice of democratic politics is structurally incapable of generating vociferous claims for a broader conception of rights. More specifically, the content of those rights claims need not necessarily be biased towards urban elites. Davies argues that “resource rights” are the main priorities of the poor:

the right to secure tenure to land and access to other resources; the right to food and other economic securities; the right to credit on terms that are not usurious; the right to pay taxes at moments which take account of seasonal income and expenditure flows; or the right to protections from preventable illnesses.¹²

Her complaint, then, is not with rights *per se*, but with the content of the rights which preoccupy elite groups. This leads to a puzzling discrepancy. Davies' enumeration of the reasons why the poor have generally been unable to participate meaningfully in rights-based democracy includes their “limited access to formal information”.¹³ This reasoning thus contradicts her sharply drawn contrast between political rights and “resource rights”. Though the right to information is often denigrated (though not explicitly by Davies) purely as a civil-political right, its absence (by Davies' own logic) limits the capacity of resource rights to enter the agenda. The MKSS's political evolution, as well as its success in allowing a broad cross-section of movements to see the practical relevance of legal instruments for obtaining information, strengthens the impression that an artificial dichotomy has been constructed

¹¹ Susanna Davies, “Democratization and Sustainable Rural Livelihoods” in Mark Robinson and Gordon White (eds), *The Democratic Developmental State* (Oxford: Oxford University Press, 1998), p. 289.

¹² *Ibid*, p. 291.

¹³ *Ibid*, p. 289.

between resource rights and the right to know – or what is often broadly dichotomised as substantive versus formal democracy¹⁴, or the difference between democratic outcomes and democratic process.¹⁵

These debates are of more than just academic interest. The relationship between India's civil-liberties and mass-movement constituencies has oscillated between collaboration and conflict. Mohanty argues that

[t]here was a time when liberal advocates in the civil liberties movement used to regard the struggle for minimum wage as a political activity of the radicals external to their movement. Conversely, the radicals, preoccupied with their mass movement for workers' and peasants' rights, undermined the significance of civil liberties considering them bourgeois procedures meant only for legitimisation of the political order.¹⁶

Things changed somewhat after the internal "Emergency" declared by Prime Minister Indira Gandhi during 1975-77. The post-Emergency period, including the excesses of the Terrorists and Disruptive Activities (Prevention) Act, and other atrocities committed with even less legal formality, "gave rise to a new momentum in the civil liberties and democratic movements in India".¹⁷ The interlinkage between the two movements (indeed, the necessity of each for the other) became more widely recognised. This took the form of an emphasis on "democratic rights" or "peoples rights". Mohanty cites the assertion of Haragopal and Balagopal "that human rights movements are interconnected with movements of peasants, tribals, workers, women and displaced people and are both complementary to them and autonomous at the same time". The idea of peoples rights, according to Mohanty, "emphasises the *interconnection of these rights and the struggle for their realisation*".¹⁸

In a similar vein, Aditya Nigam argues that, despite their emphasis on state structures and legal process, movements built around rights-based claims have not outlived their usefulness. As with other concepts once hostage solely to their origins in European history – secularism and representation, to name but two – *the idea of rights possesses a degree of plasticity, and can be re-engineered to suit Indian conditions*. Nigam argues that rights-based movements need not necessarily develop a dependency syndrome, expecting the state to initiate and assume the role of implementing agency for all progressive change. Rather, state response creates the conditions for additional forms of mobilisation. Granting the dangers of working in an idiom saddled with such weighty intellectual baggage, Nigam argues that "popular movements nevertheless cannot do away with the language of rights as it remains the sole language of proclaiming their subjectivity and agency".¹⁹ In other words, political practice is both constrained and propelled by the domain of ideas – ideas which may have a foreign provenance, but which continue to be adapted to new purposes.

These two propositions – that the nature and utility of rights are linked to the process by which they are obtained, and that the meaning of established democratic concepts can be transformed through political practice – are both amply confirmed by the experience of the MKSS and the larger movement it has spawned. The unsuccessful attempts by other organisations to emulate the MKSS's

¹⁴ See, for instance, Niraja Gopal Jayal, "The State and Democracy in India, or What Happened to Welfare, Secularism and Development?", paper presented at the "India 50" Conference, University of Sussex, 25-28 Sept. 1997

¹⁵ A cautious version of this distinction was made by Yogendra Yadav in his presentation on the strength and durability of democratic institutions at a workshop on "India at Half-Century", Institute of Commonwealth Studies, London, May 1997.

¹⁶ Manoranjan Mohanty, "Introduction", in M. Mohanty and Partha Nath Mukherji, with Olle Tornquist (eds), *People's Rights: Social Movements and the State in the Third World* (New Delhi: Sage, 1998), pp. 22-23.

¹⁷ Ibid, p. 23

¹⁸ Ibid, emphasis added.

¹⁹ Aditya Nigam, "Right to Work: Reading 'Rights' through Discourse on 'Work'", *Economic and Political Weekly*, 31 January 1998, p. PE-16.

methods is instructive. Chetna Andolan, an activist group in the northern state of Uttar Pradesh (India's most populous), held a *jan sunwai* in early 1997, but failed to build the necessary popular following, or to sensitise local people and officials to the purpose and larger relevance of this exercise. The negative result demonstrated, among other things, that a movement's impact is critically conditioned by the route through which people arrive at the decision to assert that information is theirs by right.

As for investing old concepts with new meanings, the MKSS has met with enormous success. It has done so mostly through example, but also through skilful articulation of its beliefs. Public debate on issues of transparency in India now routinely refers to the central importance of the right to information. More importantly, people are far more aware of the potential of this right to contribute to the concerns of ordinary people – that is, they have grasped the relationship between opacity and the perpetuation of everyday forms of corruption. The right to information has leapt into the national spotlight from time to time over the past 25 years, most notably at times when centre-left coalitions have edged aside the Congress party to take power in New Delhi. The idea was discussed during the first non-Congress government during 1977-79, then more forcefully during the government of V.P. Singh in 1989-90, and finally in 1996-98 by the United Front coalition government. The key point is that over the past five years, the MKSS's efforts to project the right to information as something which can be sought and used by ordinary people – and in a collective fashion – has brought about a marked transformation in its perceived status and importance. The MKSS experience has, in this sense, played a major role in changing the tenor of public debate – media coverage, academic discussions, party-political rhetoric, and activist mobilisation – on both the nature of corruption and the potential role of access to information in combating it.

It is also not an exaggeration to say that the MKSS's mode of organising and approach to operationalising access to information has had a bearing on how the right to information is situated within Indian legal debates. Until the mid-1990s, the right to information had been most closely associated with the right to free expression. India thus followed international precedent, which tended to group the right to information with press freedom, as in the United States, where the Freedom of Information Act is associated with the press in general, and has received judicial affirmation under the free-expression provisions in the U.S. Bill of Rights. Another example of this precedent is Article 19 of the International Covenant on Civil and Political Rights, in which Clause 2 states that the "right to freedom of expression" includes "freedom to seek, receive and impart information and ideas of all kinds". The concern is clearly with official censorship, rather than government transparency. Thus, Amnesty International has no difficulty subsuming a brief discussion of India's right-to-information movement within a discussion of the difficulties its staff members have had in communicating with Indian civil liberties organisations.²⁰ Similarly, an analysis of the relevant provisions in the South African constitution portrays the press as the only constituency within civil society whose activities are worth analysing with respect to freedom of information.²¹

The MKSS, in its grassroots organising and practical work, as well as in its own documentation, prefers to locate the right to information within the Indian Constitution's provisions guaranteeing the right to life and livelihood. This is more than simply ideology. Rulings in Indian courts – most notably a decision granting an environmental activist group access to planning documents in the state of Maharashtra – justified the right to information in terms of just such rights.²² Non-judicial legal

²⁰ Amnesty International, *India: Submission to the Human Rights Committee Concerning Implementation of the International Covenant on Civil and Political Rights*, July 1997 (AI Index: ASA 20/27/97, Dist: SC/CO), pp. 71-72.

²¹ Christopher Merrett, "In a State of Ambivalence: The Case of Freedom of Information in South Africa", in Barbara Turfan et al. (eds), *Emerging Democracies and Freedom of Information* (London: Library Association Publishing, 1995), p. 160.

²² *Bombay Environmental Group and others v. Pune Cantonment Board*, A.I.R. 1982 S.C. 149; subsequently published by Ministry of Environment and Forests, Government of India, *Right to Know: Judgement of Bombay High Court and Supreme Court Order*, 1986.

analysis has taken similar interpretative twists. S.P. Sathe, one of India's leading legal scholars has argued that the Official Secrets Act and Section 123 of the Evidence Act – both dating from the colonial period – “are not really restrictions on freedom of speech and expression but are restrictions on the citizen's right to know how he is being governed...[which] must emanate from every individual's right to personal liberty guaranteed by article 21 and the right to equality guaranteed by article 14 of the constitution”.²³ A citizen, he argues, “wants to know on what grounds the height of a dam is determined not because she wants to speak against it but because she must ascertain whether decisions affecting her life are being taken objectively and in public interest”.²⁴

Participatory Development

What the writings of Davies, Mohanty, Nigam and Sathe have in common is an emphasis on participation, an indication that active engagement on the part of socially excluded groups has become central both to redefining the rights agenda and to pressing for the recognition of highly specified rights within that agenda. The MKSS's work highlights an additional dimension: collective grassroots participation in the exercise of rights, even when the right to information has been only partially recognised by particular sites within the state.

In seeking correlates to the MKSS's *jan sunwais* one is therefore inevitably drawn to the literature on participatory development, if for no other reason than its claims to practicality. Besides, some of the sentiments and concerns of participatory development seem to parallel aspects of the MKSS's approach: the validating of local knowledge, the ethics of “putting the last first”²⁵, the focus on development programmes which target the poor. This large contemporary literature on methods for increasing the voice of poor and marginalised people is thus seemingly inextricable from notions of transparency and accountability. The underlying assumption is that if more people participate in decision-making, there will be greater information-sharing, and greater chances that citizens will detect and oppose the pilfering of resources meant for them. However, the literature on participatory development rarely applies itself directly to anti-corruption strategies, nor does it take the same kinds of risks as the right-to-information approach in challenging the prerogatives of local authorities by demanding open accounts. Instead the focus both in theory and practice is on the bottom-up generation of information to provide planners with better, more “authentic” sources of information.

Within the field of participatory development, the nearest approximation to the MKSS approach – which for the purpose of narrowing the terminological gap we can call “participatory auditing” – is what is known as “participatory monitoring and evaluation”.²⁶ Participatory monitoring and evaluation elicits people's perceptions of the utility of development interventions initiated on their behalf. The purpose is to illuminate gaps between people's expressed needs and project responses, and the differential impact of such projects on diverse social groups. Here, as with the rights literature, the right to information has tended to be seen, when considered at all, as rather behind the times. There are two lines of critique, one ideological and one practical. First, the idea of gaining access to official documentation to audit accounts is considered a mechanical exercise, focused on questioning developmental statistics rather than the objectives and meanings of development itself. Second, auditing is seen as a prerogative of liberals and literates – of people able to engage in

²³ S.P. Sathe, “The Right to Information: Pre-Condition for a Transparent Government”, *Anubhav*, February 1997, p. 6.

²⁴ *Ibid.*

²⁵ See Robert Chambers, *Whose Reality Counts: Putting the First Last* (Rugby: Intermediate Technology Development Group, 1997).

²⁶ For a thorough review of the literature, see Marisol Estrella and John Gaventa, “Who Counts Reality: Participatory Monitoring and Evaluation”, paper prepared for the International Workshop on Participatory Monitoring and Evaluation: Experiences and Lessons, held at the International Institute of Rural Reconstruction, Cavite, the Philippines, 24-29 November 1997.

technical details, or in legal tussles over information-release – but not of much use to poor and often illiterate people. For instance, in a 1998 workshop organised by the London-based New Economics Foundation, a number of Indian NGOs were asked to rate the effectiveness of several techniques for social auditing. The ‘right to information’ was among the choices listed, but was not seen by any of the NGOs as particularly relevant to their work. This is not surprising, since the right-to-information is not a technique – and without further explication from the workshop organisers, it can easily appear less radical than methods which allow people to voice grievances and prioritise needs.

Four aspects of participatory monitoring and evaluation contrast with the more confrontational approach to accountability pioneered by the MKSS. First, participatory monitoring and evaluation exercises originate from outside the community – from funders seeking to replace expert analysis with local opinion – and are viable only when the assent of dominant local interests is obtained. Second, it is usually applied to discrete projects, not to large-scale government programmes or the procedures used in the management of local-government resources.²⁷ Third, the emphasis in participatory monitoring and evaluation, as in the participatory development literature more generally, is on the *generation of information* from the grassroots; there is less emphasis on *direct confrontation between people’s knowledge and official accounts*. The involvement of people in generating information about their own lives, perceptions, and needs, and the evolution of ever-more-ingenious methods for enabling illiterate people to keep records about their natural-resource endowments, time-use patterns, community relations, expenditure priorities, and so on, is of course a radical departure from top-down development planning. But there is a big difference between providing a resource map of a community, or an opinion about the impact of a project, and demanding access to detailed expenditure records and subjecting these to collective verification – checking, for instance, whether regulations governing the award of contracts have been violated or whether money has been spent on sub-standard materials or diverted to officially prohibited uses. To do this implies direct confrontations with authorities – both to gain access to documentation, and to demand an explanation from officials for apparent discrepancies.

This leads to the fourth important contrast between the two approaches: participatory techniques are remarkably apolitical in their implicit assumptions that the generation of information will actually flow ‘from the bottom up’ – that policy makers will be moved to respond to the alternatives presented in grassroots-generated information. The indifference of policy-makers to the perspectives of the poor is acknowledged in the writings of participation gurus like Robert Chambers. But the proposed solution – changing the elitist culture of the bureaucracy through training and inculcation of new pro-people values – hardly offers a viable replacement for the inducements bureaucrats earn from looking the other way when regulations are violated and mediating the access of politicians and local business elites to state funds. It is hard to see how people’s knowledge can translate into power without critical engagements with the bureaucracy, or exposure and prosecution of corrupt practices – all supported by a social movement to protect the poor from the inevitable backlash.

Another area in which participatory approaches have been demonstrated to be apolitical is in their general assumption of consensus in the nature of participatory exercises. In assuming consensus, different perspectives can be silenced, a problem which has been observed with regard to the subtle filtering-out of dissensus along gender and class lines.²⁸ Perhaps it is precisely because participatory methods lend themselves, in practice, to non-confrontational applications that they have been adopted by institutions as remote from the grassroots as the World Bank. There, as many have pointed out, such methods are often stripped of their originally subversive content to become a cost-saving strategy.²⁹

²⁷ Jonathan Fox, “Transparency for Accountability: Civil-Society Monitoring of Multilateral Development Banks Anti-Poverty Projects”, *Development in Practice*, vol. 7, no. 2 (1997), pp. 167-72.

²⁸ See David Mosse, *Authority, Gender and Knowledge: Theoretical Reflections on the Practice of Participatory Rural Appraisal* (London: Overseas Development Institute, 1993).

²⁹ Vinod Pavarala, “Participatory Development, New Social Movements and the Right to Information”, *Exchanges*, Issue no. 18, September 1997.

The confrontational element of efforts to assert a right to information explains why relatively few development NGOs engaged in participatory development have focused on the right to information. Many development NGOs engage in service delivery in partnership with the state; indeed, a substantial part of economic liberalisation is the farming out of service-delivery functions to cheaper, more efficient NGOs. Such NGOs very rarely have an interest in confronting local authorities. It would make collaboration with local government departments even more difficult. Development NGOs which are foreign-funded have much to lose from confrontation with public authorities. Activities perceived as subversive can be punished by revoking access to foreign contributions. Above and beyond these considerations, there is always a risk, in confrontations over probity in accounts, of the pot calling the kettle black. Many NGOs would not welcome public scrutiny of their own accounts. The peculiar organisational form of many development NGOs, in uneven transition from voluntary organisations to reasonably well-funded development bureaucracies, often leaves much to be desired in terms of accurate and transparent book-keeping, fair labour relations, and democratic decision-making structures.

It is no accident that the response of two important development NGOs in Rajasthan to the challenge of taking up the right to information has been a preliminary focus on their own internal transparency. The Social Work Resource Centre in Tilonia, for instance, held a public hearing on its own accounts in 1997, largely in response to a smear campaign waged by a state government eager to neutralise the momentum of the right-to-information movement. Similarly, the URMUL Trust, a federation of 14 organisations in northern Rajasthan, concluded after an internal retreat on the subject of “Advocacy, Transparency, and the Right to Information” in early 1999 that it should concentrate on improving transparency within and between its own affiliates before taking the issue into its work with villagers. The distinctions between the MKSS’s approach and participatory approaches which now seem rather conventional has also been made by Indian analysts, who argue that the most pressing need is “that the people are conscientised, mobilised and organised to fight against corruption, oppression and injustice. This view is radical, not sharing the conventional view of community participation”.³⁰

Corruption and Anti-Corruption

A right to information – even if well-crafted legally, used widely, and enforced rigorously – is not the sole answer to corruption. It is necessary, though not sufficient. However, the MKSS experiment, and many of the other local initiatives and campaigns for regulatory change it has inspired, provide a valuable new perspective from which to assess the international literature on corruption and anti-corruption. In probing its shortcomings, three common themes stand out: (1) an overemphasis on the state as cause and remedy; (2) a failure to recognise the role of social movements in highlighting the existence of different forms of corruption; and (3) a limited conception of the relationship between information and accountability.

Most studies of corruption focus on its causes or consequences, rather than methods of combating it. The cause most often cited is a policy environment that bestows undue discretion to state officials, while consequences are usually measured in terms of overall economic efficiency. There is undoubted merit to this logic. However, its main implication is that policy reforms which transfer power from state to market agents will suffice to combat corruption. Evidence from a wide range of countries which have liberalised and deregulated their economies over the past twenty years indicates that policy reform, while helpful in some cases, has fallen well short of original expectations.³¹

³⁰ Anil Bhatt, “Voluntary Action in India: Role, Trends and Challenges”, *Economic and Political Weekly*, 22 April 1995, p. 870.

³¹ See *IDS Bulletin*, Special Issue on “Liberalisation and the New Corruption” (edited by Barbara Harriss-White and Gordon White), vol. 27, no. 2 (April 1996).

Moreover, states still have major functions to perform – at the very least, protecting poorer and vulnerable sections of society from the dislocations that liberalisation can generate. State officials will, for instance, continue to enjoy great discretion in implementing anti-poverty programmes as well as in enforcing environmental and labour regulations. Corruption will thus remain one of the greatest obstacles to the efficient delivery of development resources to the poor in developing countries. The scope for subjecting the management of anti-poverty programmes to competitive pressures is severely limited, especially in such inherently statist interventions as employment-generation schemes or means-tested food subsidies. As a result, the emphasis in the policy literature has been on establishing means of “restraint”, particularly civil-service reforms which provide for punishing errant officials while adequately remunerating those who perform their jobs effectively. Hence, the continued stress on such public-administration mechanisms as ombudsmen, independent inspector-generals, and quasi-judicial vigilance commissioners.³² These are potentially valuable, but they are not enough.

Given the high profile which the notion of civil society has been accorded in the literature on democratic accountability, it is somewhat surprising that it has been assigned such a low profile in official reports on how to restrain corrupt activity. While acknowledging the importance of more transparent public accounts, a recent IMF paper continues to downplay the potential contribution of grassroots associations. The authors advocate a form of financial transparency that would appeal to an elite audience interested in “policy dialogue”, but much less so to movements attempting to document and confront the misdeeds of local-level officials.³³ The World Bank’s 1997 *World Development Report* (WDR), to take perhaps the most egregious example, devotes only a small section at the end of the chapter on combating corruption to the role of civil society organisations. This prioritisation is based on a seemingly unassailable political logic: the marginalised groups which suffer from these forms of corruption – particularly the rural poor and women – tend to be weakly organised, if at all; they are thus fairly unlikely candidates for the formidable job of holding government officials accountable.

In this context, two features of the MKSS-inspired initiatives are noteworthy. The first is the genuinely grassroots foundations and character of these movements. The Rajasthan-based MKSS and other core NGOs involved in the right-to-information movement appear to have been successful in mobilising poor rural people to prioritise the seemingly abstract right to information as a key element in their struggles to achieve accountability from local authorities and to enhance their livelihood prospects. The focus on the right to information offers a constructive approach to tackling the everyday forms of corruption which most directly affect ordinary people. The second feature is women’s high degree of participation in local right-to-information struggles. This is particularly striking given that women’s civil-society activism in many parts of the world tends not to be oriented to direct engagement with the state, because of the many obstacles and exclusions women experience in public political arenas.³⁴ Right-to-information activism provides a means for women to appreciate the way that participation in movements against corruption can translate into livelihood securities.

The organisational dynamics and political tactics of India’s right-to-information movement also furnish at least two new perspectives on the diverse forms and differential impacts of corruption.

³² These accountability mechanisms, labelled “hierarchical control” by Samuel Paul, stress supervision and control of service providers through an upward chain of command, rather than through the participation of the public in key decisions. See S. Paul, *Does Voice Matter? For Public Accountability, Yes*, Policy Research Working Paper No. 1388 (Washington D.C.: The World Bank, December 1994).

³³ Georg Kopits and Jon Craig, *Transparency in Government Operations*, IMF Occasional Paper No. 158, January 1998.

³⁴ Discussions of women and civil society in developing countries which make this point include Sue Ellen Charlton, Jana Everett, and Kathleen Staudt (eds), *Women, The State, and Development* (New York: State University of New York Press, 1989), and Aili Mari Tripp, “Gender, Political Participation and the Transformation of Associational Life in Uganda and Tanzania”, *African Studies Review*, vol. 37, no.1 (1994), pp. 107-31.

First, while pursuing rights which alter the governance framework – rather than simply protesting individual acts of government malfeasance – the movement has progressed well beyond the focus on accountability in government expenditure. As a by-product of both the coalition-building exercise which forged the movement, and the utilisation of the social-audit technique, the multifaceted nature of corruption has been highlighted. For instance, activists working on issues of violence against women, who have become central to Rajasthan’s right-to-information campaign, contributed to the movement a greater sense of the sorts of corruption that plague the law-enforcement and criminal-justice systems. Similarly, the harassment of those involved in the village-based public hearings by local officials highlighted the extent to which various arms of the state administration are routinely subjected to interference by those with political power.

Second, the right-to-information movement focuses attention on the complex impact of corruption on the poor. It is useful to conceive of these effects as operating along three dimensions of citizenship. Each corresponds to a critical relationship in which citizens must engage – with the state, with the market, and with civil and political society. The three overlap substantially, and it is through such spillover effects that they have their most damaging impact on the poor.

Pilfering of *state resources* intended to benefit the poor (such as subsidised food) is the most obvious culprit. And indeed, as we have seen, the Rajasthan right-to-information movement originated in part from localised efforts to confront corruption in the Public Distribution System, through which essential commodities are distributed at subsidised prices. The coalescence of the Rajasthan movement was also instrumental in increasing popular awareness of the linkage between different forms of corruption. Resources available for targeted schemes, for instance, are reduced *ex ante* through tax evasion by the rich. And when resources devoted to programmes intended for universal provision (for poor and non-poor alike) are diverted through corrupt practices, this has a disproportionately negative impact on the poor, since unlike many other segments of society they are ill-prepared to substitute private provision.

The ability of the poor to achieve *market* gains is also impaired by corruption. Not only does the draining of public resources for such public goods as education and healthcare impair the market prospects of the poor, but the failure to enforce laws regulating market behaviour – which is due more to corruption than administrative incompetence – has dire consequences for many of their number. In the industrial sector, these largely concern labour and environmental-health standards. In rural settings, the problems centre on land-tenure guidelines, credit-market regulations, minimum wages for agricultural workers, and the collusive practices of officials charged with enforcing standards in the buying and selling operations of market centres. While these examples concern the economic relationships of the poor as producers, it is essential to recognise the ill effects that can also befall them as consumers. When policing of the market is lax, collusive relationships between firms and other organised economic agents (such as agricultural cooperatives) can impede whatever scant benefits poorer citizens may have been able to derive from their productive activities or from redistributive programmes implemented by the state.

The third dimension of citizenship through which corruption affects the poor concerns *participation in civil and political society*. This is clearly related to the first two dimensions insofar as these forms of participation are impeded by resource deprivation and a hostile market environment. But in addition, as MKSS activists have pointed out repeatedly in their exchanges with both government representatives and other voluntary organisations, the skimming of state resources at local levels tends further to enrich those groups in rural society responsible for denying social and economic opportunity to the poor in the first place. Their collective prestige and influence, combined with the collusive relationships they forge with state officials, can thwart the nascent self-help activities of poorer groups in the political sphere. For instance, state officials whose services have been bought to rig agricultural markets and evade taxation are not likely to call out the police against their powerful accomplices when they engage in violence or intimidation to prevent poorer people from attending village assemblies or organising their own public meetings. It is through such sustained relationships between local elites and the state administration that networks of corruption – spanning the domains

of developmental activity, market transaction and organised politics – have their most devastating impact on the poor.

The international literature on combating corruption, it must be stressed, is not silent on the importance of information. But in spelling out the means by which information can lead to accountability, the emphasis is on relatively uncontroversial forms of information. It thus has much in common with the recent attempts by politicians and bureaucrats in India to pre-empt radical change by unveiling (and loudly trumpeting) their own rather tame transparency initiatives. These tend to centre on village-level “information kiosks”, which detail the existence of government schemes and the basics of eligibility requirements, or “public-works signboards”, which indicate the name of the concerned contracting firm, the amount of funds sanctioned and the quantity of materials purchased. Not surprisingly, these are seldom maintained properly. But even if they were, they would not provide the in-depth information required for groups of local citizens to verify whether funds have been misappropriated. Without access to supporting documentation which indicates how individual applications under anti-poverty schemes were assessed, or how and to whom funds were disbursed, there is little chance of exposing either biased application of eligibility criteria in beneficiary-selection or diversion of funds in implementation. Without expense receipts, employment and wage registers, and timely access to building sites, instances of fraud in public-works projects are similarly undetectable.

The most common conceptual link between information and accountability in the international literature on corruption is through the idea of information-generation. As with participatory development techniques, this strand of thinking prioritises the need for eliciting information from the public at large. World Bank staffers Gray and Kaufman argue that anti-corruption “practitioners need to search for the information gathering and dissemination methods that can have the quickest and most direct impacts”.³⁵ They cite in this connection – as do a great many surveys on corruption – the work of the Public Affairs Centre (PAC), an NGO based in the south Indian city of Bangalore founded by Samuel Paul, himself a former World Bank employee. The PAC’s method involves surveying citizens’ levels of satisfaction with public services and their perceptions of corruption. The result is a “report card”, which is then widely publicised through the press. This is clearly a good idea, but with severe limitations.

The problem is the tendency in the policy literature to confuse this sort of information gathering with methods which involve a more demanding form of participation from citizens, such as confronting officials to obtain state-held documentation and organising themselves to audit accounts. A 1997 UNDP report on corruption cites the PAC report-card methodology specifically in the context of “freedom of information”, erroneously equating the two.³⁶ Like the World Bank’s *WDR*, cited earlier, the UNDP analysis neglects the potential role of civil society. The chapters on corruption focus on “reducing incentives for payoffs”, “enforcing anti-corruption laws”, “reforming the civil service”, and “instituting checks and balances”. Its one section on “information” treats the “private sector” rather than less corporate forms of civil society as the main agent of opposing corruption.³⁷ The report broadly endorses the idea of publishing financial statements, but not in disaggregated forms and not at the very local levels at which people’s capacity to verify and falsify data is most valuable. When the report discusses freedom of information,³⁸ the focus is on its ability to contribute to proper voting decisions, and to spur “other avenues of protest”, including legal action.

³⁵ Cheryl W. Gray and Daniel Kaufman, “Corruption and Development”, *Finance and Development*, March 1998, final paragraph.

³⁶ Management Development and Governance Division, Bureau for Policy and Program Support, United Nations Development Program, *Corruption and Good Governance*, Discussion Paper No. 3, July 1997, pp. 80-81.

³⁷ *Ibid.*, pp. 75-76.

³⁸ *Ibid.*, p. 78.

The PAC's own conclusions from its 1998 report card on urban services in Mumbai (formerly known as Bombay) are an indication of the naïve approach to civic action which international agencies seem prepared to buy into. The PAC's "recommendations" are that "[t]he service providers for the essential services rated worst...should clean up their act, realising that slum dwellers are as much citizens of Mumbai as any other resident."³⁹ Other anodyne prescriptions suggest that "[t]he residents of the slums themselves could become more vocal in bringing their problems to the notice of the agencies and in demanding redress", and that "NGOs could act as catalysts...by using the findings as weapons in their drive to obtain better public services for their fellow citizens".⁴⁰ Such findings can be considered "weapons" only if the politicians and bureaucrats in question are ignorant of the service-delivery problems in the first place. Most, in fact, are already aware of the dismal state of public amenities in India's slums. The MKSS approach begins from the assumption that what would motivate officials to take remedial action is concrete evidence of their complicity in misappropriating funds intended for addressing these problems. A right to information makes this possible, though not inevitable. It requires associations of people willing to confront authority.

Finally, the international literature on corruption – like the rights literature – conflates the right to expression and the right to information. The UNDP report puts it this way: "Anticorruption activists should also support freedom of information laws and oppose restrictive libel laws, especially those that give special protection to public officials".⁴¹ The World Bank's Gray and Kaufman offer a near carbon copy: "Both the introduction and the continuance of restrictive libel laws protecting politicians and public officials must be opposed to safeguard citizens' freedoms of expression and information...."⁴² The problem with overlooking this important difference is that it divests the right to information of the radical implications which the MKSS experience has so effectively highlighted. While arguing that "[s]ecretiveness has helped elites and politicians keep corrupt practices under wraps", Gray and Kaufman nevertheless ignore the possibility that the any civic associations other than the press could take on the responsibility of participating in the exposure of misdeeds.

Conclusion

The MKSS's work has prompted a serious rethink on a range of interconnected issues: the multifaceted nature of corruption, the links between its different manifestations, the importance of mobilising people to participate in exposing it, and, perhaps most importantly, the relevance of the right to information to the concerns of ordinary people interested less in the freedom of expression than in securing livelihoods. These conceptual shifts can be seen most clearly in the changed contours of public debates on corruption generally, and on the link between transparency and accountability in particular. And while there has been huge support for the MKSS's demand for legislative and regulatory reform to enshrine the right to information, the fact that its *jan sunwai* method has not been widely emulated raises several important issues. This lack of replication by no means invalidates the MKSS's work, much less the theoretical implications which this paper has sought to derive from it. But it is something which does require consideration.

It must first be acknowledged that the MKSS's local success and wider influence has been at least partly due to its skill in developing a network of support within the elite Indian Administrative Service (IAS), among Delhi-based intellectuals and activists, and within the regional and national media. Press coverage, influenced by the extremely thoughtful and articulate people associated with the MKSS, has contributed enormously to linking the idea of a right to information with debates on governance and transparency. The MKSS's success in forging this support network, in turn, stems

³⁹ Suresh Balakrishnan and Sita Sekhar, *Public Services and the Urban Poor in Mumbai: A Report Card*, Public Affairs Centre, Bangalore, May 1998, p. 24.

⁴⁰ *Ibid.*

⁴¹ UNDP, *Corruption and Good Governance*, p. 80

⁴² Gray and Kaufman, "Corruption and Development", concluding paragraph.

largely from the personal and professional connections of its most well-known leader, Ms Aruna Roy, who cut short her career as an IAS officer after just seven years on the job to pursue a different sort of life. The MKSS's ability to exploit such connections does not contradict the organisation's stated commitment to pursue issues of local concern and to subsist on local resources. Nevertheless, it is important to bear in mind that the elite-level contacts of several people associated with the MKSS afford its activities a degree of protection which would likely be lacking for other groups operating in less fortuitous circumstances. On the other hand, the MKSS's area of operations is among the poorest and most economically deprived parts of India, one where social relations between dominant and subordinate groups are at their most oppressive. So MKSS's example should have a chance of inspiring groups facing less difficult conditions, even if their personnel lack the same social and political clout.

Indeed, one of the MKSS's most enduring achievements has been to demonstrate to other groups in India's vast and varied civil society – from development NGOs to social movements – the importance of access to information to their own fields of endeavour, whether they seek to improve government service delivery, end police abuses, ensure compliance with environmental and planning regulations, or enforce national protections for the rights of women, tribal communities, or children. Few such groups are yet in a position to confront authority through *jan sunwais*, and in many cases their issues might not lend themselves so starkly to such a process. But if the movement to demand that government formalise the right to information is successful, other organisations might not face conditions as hostile as the MKSS has. It is important to remember that it has organised *jan sunwais* on the basis of information obtained without a legal entitlement, and through public meetings which bypass the statutorily recognised (and constitutionally protected) village assemblies, which in most parts of Rajasthan are moribund political institutions whose democratic functioning is impaired by the continued existence of constraining social institutions. The MKSS has had to improvise on a makeshift platform, where successors may have the advantage of a script and a proper stage.

This is not to say that legal recognition – in the form of national legislation, or even a constitutional amendment – would mean speedy implementation. Indian activists are firm in their conviction that the struggle for people's rights merely enters a new phase once they receive official recognition. The outcome of the MKSS's own work demonstrates this quite conclusively: the Government of Rajasthan still refuses to release information about the status of corruption cases registered on the basis of evidence produced by the public hearings, much less the details of how the investigations are being conducted. Witness lists, affidavits, audit reports – are all still confidential. So is a two-year old report from a committee formed by the state government to advise on means to bring about openness in government. This unavailable report stands as an invisible reminder of the elusiveness of transparency.