

Democratic Culture and the Right to Information

Delivered by Aruna Roy and Nikhil Dey

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Aruna Roy:

Namaste! I bring greetings from India, and I am very pleased to be here today at the invitation of the Alliance for Social Dialogue and Himal Southasian to share what has been the work of a large collective of beings in India to bring this (Right to Information) Act (India) into place and to realise some of the promises made in the Constitution of India to an independent nation 65 years ago. Many promises are made but they are not implemented, and one of the issues that brought the right to information (RTI) to the forefront was situating ourselves with very poor people and looking at the predicament of continuing poverty, of endemic hunger, of not being able to access basic services because we could not actually deal with the government which manifests itself in petty bureaucracy and small politicians not delivering even things which were basic to living and livelihood.

So I want to just tell you that the Majdoor Kisan Shakti Sangathan (MKSS) is a name that was given to ourselves through a large deliberative process in which hundreds of poor peasants and workers sat together. Only Nikhil Dey and I are the permanent members from the middle class in this organisation. We do not take any institutional funds, either from India or abroad. The funding of this organisation is from individuals who sympathise with the ideology of the MKSS. We do not earn more than what an agricultural farm-worker would earn in a month. So today, Nikhil's and my honorarium is IRs. 4,050 per month, and it is the wage that an agriculture worker would get if he or she worked all 30 days in the month, which itself is difficult. So all our battles have arisen from understanding, to some extent, the Gandhian philosophy of wanting to live very simply and with people but also with some of the Marxist principles of equity, equality, and sharing, which have become part of the social fabric of India and the struggles that we have against poverty for and with the poor. So what MKSS defines itself is in the tradition of India where we have a non-party political movement.

If you can look back a little bit, after India won independence, one very significant leader became our prime minister and another very significant leader opted to stay out of party, politics, and seats of power. So Mahatma Gandhi interfered in what he thought were essential principles of politics, but he did not himself occupy any special status. He was neither president nor prime minister of independent India, but we all know that till his death, he continued to influence what we call the politics of conscience. So in a sense, India has inherited this tradition, and in that tradition, MKSS locates itself as a non-party political organisation. So if you ask me what I am, I will say I am a socio-political activist because as a group of people, we fight for realising our democratic, civic and human rights within the framework of the constitution and the principles enshrined in it.

So the right-to-information movement is a grassroots movement. We have struggled over land, we have struggled over minimum wages, but we found that whenever we went to the government, we

could not get our rights. Every time we said something to them, they would say, 'but our records don't say this'. So poor people whom we dismissed as those who do not know anything because they are not literate, we tend to dismiss them as people who do not have knowledge, do not understand, do not have common sense, but I believe that in the last 40 years of my life, almost that I have spent in rural India, they have been my gurus, they have taught me common sense, they have taught me how to deal with critical issues, they have taught me the value of mobilising, they have taught me the value of sharing, they have taught me the value of political action. They have also kept me in control because they have never let me go away with bizarre or what might be the best. When they know that they cannot proceed further, they say, 'here, stop, that's the end. Now we can't do anything more, we'll wait'; they have taught me patience in politics. So I really do think that these people define the right to information in central Rajasthan, poor peasants and workers who we will see in the film. So MKSS defined the struggle and in this struggle.

As soon as we understood we needed a legislation, it became a campaign, which is called the National Campaign for People's Right to Information, which was born in 1996, and in many of those meetings, Kanak ji also came and participated. He was there in a big convention we held in a small town called Beawar on right to information, and then the campaign gave birth to a movement and the campaign formulated the legislation. So in a sense, it is a what a dialectic between people at the grassroots and people who are especially endowed with professional skills to make laws and legislations. It was the journalists of India who joined, across the board 400 organisations in 1996 had joined up with the right to information campaign, so it was an Indian campaign. It was a campaign which was democratic because it contained plural membership, but the energy for the campaign always came from the struggles of the very poor, who kept the pressure on the government, kept the pressure from the street fights that we were always involved from the struggle in the streets, so that it became a dialectic between government and us.

My background is a little skewed. I, as you can see from the English I am speaking, come from an elitist background in India. I went to an English-medium school, which in itself explains many things in India. I also went to university in Delhi, and from then I joined the Indian civil service, which is called the Indian Administrative Service (IAS), and I worked for seven years, and then I resigned from the Indian civil service and went and have lived in rural Rajasthan ever since. So in a sense, I have known how the bureaucracy can strangle in India and how political action can stop things from proceeding onwards, and I have seen changes of political parties, but nevertheless the governance issues do not change, and what right to information recognised was that despite all the political ideology, governance is an issues, which is somewhat separate and that it was this involvement, which has led a whole spate of rights-based laws to be enacted in our country now.

There has been the right to work through National Rural Employment Guarantee Act (NREGA); there is the right to food bill, which is on the anvils; there are the right to health issues, right to education issues, and several others because we feel if the government does not deliver that people have the legitimacy to claim those rights through direct action. The question is who defines democratic culture. Do I define democratic culture because I know English and I can access any record or anything on the internet, or is democracy or democratic culture defined by people, my friends, you will see on the screen, or is democratic culture a collective action where many of us sit

and accept dissent, differences and sometimes even huge arguments that continue for years but nevertheless accept that democracy to run has to take the voices of everyone into consideration?

So actually, it forced us the right to information to look at democracy as two things: as the arbitrary use of power and as corruption, which impact ordinary people and ordinary include literate people, includes feminists, it includes people in the bureaucracy, includes politicians, it includes everybody, and today just to give you in one line from the politicians, from journalists, from bureaucrats to the poor peasant to women, to doctors, to lawyers, everyone uses the right to information. It is largely used in my country because it is one tool by which you can break the nexus and demand that you get credible information.

I will tell you a little story because I come from a culture now where we tell stories and it must be true in Nepal as well. If you go to a village and you sit with very intelligent people, they do not tell you directly what you should or should not be doing; they tell you a story. So I must tell you a little story and after which you will see the film: you will see Sushila in the film. I remember, in 1996, we had gone to Delhi, and we had gone to the National Campaign for People's Right to Information (NCPRI); there was a big seminar, a big convention. There were discussions and there was, as usual in India, a press conference, and in that press conference, sitting with us was Mr VP Singh who used to be the prime minister of India. There was George Fernandez, then not-so-a-important part of the NDA; he was just a politician at that time, and there were other politicians. There were activists; there were journalists: there was Kuldip Nayar, there was Nikil Chakravarty, there was Ajit Bhattacharjee, there was Prabhash Joshi; and from rural Rajasthan, there were four people.

And one journalist turned to Sushila and said, 'What're you doing here? You know nothing, you're just..... how literate are you?' So she stood straight and she said, 'I've been to the fourth class'. So he said, 'What can fourth class do? This is a very serious academic issue. Right to information is not something for the poor'. So she was that surprised, felt she had struggled for it and she had brought it to Delhi, which no one else and what does this journalist mean by asking this question. So she answered him by saying, she said to him in simple Hindi, she said to him, 'If I send my son with 10 rupees to the marketplace and he comes back, I ask for accounts'. She said, 'The government spends billions of rupees in my name, shouldn't I ask for accounts?'. So she said, 'It's our money, our accounts'. It became a huge slogan in all the 17 Indian languages: *hamara paisa, hamara hisab*, so it is my money, so it is my accounts. It is such simple logic; so she cut through all the pseudo-arguments that we can build against right to information when she simply said that for governance, for delivery, for life, for livelihood. I am not asking you about what you spend in your home, on your child's marriage, or whatever else. This is public money, so public money has to be spent with public accountability.

Having said that, I would like you to see the film. Then Nikhil will come back and I will come back again, and because we are a collective, we always share this stage with at least one if not more people, so please bear with both our voices going here and there for a moment. So can we see the film now?

(Documentary on the right to information movement in India screened)

Nikhil Dey:

This film was made about 10 years ago. It is 15 minutes long.

It is the energy that ordinary people bring to these struggles because I do not think the songs, for instances, are the end. It could never have come out of anything except the people's movement. You cannot have the best kind of advertising campaign in the world that so clearly, so powerfully, brings home the message of what exactly it is that people want and it is not the message that Aruna and I bring; it is a message of ordinary people in their struggles who bring out the essence of what these issues are.

I will speak a little bit briefly of some more of people's perspectives, but just to begin by telling you that Aruna and I really have been privileged to be a part of a people's movement, that extraordinary courage have been shown by people. What you see there (on the screen) is actually the outside of our home, which is a mud hut in Devdungri, and inside that wall are two little huts where this movement was conceived of in the middle of that. And so it is not that you need huge amounts of money or it is not that you need to be elaborate. That is our home and that is where this whole struggle began, and of course it has now spread to many many such homes all across the country and now also in urban India, and all kinds of people are using the right to information, but we have been privileged to see something through, twenty years ago to now where it has become a national law. That is Sushila whose story Aruna told you about....there are too many slides. We wanted you to have these images also because that could give you an idea of where something that has become very powerful national legislation, which is shaking up every centre of power in India and very powerful power in the world actually as Kanak said. But it started from very small beginnings and it has happened because of what we would consider ordinary disempowered people actually sustained themselves.

People who are in this hall most of them I recognise many. We speak in many similar places like this in India, and I think we are very cynical, our class; we say nothing can happen, *kuch bhi nai ho sakta ye system me!* And these are people who are far far less empowered, they have to work to get their next meal, and yet they have given days on end, and we have seen through what began as a local small struggle, which grew into a national campaign because people realised until you actually got a national law for right to information, you could not access the records. The first set of public hearings you will see there were done with us informally accessing records, and as soon as we put them in the public domain, there was a transformation, but what happened was everyone clamped down, and people realised you have to keep fighting and fighting for years to get access and you had a series of laws.

We first had the change in our local government laws in Rajasthan in late 1990s. Then we had a state law in many states, in the state of Tamil Nadu, in Rajasthan, in Goa, and then we had improvements on these state laws, and then we had national law, but right all along we were using right to information in the ways and means, which began to demonstrate to people how important it was to break up these concentrations of power and empower people actually because in asking a question and demanding an answer was the heart of governance and power. The person who was asking the question then felt the power of being a sovereign, and the person at the other end who

had been a sahib, the BDO (Block Development Officer) sahib, the *tehsildar* sahib, the officer sahib, they had to answer, and with that change of relationship, instead of someone else being the one dispensing power, actually people began to feel it.

So we grew from a localised struggle to a national campaign, and then as the laws began to come about, this certainly has been an example. It is not that we think laws can change everything. These are laws that have brought about a certain amount of change, and they brought about change because they have grown with struggle. Just a law on its own would have been lost in the legal books; India has a million good laws, not a million but several hundred good laws, and you do not really see them in effect at all. This is one law that has caught on all across.

Today actually Kanak used a word which is very beautiful, 'capillarisation'; I have heard a different word being used, which I do not like as much, which is something 'going viral', but I think 'capillarisation' is a much better term, which is that it really has reached down. Even today, it is not that every Indian knows that what the right to information is, but in hundreds and thousands of villages, at least one or two people know. And as a result of that, people may not call it right to information but they are using 'RTI *dalo*'; put in an RTI application has become a sort of become a threat; it has become a means to get all kinds of things done.

How did this come about? I will just go through the theoretical pinnings of the struggle and how they connect with democracy through slogans, just three slogans. Aruna gave you the first one, which Sushila so beautifully put in front of everyone: *hamara paisa, hamara hisab*. But when we first went to that area, people used to say that this is government money, let it burn (*balne do*). Then when they realised they were not getting their wage, they started saying this is my money which is in those public works and I am not getting it, our money. When everyone realised it was a much larger collective, and that slogan emerged, our money, our accounts.

But then another slogan came out little later, which was: *ye paise hamare apke, nai kisi ke bapke*; this money is yours and mine, nobody's feudal property. And that showed the transformation that it was not just a question of accounts but also for accountability: where will that money be spent? Will it be spent on a road to MLA's house or the MP's house, or will it be spent on a road to the Dalit *basti*? Will it be spent on a park, or will it be spent on a school? Those are the kinds of questions that also began to come about.

And then gradually an idea of democratic government, *ye sarkar hamari apke, nai kisi ke bapke, ye Panchayat hamare apka, nai kisi ka bapka, ye desh hamara apka, nai kisi ke bapka*; this Panchayat is yours and mine, nobody else's, this government is yours and mine, nobody else's, this country is yours and mine, nobody's feudal fiefdom.

In the essence of those slogans come about this transformation of people's understanding: when you are first asking for accounts, then for accountability, and then actually in radical Indian politics, this idea of you have to overthrow the state, and only then can you bring about a change, and a revolution was this idea that actually in democracy if every single act of government is held to account and if you can participate in every single act of government, then that is the real radical transformation because every moment and every decision is part of revolutionary change. So that

ownership you may not have it, but that ownership over it was a very very powerful idea, and therefore, this government is yours and mine, nobody else's to hold, and to manipulate and to use in whichever way they want, this country is yours and mine, nobody else's to manipulate where you want.

For us also, we had a lot of people very critical of us first. What is this right to information? You should be fighting for land, minimum wages, which we were fighting for; you should be fighting for housing and food, which we were fighting for. But actually people got to the nerve centre that if you want land, if you want wages, if you want equality, if you want redistribution of land, of opportunity, you have to hit the nerve centres of power in a democracy. And therefore, it was the redistribution of power that was the essential message that they got through right to information.

So we have seen a version of where right to information is reordering the way the state works. We believe the state has certain roles. The MKSS has all along held that the privatisation of the state and the terms of its responsibilities to education, to health, to employment, and I will talk about the NREGA later, those are there. So we want the state but we want a strong and accountable state. We do not want the privatisation of the state, we want a state that will be accountable at every minute to people and actually even more. So now I will just talk briefly about two things: out of the right to information in those early struggles also emerged the demand for employment because we were in a drought-prone area in our state, Rajasthan, which has more years of drought than normal rainfall, and in those same public works because when people had access to nothing when rain did not come, they did not want to beg, they wanted work.

So one of the early slogans again of the National Rural Employment Guarantee Act (NREGA) was, *har hatko kam mile, kam ka pura dam mile*, every hand wants work, work wants its just reward. So out of that emerged those same kinds of that same trajectory and that same set of slogans of work for everyone, and we go in 2000, I will not go through that same long story because it is very long, but unimaginable in some ways. At the time when economic liberalisation and neoliberal globalisation was sweeping the world, at that time, India passed the National Rural Employment Guarantee Act (NREGA), which in one line guarantees that, 'any rural Indian citizen can demand work within five kilometres of their home. They must be given work at minimum wages at not less than Rs 100, 100 days, they must be given 100 days a year at minimum wage'. Now minimum wage is much higher than Rs 100, and if they do not get work within 15 days, they will be entitled to an unemployment allowance. The conception of that kind at that point in time in the world was not possible, was not thought of. Today there are probably five and half crores, I do not know what that is in millions and billions, but five and half crores households that access NREGA every year. There is a \$10 billion budget, which is a budget that if there is a greater demand, that budget will have to go up. It is the only item in the Indian budget that is open-ended because it is demand-based; as many people who ask for work will get work and have to get work as per the law.

It is one of the most powerful platforms for poor people to mobilise, and to us the laws are more important for their mobilisation capacity, for people being able to access, for people being able to ask questions than anything else. And therefore, the NREGA, I will just talk one last bit about its one of the important aspect where it connects with the right to information. The big criticism of NREGA and all over by all the economists was all the money will go down the drain: India is full of

corruption; we have seen in it in the field, we ourselves expose it all the time. It is true it was a very big threat. Will that money really reach the people?

Out of this *hamara paisa, hamara hisab*, out of those public hearings which you saw there have emerged another statutory provision, which is the people's right to audit. No government servant, no bureaucrat will properly audit; they actually want to pocket the money. The people for whom it is meant will audit, and therefore in a democratic audit, audit actually comes from the Greek word, to hear, *audire*, to hear, people should hear what it is meant to do, what the programme is meant to do, and we will say, *ha huwa ya nai huwa*, yes, it happened or it did not happen. So public audits and social audit has become a part; it is a part of the NREGA law that whatever is spent in six months must be read out in an assembly like the public hearing. People will say how much happened or did not happen, people will testify, and on the basis of that legal action must be taken; and in the state of Andhra Pradesh, this has become part of the legal structure. So in the state of Andhra Pradesh, the only state that has done it well, you have a IRs 125 crores of fraud that have been identified in social audits, 30 crores of rupees have been recovered in various small public hearings from IRs 10 to 100 to 1000 to 100000 at a time. About 7500 officials have been removed from their jobs; 800 FIRs (First Information Reports) have been filed, and there are departmental inquiries against god knows how many people; so NREGA has become not a platform of corruption but a platform for fighting corruption because people who learn to do, who are doing a social audit on NREGA, then ask of the school, then ask of their *panchayat*, then ask of the hospital, the same sets of questions based on information and accountability.

That brings me to my very last bit, which is that right to information brought a whole lot of questions out. It is estimated that there are probably about two-crore applications in a year, that is what Shailesh Gandhi, one of the information commissioners, has estimated. And you will not believe the kind of story around each one of those questions. The Supreme Court of India has been shaken because the judges have had to answer what their assets are. They refused to do it. They went and appealed; the Supreme Court of India went and appealed against the Information Commission of India, lost its appeal in the High Court in a single bench, went and appealed against that, lost its appeal in the High Court double bench, and it was held to be a constitutional right, has now appealed to itself against the decision of the double bench of the High Court. The prime minister's office everyday receives applications under RTI. The military, every single arm of powerful government and the private sector through government are being accessed through right to information as well as the small persons who we think are small but very powerful for poor people, their local officers and who they have to confront.

But in the last year and half in India, 15 RTI users or activists have been killed. It is also an indication of how much it is shaking up the centres of power, and it is indication of how powerful it is as an issue. So we have started coming up and many thousands of people are saying, 'yes, under RTI, I can prove all the corruption that has taken place', like we showed in the film. But no action is being taken. So the question that is where this whole *lokpal* (ombudsman) issue blew up in India, which you all must have heard so much about, where we have taken a very different kind of position than the NCPRI, which was from transparency to accountability.

We agreed with the whole amount of corruption, but our big fear in that *lokpal* debate was that it was a first powerful people's movement that we know of that was actually demanding a very powerful institution of the state as the solution; instead of people as a solution, it was empowering a very powerful police agency. So we did not think all the power should reside in a police agency. We thought and, therefore, we had a different solution that said you should have a separate national judicial commission, a separate *lokpal* for the higher bureaucracy, a separate institution that could deal with lower-level corruption, and this I will talk about in one line again, a separate thing that could deal with everyday issues of people's rights and entitlements which was the Grievance Redress Bill. That Bill has now come to parliament. I am bringing it before you that we think if that Bill is passed, it will be another path-breaking legislation across the world. What it basically says in one line again is that any citizen who has any complaint of any kind, legitimate or illegitimate, can file a complaint, and there will be a place close where that complaint will be taken, registered, and date of receipt given. One month is given to the department concerned to sort out the complaint at a supervisory level. If they do not sort it out within one month, there will be an appellate authority independent of public authority at the district level that has the right to penalise and compensate if that complaint has not been dealt with. I have a right within one month to get a speaking order, an answer that has considered my complaint, has looked at what the provisions of the law are, and given me my relief including compensation, but if I am not entitled to it, given me a written order saying, 'you are not entitled to it for the following reasons...'. If that is not done within one month, that district-level body has the power to penalise and compensate.

Again, we do not think that the law will do everything, but we think if the right to information has opened a million possibilities of questions, that will perhaps open a billion possibilities of people confronting power at various areas, to hold power to account.

Aruna Roy:

What Nikhil ended with was that people can make policy, but people can make policy only if they accept that there is dialectic between people, who want certain things done and move systems including the parliament to take action. So what are we talking about? He raised the issue of distribution of power, and this is a new discourse, and I think this discourse must be taken much further. We have just started understanding that if we ask for distribution of land, we get land and we end there; we ask for right to go to school, we go to school and we end there. But they are legislations and laws, which make you part of the democratic process of decision-making, and that is why they are so important no matter what policy it is. Today in India, I do not agree with our nuclear policy; no one asks me, there is no need to ask me whether I agree with the policy; we did not want the Government of India to open its small little shops to foreign interference, but it does not ask us. It takes our vote, that vote which should speak for five years gets completely silent or is really gagged for five years. I cannot ask any questions; I am only used to cast the vote and then they want me out of their vision. In a democracy, that vote must speak, not for itself but for what our constitutional rights and for the larger good, and that is where I think the distribution of power through these interactions and dialogues is very important.

I also feel sometimes I will get a headache because to go through all these issues is very tiring. That is why you need multiple groups; you need several groups to look at specific issues. I might be very

good on peasants' and workers' issues; I might know something about women's issues, but I certainly do not know about trade issues, I do not know about the genetic modification of seeds, I do not know what happens there. They are all issues on which India's entire political profile can be changed, so therefore, we need multiple groups; so it forces me to accept the plurality of democratic existence.

It has also introduced the culture of questioning. In all South Asian societies, we cannot question, we cannot question our elders, we cannot question in class, we cannot question in public, women cannot question, in most places we cannot open our voices, so we need to get into the culture of questioning, so that is why we are now on to another issue, which is again another piece of legislation but in which we say that no matter what bill goes into parliament, it must be open for review by people before it becomes a law, and that is going to be resisted but we are going to fight it because at the moment in the Indian parliament there are 61 or maybe more laws in various stages. I do not even know what those 61 laws are and many of them are going to change my entire life because once it becomes a law, then to change a law is that much more difficult. So I must know what laws are being planned, so it is really beyond individual groups, it must be an inclusive system in any democracy, and it must be placed in a system.

Finally, there must be space to dissent; all of us who dissent feel we can dissent, but no one else must dissent. Recently in India, we have had great public arguments. Is a second voice on corruption splitting civil society? Is civil society one? If you take everyone who is not in government or in the armed forces or any kind of government job outside, part of civil society, we have different ideologies, you are placed in different groups, our constituencies are different, I work for the poor, I will speak for the Dalits, for the poor, the women, the minorities; somebody works with the rich, he will speak about millionaires and billionaires and trade contracts and how India can grow more than 8.5 percent. So how are we one? We cannot be one. So that dissent will exist and will have a place in democratic societies, and that is why now there is a raging discussion which will become more and more volatile in the future in India as to whether we should have a parliamentary democracy or whether we need a presidential system, and all the poor people want a parliamentary democracy because they can catch hold of a representative where they are. In a presidential system, they cannot, but the elite want a presidential system because they can be influenced, and so-called efficiency is more visible. Now there again is going to be class conflict. But the point is that these are all issues on the anvil.

I will end by quoting a very favourite political philosopher, poet, writer, and leader of the left parties, the Communist Party of South Africa, whose quotation lingers in my mind, it has become like a mantra, and that is: what is democracy? Democracy is speaking truth to power, democracy is speaking to truth to power, making truth powerful and power truthful because ultimately if the truth wins, we hope that there will be greater solidarity, peace, social justice, and equality amongst us.

Thank you.