

Bare Acts and Collective Explorations

The MKSS Experience with the Right to Information

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The MKSS experience with the Right to Information has emerged from a series of encounters with the multiple hierarchies of state and society. As a people's movement, interactions towards exercising this right have resulted in a deeper appreciation of democratic processes, and a gradual, but fundamental, transformation of our individual and collective relationships with the state and social structures. This is reflected in our (evolving) articulation of the concepts, and our exercise of the right to information or the right to work. This understanding has not emerged in an isolated location: networking and campaigning interactions have enriched and deepened our discourse and action. This takes the realm of action beyond the movement and the state to a host of other actors located outside the movement's 'local' context.

We chart below a series of engagements that have brought us to this deeper and critical appreciation of democracy and citizenship. Embedded within this appreciation is the transformation of equations of power between the state and the ordinary (as opposed to privileged) class of citizens on the one hand, and between privileged and marginalised citizens on the other. These transformations are borne out in the 'bare acts' of the state, legislation and citizens.

As individuals, we access multiple identities over the course of our lives. The identity of a citizen and the complex demands it makes on us as individuals, and as part of collectives, is a fascinating ongoing phenomenon that bears itself out during the life of a movement.

There is a need to separate the varied locations and privileges of different actors, and yet look at them as constituent citizens of the democratic state. At the same time, citizens in differently privileged locations have very different world-views, so that complementary action for a common purpose, say for equity in access to resources, rarely occurs easily. Interactions are generally encounters of privileges between citizens located within the state and those outside it, or between the privileged and the marginalised outside the state.

However, in the collective exploration of conceptual and legal space that attempts to make the state work in the interest of democracy, new unexplored spaces open up. The potential for expanding these spaces emerges with ongoing public action, and as the inherent contradictions between democracy and unequal citizenship are exposed,

sometimes these unequal encounters begin to be turned on their heads. The links between local relationships and external power structures leave unanswered questions, such as just how much can be changed by using these contested spaces. An even more important question, perhaps, is how much can be lost by not contesting the spaces at all.

The relationship of people's movements to laws is a particularly interesting one. When is the existing law used to suppress change in the context of a movement? When is the law used for bringing about change? And, when is the law itself sought to be changed? This ambivalent, fluctuating, and often contradictory relationship with the law makes for a fascinating study in the camouflages of law, and the continuous struggle of people's movements in securing democratic citizenship and its entitlements.

What are the norms that govern people's expectations and their relationship with the state? What happens when it concerns those who, more than anyone else, want things to change – those who are oppressed and marginalised despite the 'rule of law'? Does the law function as an agent of change? Or does it help maintain the status quo? Is it possible to fight for change without addressing questions related to the law?

The answer, in brief, is that 'bare acts' cannot be understood without exploring the ambivalent, contradictory, and complex relationship of people's movements with the law.

If bare acts represent the legal core – an intention shorn of all its padding – the picture is incomplete without understanding the schisms that emerge when the law is applied, and significantly, the attempts to fill these schisms. This may mean amending bare acts or bringing in new ones altogether...

When tracing history, especially of people's movements, very rarely is there a definitive moment identifiable as the initiation of a series of events. Multiple threads weave in and out of a movement's life, from the local to the global and the individual to the collective. It is difficult to isolate the operational influences at any given moment. We start our story with some of the first initiatives that can be traced as the founding the Mazdoor Kisan Shakti Sangathan.

Land Reform and a Definitive Act of Defiance: *Thakur, teri tanashahi nahin chalegi, nahin chalegi (Thakur, your dictatorship will not work anymore)!*

By 1987, Aruna, Nikhil and Shankar, activists with the MKSS since its inception, had moved to Devdungri, the village where the MKSS office and collective home were subsequently located. Searching for ways in which poor people could themselves effect political, economic and social transformation, their professed interests in organizing the poor led Lal Singh, also an MKSS activist since its inception, to soon join the group. The area is largely populated by the Rawats, an OBC (Other Backward Caste) community. Land is fairly evenly distributed, with an average landholding of about 2 bighas per family. Lal Singh, however, came from a village at the edge of the Rawat belt where traditional feudal land holdings and land relationships continue to this day. He often discussed the *thakur* (a Rajput landlord) in his village Sohargarh, who had appropriated vast tracts of community land, extracting fodder and fuel for his personal use, and prohibiting entry to anyone else. He asserted the land belonged to his family, as it had for centuries.

Discussions, first with Lal Singh and later with others in the village, led to the wielding of law towards social justice. At first, at a *Prashasan Gaon ki Aur* (Administration to the

Village) camp with the local Sub-Divisional Magistrate (SDM), an application was made for individual allotments of this land to the local residents. The allotment committee gave a split decision, and the Collector had to be approached. A women's society was formed, and an application was made for collective allotment of land to that society. The Collector recommended that forestland be allotted to the women's group.

The challenge to the *thakur* proved a decisive breach of local feudal relations, an empowering act of defiance, where earlier obeisance to the *thakur* had been the norm. However, the entire village did not come forward in this act of defiance: some watched, some hedged and some joined the *thakur's* ranks.

On the day of possession, the *thakur* sent armed men to fight the allottees and tension prevailed in the village for 15 days. A *van-utsav* (forest-festival) was celebrated in the newly acquired *bida* (forest) by 300-400 people, and including the reluctant participation of the local administration. For the people from the surrounding villages, and other local leaders who were present, this was an unbelievable development.

One day Nikhil and Shankar accompanied Surendra (a consultant appointed by the society), who was going to Sohargarh to make payments for construction works around the *bida*. The *thakur's* men waylaid them on the way back, and beat them up. Subsequently, people from three villages (Sohargarh, Kushalpura and Dhapda) took out a protest rally, marching to the sub-divisional headquarters of Bhim and raising slogans against the *thakur*. A decisive 'moment of transformation' in social and political consciousness took place when those returning from the rally stopped their bus in the *thakur's* village and shouted slogans, loudly denouncing him in his own domain.

It is not that Lal Singh or the others in Sohargarh did not know about land reform laws, one of the most radical pieces of legislation essential for social equity. But what happens when the law is not implemented for 50 years? It wasn't as if they did not know that the *thakur's* occupation of large tracts of land was illegal. The people in and around Sohargarh were fully aware that the law existed – but given the machinations of law in favour of the already powerful, they had little faith in its applicability towards justice. In the year 1990, the law and the state had failed to alter feudal relationships, to the extent that the *thakur* could show his wrath when not addressed as "*Thakur Sahib*" (*Thakur Sir*), allowing no one else to even be seated in his presence. He used violence with impunity, and no one dared complain. He laid claim to all the land in his 'fiefdom'. Anyone who wished to take clay from the public tank had to deposit half at the *rawla* (the *thakur's* mansion), and do the same for dry fuel wood gathered from the village commons. There had been many acts of defiance in the past. But they had been small, frustrating attempts, where those who defied the *thakur* ended up being 'taught a lesson'. Nobody had ever dared to consider applying for allotment from a piece of land the *thakur* called his own. That meant not just defiance but war. Taking on the *thakur* required preparation and strength, for any hope of success. When the battle did take place, the battlefield was also legal. Land records, sub clauses of the Tenancy Act, Allotment Rules, Societies Registration Act, Allotment Committees, Notifications became as much a part of the resisters' armoury as they had been a part of the *thakur's* briefcase that he carried around with him, wherever he went.

A Collective Is Formed with Equality and Justice as a Dream: *Nyay samanta ho adhar, aisa rachenge hum sansar* (We'll create a society premised on equality and justice)!

Behind every law lies a vision. Collectives, equally, are also formed with a vision. The extent to which a collective can translate this vision into reality depends on the extent to which legal spaces lend themselves to relevant application and evolution. At the same time, the new world that a collective constructs for itself through public action has also to translate the mystifying rhetoric of legalese into comprehensible language, in the process of realising its vision. In the course of the struggles for change waged by the collective, laws, rules and acts become part of the language of change. Fight for implementation. Fight against implementation. Fight against unjust laws. Fight for just ones. Fight for change in laws. And significantly, even fight for creating a new law – a necessary component of expanding and evolving democratic spaces. The irony is that collectives fighting for change are burdened with having to not only ensure that a law, in letter and spirit, is established within the legal, political and administrative framework, but also to ensure its proper implementation.

On 1 May 1990, the Mazdoor Kisan Shakti Sangathan (MKSS) took formal shape, at the first *mazdoor mela* (Mayday labour fair) organised by activists and supporters in Bhim. The atmosphere of threat and violence during the struggle against the *thakur* had demonstrated that a *sangathan* or collective is a requisite for any effective struggle for justice against embedded structures of power. Without a collective, the marginalised are vulnerable and can easily be suppressed at an individual level. Collective strength, then, is the fundamental basis for change; an understanding that has been absolutely clear to the MKSS from its very inception.

Minimum Wages – The State Violates Its Own Law: *Nyuntam mazdoori se kam nahin lenge, nahin lenge* (We will not take less than minimum wages)!

The poor always have to struggle for minimums. The rich think in terms of maximums. But what is the state of a minimum? What happens when the minimum becomes the maximum? The story of minimum wages in India is replete with these contradictions in word and deed. The Minimum Wages Act has rarely been enforced properly by the state. Even though minimum wage levels are defined as those below which a family cannot survive, these are rarely paid, so that the payment of minimum wage becomes the maximum that workers can get for their labour. The negotiability centres on ways and means of reducing the minimum further. Worse still, in the MKSS experience of fighting for minimum wages, the government is the employer and is therefore violating its own law. A simple law – a basic entitlement – is rendered unnecessarily complex by sections and sub-sections of the 'bare act'. Minimum wages must be paid, but these can be paid on a 'time rate' basis or on a 'piece rate' basis. The 'piece rate' norm is used as a justification to pay less with the claim that the work output is below 'norms'. When people fight for getting at least the minimum wage, then the concept of a 'guaranteed minimum' is introduced. The 'guaranteed minimum' is actually a sub-minimum wage, and it turns out that the minimum is actually the maximum that can be paid to a worker in a government project, thus redefining the minimum. Naturally, the poor are at the receiving end of this spin on words. The ultimate irony, of course, is that the poor

have no recourse but to continue to fight for their rights under the Minimum Wages Act.

On the day the Sangathan was formed, a pledge was made to not accept anything less than the minimum wage. This led to a series of minimum wage struggles. Typically, the *Panchayat* (the last rung in the administrative structure – the village unit) receives the money according to the stipulated minimum wage, but the people working on a particular development project undertaken by the *Panchayat* almost never get the minimum wage. Women as a rule get even lower wages than men, despite working the same number of hours.

Minimum wage issues started being raised more and more often, and the Sangathan was constantly confronted with the need to secure workers' livelihoods. By 1991 there was a *dharna* (sit-in demonstration) for the then minimum wage of Rs. 11 per day on the *Dadi Rapat Anicut* (water tank). What emerged was that the files had been closed by the Junior Engineer (JE) after miscalculation of the work put in (according to 'norms'), and people were being paid far less than their due. The workers refused to accept anything less than the minimum wage, but during negotiations with the administration, a 'neutral' group appointed with the Sangathan's consent compromised, and agreed for a raise in wages, albeit less than the minimum. A decision was taken to not put one's future in the hands of anyone else. From now on, the group would negotiate terms itself. However, the fact that the sanctity of the JE's Measurement Book was challenged through this demand for revision of wages irked the administration. On the other hand, it empowered workers and activists to raise their voice, and ensure their own truths were recognised, irrevocably establishing faith in collective action.

The MKSS was back in Bhim a year later, raising the same issue, but with far more preparation, and wariness with regard to premature deals. Five people from different districts and regions of the state sat on hunger strike this time. The *dharna* was lifted in May 2001 when the wages had been paid fully to all those involved. However, this *dharna* also helped reveal the importance of connections between local battles and larger interests at the state and national level.

The Right to Information – A Movement Coalesces: *Hum janenge; hum jiyenge* (We will know; we will live)!

The importance of access to *Panchayat* records became clearer as minimum wage struggles grew. There were fake entries in muster rolls and exaggerated wages with fake signatures that pointed to the serious anomalies in the schemes and programmes implemented through the national *Panchayati Raj* (Village Self-Governance) system. Upon detailed investigation of particular projects, wherever a sympathetic official had allowed access to records (at the time, photocopies were not allowed and 'access' often meant copying from documents manually), the corruption with regard to the practice of submitting fake and/or exaggerated bills for materials was exposed. This was the genesis of the struggle for the Right to Information.

Kesar Singh from Bagmal (Ajmer District) made a complaint that the *Panchayat* had used the services of his tractor for several construction works, but he had still not been paid all his dues. The *sarpanch* (chief elected village representative) refused to show the records, and with the Sangathan's advice Kesar Singh took his demand for information to

the *Panchayat Samiti* – the next step in rural governance hierarchy after the *Panchayat*. Even the *Panchayat Samiti* refused to show the records. Instead, the *sarpanch* was called by the BDO (Block Development Officer) and the BDO and his staff told Kesar Singh to take his dues, but not demand copies of the records. Kesar Singh stood his ground, and said that he would now only take his money after he had seen copies of the records and understood where the money due to him had gone. He then approached the SDO, and with the support of the MKSS, and pressure from the larger collective of the community, he was eventually, allowed to ‘note’ down records for a year. Anomalies in muster rolls and false billing soon surfaced. The *sarpanch* organised a caste *Panchayat* and in the presence of hundreds of his brethren (women do not attend these meetings) the *Jaati Panchayat* (Caste Panchayat) leaders put great pressure on Kesar Singh to take the money, this time even with interest, but save the jobs of his *jaati bhai* (community brothers). Kesar Singh remained steadfast. He refused to take any money until a full investigation was held and appropriate action taken. Several corrupt practices were uncovered by the investigation. Kesar Singh got his money. An FIR (First Information Report) was also filed against the *sarpanch*, but the Ajmer police closed the file. Every corrupt practice had an explanation. In fact, the case was finally closed on the pretext that even the same labourer shown working in three places simultaneously was possible. It was justified by saying that the same labourer must have worked day and night on a given day!

Negotiating Multiple Laws – Of the Land, the Caste Panchayat and Ethics

One must wonder which law Kesar Singh saw himself subject to, as he walked towards the *Jaati Panchayat* that day. Those who had done him out of his dues had violated the law, and the people who were supposed to implement this law actually did not believe in it. He had now been summoned by caste leaders who were invoking a different set of laws. Interestingly, the caste leaders, the violators of the law, and the official custodians of the law turned out to be the same set of people! So, as Kesar Singh stood before the *Jaati Panchayat*, he looked within himself, he drew on his sense of ethics, and refused to succumb to the pressure being brought on him. As the *Jaati Panchayat* threatened to excommunicate him for not following their diktat, he walked away promising to fight his own battle. One can only wonder what must have gone through his mind as he walked away from his community...

The Sangathan reviewed the strategy of going to the police for recourse. An understanding was emerging that since it was the interests of ordinary people that were



being compromised, these cases of corruption should be taken to a people's platform where public exposure based on proof would be used to develop public consciousness and vigilance, as well as apply pressure on the government to take action. The technology of *Jan Sunwais* (Public Hearings) began to take shape and evolve along with the articulation of the right to information.

Dispensing Justice: Evolving Platforms for Enforcing the Law

When the administration, the police and the courts refuse to implement the law, where does the collective turn? The challenge is to return to roots, and draw strength and sustenance from those who believe in the values behind the law. Democracy offers new and fresh opportunities for enforcing collective values. How much moral authority can be exercised by a collective? How does one ensure safeguards for justice and ethics over the brute force of democratic majorities? And finally how does one institutionalise the process? Is this the beginning of yet another set of 'bare acts'?



The first *Panchayat* for which records were made available by the concerned administration was Kot Kirana (Pali district), where a middle-aged man approached the Sangathan for support to get his minimum wage for work he had done for the *Panchayat*. When his application for being paid the full amount was ignored, he came to the MKSS. The Sangathan decided to ask for copies of all the muster rolls of the place where he had worked. The *sarpanch* and secretary refused access to records, but the BDO allowed MKSS access. The information was made public and numerous anomalies were discovered. An announcement was made about the intention to hold a public hearing on a particular day. As the MKSS activists moved around the *Panchayat* with the records, those responsible for executing the work (there had been no *Panchayat* elections for three years at the time, so a committee, including the secretary, was responsible for all *Panchayat* work) created a hostile environment, and distributed liquor as a bribe to ensure that no one would speak out at the hearing.

The first public hearing was conducted on 2 December 1994. People turned up in large numbers and spoke out against the fraud exposed in the records. FIRs were filed, along with people's affidavits. The MLA (member of the legislative assembly) at the time, however, took the case to court and got the same people who had filed the affidavits to turn hostile and file counter affidavits. The case finally came to naught, as another recourse to 'law' drew a blank.

The impact of the public hearing itself was lasting and significant, and it caused ripples right up to the state secretariat in Jaipur. This hearing was followed by two others, in Bhim and Vijaypur, in the same month.

Right to Information as Law: Towards Securing Entitlements and Expanding Democratic Spaces

As continuous engagements with legal spaces open up the problem areas in the law, with

regard to social justice and entitlements, new formulations emerge and need to be enacted. When information is denied to a people, what gets occluded is not just access to documents, but a whole paradigm of participation in decision-making that should be at the centre of any democratic framework. Without information there is not even the possibility of a 'say' regarding the trajectories of state policy and action, leave alone in actually evolving and determining these. If the state is elected through a democratic process, then this characteristic must be reflected in all its activities, with people's participation at the core; it cannot be limited to the exercise of a vote. The Right to Information (RTI) must find its place in legal and formal systems as a fundamental legislation.

Moreover, the demand for information cannot remain exclusive to the state, and must be extended to private bodies in order to guarantee transparency and accountability to citizens. What must be the nature of such a law? What kinds of information should come under the purview of such a law? Who will decide which information is 'permissible', and who will be privileged with access to information? Who will bear the cost of disclosure? What will be the cost (monetary and otherwise) of disclosure? What about non-compliance with such a law, and complaint and redressal mechanisms? Which platforms of investigation will be privileged, and how will citizens participate in the use of information to unearth further information that reveals the workings of political, administrative and legal systems? What about disclosures regarding anomalies in expenditure of public money, and punishment for atrocities and violations of human rights? Which other laws need to be amended in order to facilitate the Right to Information? To what extent are private actors exempt from the Right to Information? Who will determine the accountability of privileged private actors, and who will ensure that 'ordinary' citizens get a fair hearing in any contest with these actors? At the same time, what is the line between transparency and the right to privacy, and how will a balance be achieved between the two?

The next Public Hearing in Jawaja (Ajmer District) in January 1995 was very interesting, since access to records was completely denied. However, there were many complaints of irregularities based on information from different sources. The hearing was eventually held without the documents. A lot of people gave testimony about their experiences of corruption in *Panchayats* and the consequent denial of their rights. Some individual beneficiaries who had paid a bribe to get their housing grants, were immediately repaid the money by the concerned *gram sewaks* (panchayat secretaries), adding to the dramatic impact of the hearing, and affirming the power of a people's platform despite the denial of access to records.

Just before the hearing, the *gram sewaks* of the district had organized a strike in Ajmer, with *grams sewaks* from other parts of the state also supporting the demonstration. The Chief Minister, Bhairon Singh Shekhawat of the BJP, announced in April of the same year in the state assembly that the Right to Information (RTI) will be given to the people, and the state would take action in corruption cases by recovering money from the concerned officials. The Chief Secretary, who had visited the Sangathan a few times earlier in his career, was aware of the significance of the issue, and the intention of the MKSS to fight for legal entitlements. He advised the CM in the new government in favour of making an announcement for the RTI as legislation. It was a politically calculated decision, since the

Panchayat elections hadn't been held and the only people who would be held responsible would be from the bureaucracy. The CM's statement was quoted in a state Hindi newspaper, the *Dainik Navjyoti*, and that was enough: the MKSS took it up in a big way and never missed an opportunity to remind the state of the assurance made on the floor of the house. At the same time, a series of public hearings were organised in *Panchayats* in different blocks.

As the bureaucracy closed ranks and refused to part with information, it became clear that it would be close to impossible for citizens to get copies of records. In April 1996, one year after the Chief Minister's announcement on the floor of the assembly, the MKSS sat on an indefinite *dharna* demanding the RTI in Beawar. On the day of the commencement of the *dharna*, an Executive Order (EO) was passed by the *Panchayati Raj* department, allowing inspection of all records; originals, not certified copies. But we wanted a law, and one where certified copies of records could be obtained. The *dharna* was finally called off when the government agreed in principle to the formulation of the law and set up a committee to work out the mechanics of implementation. When the committee submitted its report, the government declared it a 'secret' document! A rally was organised protesting this, and demanding the immediate enactment of a law. Organisations from all over the state turned up for the rally in Jaipur, which 4,000-5,000 people attended.

Turning RTI into a Campaign: *Kaun kehta hai denge nahin; liye bagair rahenge nahin* (Who says they won't give it to us; we won't rest until we take our due)!

The years 1996-97 saw a period of intense campaign activity. The RTI movement had become a state-wide campaign by now, and numerous meetings, rallies and truck *yatras* (long-distance processions) were conducted by the MKSS all over the state in order to mobilise support for an RTI law. The National Campaign for People's Right to Information (NCPRI) was also formed with a core group of senior media persons, lawyers, activists and environmentalists, who in turn brought pressure to bear on the state and central governments for enactment of the law. In 1997 there was a state-level *dharna* once again, with a demand for a Right To Information law. It lasted for 53 days. Following this, the government came out with a gazette notification in the *Panchayati Raj* Act, backdated six months, regarding the RTI in *Panchayati Raj* Institutions; it accused us of not keeping abreast of legislative developments. The bluff was called, however, when the media questioned the state's constant announcements to the tune of 'it will be passed' (establishing that it hadn't really been) all through the *dharna*.

The *dharna* was followed by another spate of public hearings, this time with photocopies of records for five years (courtesy the gazette notification). These hearings were significant in different ways – for instance, in Kukarkheda, the *sarpanch* ceremoniously announced that she would deposit Rs 50,000 worth of usurped money back into the *Panchayat* account; she subsequently deposited the money, only to withdraw it again. Upon pointing this out to the SDM, the case went into inquiry and the recovery is still under 'due process'. Umarwas *Panchayat* was unique: the *sarpanch* himself came to the Sangathan requesting a public hearing on the works undertaken during his tenure! It emerged that he was a *dalit* (lower caste) who had been 'elected' from a 'reserved' seat. The influential and powerful family in the village that had controlled the *sarpanch* seat for many years had in

fact 'selected' him and fetched him from Surat, where he sold kerosene from a handcart. The deal was simple: they would get him elected, and would then not trouble him with running the *Panchayat*, but run it on his behalf. As a result of this puppeteering, the *sarpanch* was made to sign a lot of irregular documents that eventually led him to the Sangathan with a plea that only a public hearing would expose the fraudulent activities undertaken under his name. The hearing was held, and it was also established that the *sarpanch* was being made to defer to the powerful elite. The public hearing was clearly a breach of caste and power hierarchies and it was the *sarpanch's* conscience that prevailed.

Guilty in Law – But the Jury Holds Him Not Guilty

The public hearing in Umerwas raised interesting questions of who is really guilty for clear violations of the law in a society where the rich and the powerful control every forum of implementation. Pyarchand Khatik was guilty of violating the law in innumerable instances of fraud on paper. However, the real culprits were missing from those papers. The 'jury', consisting of the residents of the *Panchayat* sitting in the public hearing, already knew that Pyarchand was innocent. Which system would prevail? Which 'bare act' would come into play? Pyarchand Khatik has got away with his innocence. The culprits have got away with their guilt. Where does the law stand?

Formulating and Creating Legislation – People as Lawmakers

Yeh desh hamare aapka; nahin kisi ke baap ka (This country is ours and yours; not anyone's paternal property)!

Having irrevocably established the need for RTI legislation, the question was how and when such legislation would be passed, and more significantly, who would work out its basic details. When existing legislation falls demonstrably short in ensuring the adjudication of justice, it is only those at the receiving end of the injustice(s) that are best placed to point out the loopholes in existing laws, and point towards new legislation that might better serve in ensuring that justice prevails. Having said this, the law does not just secure and protect justice; it also protects and secures the dreams and aspirations of a polity. Development and expanding freedoms are some of these aspirations, and bare acts towards the protection and expansion of these aspirations must continuously evolve through direct engagement with people. The process of formulating the Right to Information comes close to this ideal of people's involvement and guidance in the formulation of law. However, we have to consider questions of accountability. How can the collective wisdom of people's struggles for justice inform law; and then, what is the extent to which this wisdom enjoys legitimacy within state and legal frameworks?

In 1999, with fresh elections, the Congress came to power with a promise of a Right To Information law as the first item on the party manifesto. With a new Chief Minister receptive to the RTI, the process of lawmaking began. After concerted campaigning, again with truck *yatras*, meetings and rallies, the campaign for RTI built up pressure for a comprehensive law. Later that year a committee was formed to identify the essential features of RTI legislation, and while the committee took a lot of advice from the campaign, its final decisions fell short on basic and essential provisions like penalties, time limits for

providing information (extended to 30 days), and lack of independent appeal mechanisms. Overall, the report made a positive recommendation for a law, and by 2000 the new RTI law was passed in Rajasthan.

Another Bare Act

Abhi to yeh angadayi hai; aage aur ladayi hai (This is just a pause; there are more battles ahead)!

The Act already suffered from the limitations mentioned above. The manner in which these prevented access to information was demonstrated in the very first public hearing that was organised after the law was enacted. Information for Janawad *Panchayat* took a year in coming. Since there are no penalties in the provisions of the act, the secretary kept postponing the disclosure of documents. The *sarpanch* also went to court against the Sangathan for demanding information – the case was eventually dismissed. Records, when finally made available, revealed corruption on a massive scale, and the public hearing has become a landmark case in the state. The ingenious mix of strategies of corruption used in the *Panchayat* was extremely revealing. What emerged upon investigation, based on the limited documents the Sangathan obtained, was various kinds of financial fraud to the tune of Rs. 45 lakh, out of the examined works for which Rs. 70 lakhs had been allotted. The government conducted its own investigation following the public hearing, establishing Rs. 73 lakhs of fraud out of a total expenditure of Rs. 1.15 crore. These were figures for one of Rajasthan's 9000 *Panchayats* in a period of five years...!

Since the landmark case of the Janawad *Panchayat*, given its sheer scale of corruption, public hearings on development expenditures have reached a definitive point – the methodology has been taken to other departments like health and public distribution centres, only to uncover more corruption, in varying contexts and degrees. While compensations, redressals and a vast increase in public awareness in the region and the state (owing to campaign-led hearings in areas other than those covered by the MKSS) have been extremely energising, the buck stops at a telling story – that of Gopi *bai* from Janawad. She, along with her husband, had worked on a *Panchayat* project and had not been paid for 90 days of work. She maintained her own record of small soot dots on a patch on her earthen wall and refused to wipe over the 'record' of money she and her husband were owed for years, even after her husband's death. Recovery of the money usurped by the entire nexus of elected representatives and lower officials is 'under due process'. Gopi *bai* died last year, without being paid her dues. This was despite the fact that state authorities had irrevocably established the fact of fraud, lack of payment, and recovery.

These fissures and contradictions reveal the tenacious potential of a citizenry committed to claiming rights. The multiple layers of class, caste and gender identities weigh on the democratic project: these frontiers need to be further contested, challenged and reworked. The onus is on all of us. A just legal recourse, functioning systems and a transparent and accountable democratic state can only emerge from ongoing contestations.

The follow-through on recoveries, prosecution and punitive measures is still the tangled end of the Right to Information. The MKSS has found itself hard-pressed to pursue complex

cases, when we are focusing our energies on securing sound national legislation through the NCPRI. On the other hand, marked improvements in the functioning of *Panchayats*, hospitals and ration shops in the area, and an overall vigilant citizenship, have also been facilitated. The project of democratic education is an ongoing one that the RTI has catalysed. From an administrative order in the department of *Panchayati Raj* in Rajasthan, it has expanded to become a comprehensive state law, and now a central law. The Right to Information Bill (2004) has been passed by the Union Cabinet to replace the older and much weaker Freedom of Information Act (2002). This democratic space will continue to expand, but only if we continue to push.

