

Chapter 2: Jan Sunwai and the quest for transparency in Rajasthan

The information that cannot be denied to a member of parliament, cannot be denied to a citizen. *Right to Information Act, 2005*

2.1 Introduction

This chapter outlines the history of the jan sunwai in Rajasthan, the significance of people's participation, and the emergence of the movement for transparency. People's oral history narratives and archival data are used to narrate the history of the jan sunwai. The chapter highlights significant milestones achieved in the movement for transparency and the role of the jan sunwai in shaping the trajectory of the movement. These discussions lay the ground for the discussions on the dynamics of the jan sunwai and its institutionalisation in the later chapters of this dissertation. The centrality of dialogue and people's participation is underscored in these discussions.

The chapter is structured in the following manner. Section one traces the origin of the jan sunwai to the people's struggle for livelihood in drought struck Rajasthan. Section two characterises the jan sunwai, its format and the dynamics for deliberation. Sections three and four describe the purpose, progression and outcome of the first series of five jan sunwais between 1994-5. These sections demonstrate the efficacy of public hearings for sharing information from panchayat records – muster rolls, bill, vouchers, measurement books, and so on – with the people, thus making the state in its everyday functioning transparent to the people. Section five describes the purpose, progression and outcome of the second series of jan sunwais organised between 1997-2002. These hearings were larger in scale and established the potential of the jan sunwai in enabling the citizens to seek redressal of their grievances, participate in the governance of the village, control leakage of development funds and hold their elected representatives and public officers accountable for their actions. These hearings, thus, validated the need for institutionalising social audit based on the jan sunwai. The chapter concludes by

emphasising the centrality of people's participation in the success of the *jan sunwai* and the movement for transparency.

2.2 Concept, necessity and the origin of the *jan sunwai*

In the quest for transparency in Rajasthan, there arose the need for a forum for public consultation that facilitated a collective review of expenditure on welfare programmes. Such a forum was also to serve as a platform, where citizens demanded the redress of their grievances from their elected representatives and officers. The answer lay in an open, dialogical medium, called the *jan sunwai* (Jan = Public/people's, Sunwai = Hearing).

The first *jan sunwai* was organised in Kot Kirana on 02 December 1994 by the Mazdoor Kisan Shakti Sangthan, a collective of farmers and peasants.¹ The Kot Kirana *sunwai* was followed by four others in quick succession at Bhim, Vijayapura, Jawaja and Thana. The first series of five *jan sunwais* triggered the struggle for the right to information. Collectively, the people demanded access to public information, beginning with the newly established institutions of the *panchayati raj*. The *jan sunwais* also provided a rudimentary mechanism for social audit that was tested and perfected over the years.

Locating the exact origin of the *jan sunwai* was rather challenging because public hearings in the form of *jan manch*, *jan sabha* and *janta darbar* have been a regular feature of the Indian polity. The reference in this study is to the MKSS prototype of the *jan sunwai*. Mota Ram, an activist and resident of Vijayapura panchayat, recalled the events related to the *jan sunwai*:

¹ Prior to the *jan sunwai*, MKSS members organised a struggle for minimum wages at Dadi Rapat famine worksite, led a struggle for land rights against the local feudal lord in Sohargarh, and two hunger strikes for minimum wages in 1990 and 1991. For a description of these struggles, see Srinivasan (2011), Pande (2014) and Roy & MKSS Collective (2018). Issues of employment and minimum wages were central to the work of the MKSS. This also explains the overlap in the trajectory of the movement for transparency and the right to work, which was realised through the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA), 2005.

Around the 1990s, labour unions and organisations were formed in different places. Then they decided to conduct a public hearing to take the feedback on workers' problems. Means, such a provision was proposed. And it started from here. People were called, and video recording was done, and people spoke on the microphone also.²

Aruna Roy attributed the idea of the jan sunwai to the public hearings recommended under the Environmental Protection Act 1986 (Roy & MKSS Collective 2018, 97). The MKSS used this mode to share and verify information related to welfare programmes with the people. Earlier attempts by the MKSS at exposing corrupt officials were foiled because the people backtracked on their testimonies under social coercion. Caste politics also came into play, and the accused got away easily. MKSS realised the need for a systematic way for combating corruption and preventing leakage of funds, rather than tackling the issues of unpaid wages and illegal occupation of land on a case-by-case basis.

Narayan Singh, one of the founding members of the MKSS, narrated the history of the jan sunwai thus:

Initially, we struggled for minimum wages. We asked why we weren't paid full wages. We looked at the wage records and found that there were twenty names in the muster rolls, even though only ten people had worked on the site. This was a clear case of fake entries. We understood that there were discrepancies in the recordkeeping. We informed the administration about the false entries. The administration conducted an enquiry and paid off the arrears. Similarly, another enquiry was conducted. The third time, the officer refused. He thought that we should be stopped in what we were doing. He refused to conduct any enquiry or disclose information because this was a never-ending process.

When the officers refused to conduct enquiries, we had no other way to inform the people about what was happening. People did not know what was being written in the records. Therefore, it was felt that everybody should be called, and things must be discussed in front of everybody, including the public officers. If the officers did not come, people would assume they were guilty of corruption because they did not want to face people and were trying to shun their responsibility. Then we announced about the jan sunwai in the entire village and people started discussing the event. We thought it was magical, the excitement around the event. The news started spreading, and people would come and talk about what they knew. The local administration was a little scared, and those who had indulged in corruption became alert. We felt that the jan sunwai was a good medium, just that we needed to fine-tune it further. Earlier, people would come and tell us

² Interview with Motaram, 26 April 2017, Vijayapura, Rajsamand.

about their grievances or corruption in public works. We felt that people unattached to us should also participate and listen to everybody so that there were objectivity and neutrality.³

At the *jan sunwai*, information about public welfare programmes was shared, panchayat records were socially audited, and people testified individually or collectively against the corruption in development plans at the local level. This was unprecedented in the villages of Rajasthan, where people were not entitled to look at the government records or seek clarifications from the public servants. It was “for the first time perhaps that the people conferred simultaneously with their elected representatives and the bureaucrats on matters related to expenditure on public works as well as the delay in the payment of wages” (Agrawal and Nair 2018, 3). Not only were the official records made transparent, the people’s testimonies too revealed the information that was locked up within the government records and guarded by the government officers as well as the Official Secrets Act 1923.

The *jan sunwai* corrected the perceived defects of the panchayati raj system in engaging citizens in the development processes (Mishra 2003, 15). While the panchayats were created for decentralising power to the grassroots, these functioned as the administrative wings of the union and state governments. They had limited power and were only responsible for implementing the welfare schemes designed by the ministries. The gram sabha (village council) mandated under the panchayati raj act intended to co-opt the people into the political process. However, the people’s ability to participate freely was hampered by social hierarchies and subtle threats posed by influential local groups. The linear flow of information and authority from the centre through the states to the panchayats put the gram sabha at the bottom of the political. This meant people could only plead, listen, and receive.

The powers of the panchayat were concentrated with the sarpanch, rather than the gram sabha. This often led to an abuse of power as the sarpanch may choose not to heed the advice of the gram sabha and act on her/his whims. Moreover, the

³ Interview with Narayan Singh, 19 April 2017, Devdungari, Rajsamand.

sarpanch, once elected, was only accountable to the block development officer (BDO) and the district collector, who had the authority to sanction and release funds to different panchayats based on the proposals taken in the gram sabha. In addition to the sarpanch, the panchayat secretary and other functionaries such as the teachers, aanganwadi workers, junior engineers and assistant engineers too were not accountable to the people of the village.

The people could do nothing if they were denied wages, employment, food and essential supplies, medical assistance and education opportunities. They were clueless about where they should go with their problems and seek resolution. The SDM, the BDO and the gram sewak (panchayat secretary) were inaccessible to the rural poor. Their offices were located miles away in the block or the district headquarters. People could not meet them because the peon would not let them in or would just show them the door saying the officer was not there. It was to protest against such political apathy and such denials of the right to livelihood that the jan sunwais were organised.

2.3 Characteristics of the jan sunwai

Although a jan sunwai means a public hearing, *sunwai* traditionally meant a hearing in a court, before those in authority. However, in the present context, *sunwai* arguably implied an assurance “to be heard.” It was a forum where people were assured that their complaints about unemployment and wages would be heard. They expected to know when they will receive their wages, rather than a cursory response, “come tomorrow”.

A literal translation of the word jan sunwai into English as *public hearing* may not comprehensively represent the meaning of this forum. However, it serves the purpose in so far as it conveys the framework – an open forum, where people engage in question-answer sessions with public officers. It is a predominantly an oral medium, where literacy is neither a prerequisite nor a barrier to participation. The business of the forum is conducted in the local, vernacular medium and “in a

comfortable idiom of conversation and exchange” to elicit unhindered understanding and participation. At the same time, it maintained the seriousness of a courtroom. As Vijay Nagaraj wrote:

the open but disciplined nature of the proceedings, the presiding, independent panel of experts, the ordered and systematic presentation of the evidence on record, the testimonies and, most importantly, the preparation and build-up all give the public hearings a procedural integrity that is crucial to their credibility.” (Nagaraj 2008, 322)

The most important aspect of the jan sunwai was the presence of the people along with the public officers, elected representatives and an independent panel representing the civil society. These hearings were informally organised, unlike the official, statutorily recognised village assemblies (or gram sabhas). According to Mota Ram, the jan sunwai was organised in his village panchayat before the gram sabha became popular.⁴ It was a rare instance, when the official land records were made accessible to the people, who then exposed the fraud in the auction of village commons. Describing the jan sunwai, he said:

At a jan sunwai, the officers from all the departments sat together. The people come there and tell everyone present of the problems they have been facing for a long time. They ask the administration, and the administration responds that ‘okay, there was a delay. However, we will get your work done.’ Grievances across different departments are expressed, such as those related to electricity, ration, land, health, and so on.⁵

A chance to express grievances was the primary motivation for the people to organise and participate at the jan sunwai. The women participated in large numbers as they were the prime beneficiaries of the government’s welfare programmes. They wanted to know when they will be paid their dues, or when will they get their supplies under the public distribution system. A long time MKSS member Norti Bai explained the pattern of participation:

⁴ Chronologically, the jan sunwai preceded the gram sabha in the Vijayapura panchayat. The jan sunwai was held on 17 December 1994, while the gram sabha mandated under the Rajasthan Panchayati Raj Act 1994 were held much later after the elections to the local government in 1995.

⁵ Interview with Motaram, 26 April 2017, Vijayapura panchayat, Rajsamand.

At the jan sunwai, they spoke on the microphone, “I have worked for five fortnights, I have still not received my payment.” “I did not get paid under Indira Awaas” or “I did not go for work; they wrote my name falsely.”⁶

Balu Lal, a member of the MKSS, described the procedure of audit at the jan sunwai:

Someone, for example, Nikhil, read from the records that such and such structure was built, so much cement worth this much money was used, and these were the people who had worked at the construction site. Then, he asked the people if this information was correct. Then people in the audience who have worked at the construction site verified the information.⁷

The people’s testimonies were corroborated with the official information, initially “obtained from sympathetic bureaucrats, or by putting pressure on those who were less forthcoming” (Jenkins and Goetz 1999, 604). Huge gaps in expenditure pointed towards large-scale corruption, thus transforming the jan sunwai into a forum for public accountability.

Another major characteristic of the jan sunwai was the participation of the local community. To be effective, it must be organised by people. In the days, prior to the institutionalisation of social audit, people wrote to the members of MKSS for conducting a public hearing. On their part, the MKSS members emphasised that the initiative had to come from within the community. The village residents were part of all the activities associated with the jan sunwai, such as requesting information from panchayats, collating and verifying information, mobilising the people, and raising funds for conducting the hearing. Community ownership, initiative and participation were crucial for maintaining the legitimacy of the jan sunwai. The corrupt persons often used the “outsider” argument to deter activists from participating. They claimed that the members of the MKSS were trying to spread chaos and should not be allowed to interfere in the “private” matters of the panchayat.

⁶ Interview with Nortu Bai, 15 Dec 2015, Abu Road.

⁷ Interview with Balu Lal, 24 February 2016, Thana panchayat, Bhilwara.

Yet another significant attribute of the jan sunwai is the participation by the members of civil society for maintaining the independent nature of these hearings. A panchayat cannot audit itself. The first tenet of any audit is that it has to be done objectively in the presence of an independent authority. Constitutionally, the panchayat audit is performed by the Local Fund Audit. Similarly, the office of the ombudsman was tasked with redressing the citizen's grievance. In case of social audit at the jan sunwai, the people and the civil society activists verified the development details and the government officers responded to those. This reduced the possibility of co-option of the jan sunwai by the government functionaries. Participation by civil society ensured that people could speak freely, and dominant groups could not obstruct the proceedings.

The presence of an independent panel of observers (professors, journalists, lawyers, activists, theatre artists) helped in dismantling the structures of secrecy and exploitation, even if momentarily. The said structures were constantly upholstered by a lack of transparency in public affairs and a lack of accountability of public servants to the people. It was difficult to evade accountability at the jan sunwai, as all the stakeholders in the development programmes, were present.

The workers at public worksites and the targeted households under welfare schemes were often those battling extreme poverty. They were the primary participants and the audience at the jan sunwai. These marginalised sections of the society – the landless peasants, workers, women and dalits – were denied a voice in the gram sabha through social coercion by the dominant local groups. The organisers of the jan sunwai took measures to ensure that people's right to equality and freedom of speech was translated from paper into practice. Everyone participated in deliberations and spoke-up openly, without fear of coercion.

The jan sunwai was not an impromptu assembly, but an organised event. It was announced at least a week in advance. People were encouraged to attend the hearing and participate in the development of their village by combating corruption. They were invited to participate in the public debate on development. The jan sunwai

was conceived as a form of systematic dialogue that covered the entire range of rural welfare programmes and service delivery. This was a more integrated approach to protest instead of isolated struggles for land, food and wages. Through the jan sunwai, people were able to untangle the heaving-line loop of liaisons and see the “links between the check dam and the debate over state allocations, the planning process and the implementation machinery” (Roy and Dey 2001, 5).

2.4 The first series of jan sunwai (1994-95)

This section sketches a brief history of the first series of five jan sunwais between 1994-95. It outlines the aim of the jan sunwai, the role of people and the collectives, the challenges faced in accessing information and organising the hearings and the centrality of people’s participation in the jan sunwai. The first series of the jan sunwais impressed upon the necessity of the right to information for enabling people to access public goods and services implemented through the local government.

2.4.1 Kot Kirana jan sunwai

The MKSS had organised its first jan sunwai on 2nd December 1994 in Kot Kirana, Pali district. It was significant because it was the first attempt by the people at the grassroots to conduct an evidence-based review of public expenditure. The arid and semi-arid regions of Rajasthan often experienced long spells of drought. The government-initiated famine relief works to provide employment to the people and for creating rural infrastructure. This included the construction of tanks, roads, canals, bunds, and wells. The workers were entitled to a minimum wage, which at that time (in the early 1990s) was Rs. 11. However, the workers were paid as low as Rs. 4 or even Rs. 2. Similarly, the government introduced the Food for Work programmes, where people received food grains in lieu of wages. However, they seldom received the promised quantities. The people did not know the reason for delay or non-payment of wages and continued to be afflicted with famine and poverty. The wage records, known as the muster rolls, were fervently guarded by the “mates” and supervisors at the worksites.

A “peep” into the wage records maintained by the panchayat clarified the picture: ghost entries were made in wage columns, people were paid less to balance the accounts, and the local officials and sarpanch pocketed the difference. This was the story in case of other development works as well. There was a leakage of funds, and the jan sunwai revealed that before the community. People readily shared what they knew about the incomplete *patwar ghar* (revenue office), which was certified as completed by the panchayat. The bits and pieces of information together revealed not only how money was being siphoned off but also who was doing it. The people shared what they knew, but they were deterred from participation.

Prior to the jan sunwai, an inquiry by the block development officer had indicted the junior engineer and the gram sewak of Kot Kirana for corruption. First information reports (FIR) were filed against them. However, the people who had testified backtracked on their statements under pressure from locally powerful people, “who used money and force to silence some of the people, who had provided evidence” (Mishra 2003, 9). *Jati panchayats* (caste assemblies) fined the culprits as impunity against legal action. A local politician too used his influence to derail the official enquiry.

As much as it was important to bring the corrupt to book, it was equally important to empower the people to speak up against corruption. In a linear process of complaint and punishment, establishing the truth was a challenge. The discursive nature of the jan sunwai helped in establishing the truth. The proceedings were recorded on camera to prevent misrepresentation of the nature of the hearing.

Four other jan sunwais in four panchayats of three different districts were organised in rapid succession as part of a campaign against corruption. One after the other, cases of fraud were uncovered that amounted to lakhs of rupees and covered development programmes implemented through the local government and government agencies.

2.4.2 Bhim jan sunwai

The second jan sunwai was organised on 07 December 1994 for auditing the development programmes completed in the preceding years in Bhim and Kaladeh panchayats of the Bhim panchayat samiti in Rajsamand district.⁸In addition to the cases of embezzlement in wages, the Bhim jan sunwai also publicised the fraud conducted through fake bills and purchase vouchers issued by a company that existed only on paper. The company was registered in the name of the family members of block officials and had committed a fraud of Rs. 36 lakhs in one financial year itself! (Mishra 2003, 14).

The collusion of block officials became apparent, and so did the significance of access to information and people's participation in governance. Who ought to hold the block officials accountable? In the chain of hierarchy, where does the supreme accountability lie? Earlier, an official enquiry was conducted into the operations of the fraudulent company and a FIR was registered against the company. These details were then discussed at the jan sunwai.

The jan sunwai also highlighted the irregularities in the allotment of houses under Indira Awaas Yojana – the government housing scheme. These houses were meant for poor households. However, the village elites cornered most of the houses. The poor persons testified to paying bribes to the panchayat officer for allotments and shared that they received only 20-30% of the sanctioned amount (1800 out of Rs 7800). Public works in Kaladeh panchayat were given on contract in contravention of the rules and many of the works were completed only on paper, similar to the pattern of corruption practised elsewhere.

A question arises: how were the panchayats chosen for conducting jan sunwai? The Kot Kirana and Bhim jan sunwais were conducted for inviting people

⁸ These projects included various schemes such as Jawahar Rozgar Yojana, Apna Gaon Apna Kaam, Tees Zila Tees Kaam, Untied Fund Schemes, Indira Awaas Yojana, Jeewan Dhara, Famine Relief Works and Training Rural Youth for Self-Employment.

to publicly verify the government information on panchayat works accessed with much difficulty. In both the cases, individuals had sought help from the MKSS members regarding the non-payment of wages on public works, who then lodged an official complaint. While the enquiry in Bhim was underway, the MKSS members fortuitously saw the bills in the name of Bhairo Nath & Sons, with registered office at Bhim bus stand. Village panchayats were small communities, where people knew each other. A quick scan throughout Bhim had revealed that such a company did not exist, and this was also discursively revealed at the jan sunwai. Similarly, in case of Vijaypura and Jawaja jan sunwais, people had approached the MKSS for assistance in resolving issues of corruption and non-payment of wages. However, the Thana jan sunwai marked a break from the tradition. It was organised with the help of newly elected sarpanch under the Rajasthan Panchayati Raj Act 1994.

2.4.3 Vijaypura jan sunwai

The jan sunwai in Vijaypura panchayat in Rajsamand on 17 December 1994 was organised to:

give a forum to ordinary people to express their opposition to the corruption that was taking place within the development agencies and local self-governing institutions of their area, and to elicit their understanding on the nature of development that ought to take place in their area.⁹

The aim of the jan sunwai was to conduct public verification of the illegal auction of community grazing lands.¹⁰ Kaluram, a resident of Vijaypura Panchayat and a member of MKSS recalled:

I was still studying at the time. There was a problem of fake registries of grazing grounds in village panchayat. A fake auction was shown in the records and the valuable village land was sold off to the outsiders. Nobody had any clue about it. We were alerted when some people came to set up the foundation of some structure on that

⁹ MKSS Papers, "Vijaypura Jan Sunwai," file 115, p. 5-10, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

¹⁰ Twenty-five years later, only a few people in Vijaypura remembered the 1994 jan sunwai. This is because over the years, multiple hearings around food security, old-age pension, land rights and as part of social audit under MNREGA have been organised in the village panchayats. The respondent referred to the first hearing as 'Patte waali Jan sunwai'. A *patta* is a plot of land sanctioned by the government.

land. A meeting was convened in the village, where we formed an informal youth organisation. We started protesting against the occupation of the grazing ground.

Then in 1990-91, we came to know about the formation of MKSS in Devdungari, and the May Fair in Bhim. We thought we might get some assistance for our struggle if we talk to this organisation. They talked about rights and social justice, and they might help us with getting the records and dealing with the administration. We came to Bhim, and met Aruna Roy, Nikhil Dey and others and discussed our issues. They said we would come to your village and see what the reality was, talk to people, and plan what to do about this issue. Then in 1994, the third jan sunwai was conducted in Vijayapura.¹¹

The fraud in the auction was exposed, and “not a single one of the 800 people had been to the so-called auction, although many of their signatures had been falsely affixed”. A FIR was lodged in the matter, and after a departmental enquiry, the allocation of plots was cancelled. A case related to harassment of aanganwadi workers that also came to light. The workers testified against the two female supervisors at the centre who extracted bribes and misappropriated the nutrition supplies under the UNICEF sponsored Integrated Child Development Services programme. People also informed about the “mismanagement and misuse of employment programme funds for the period 1992-94 in Vijayapura and Kamlighat panchayats.”¹²

With this jan sunwai, Kaluram became a member of the MKSS and has been a part of numerous public hearings and social audit exercises. He recalled the effects of the first jan sunwai in his village:

[It] gave a lot of strength to the people to speak up, to fight, to talk, to be heard. Dalits have always been fighting for their rights, but this time they had the strength of the MKSS. They started going to gram sabha, and asking questions, and seeking information from panchayat.¹³

¹¹ Interview with Kaluram, 24 Dec 2015, School for Democracy, Badi Ka Badiya, Bhilwara.

¹² MKSS Papers, “Vijayapura Jan Sunwai,” file 115, p. 5-10, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

¹³ Interview with Kaluram, 24 Dec 2015, School for Democracy, Badi Ka Badiya, Bhilwara.

2.4.4 Jawaja jan sunwai

The fourth jan sunwai in Jawaja in Ajmer district was organised on 07 January 1995. Kesar Singh had requested the help of MKSS members in recovering Rs. 16000 owed to him by the sarpanch and her husband for supplying materials on panchayat works. He filed an application for copies of bills from the panchayat.

However, before the jan sunwai, the gram sewak in different panchayats in the region protested against the “wave” of public hearings. They refused to provide copies of the panchayat registers related to public works to the MKSS, despite the orders of the district collector, Ajmer. They contended that they would submit the panchayat records only for the government-sponsored audit. They also staged a dharna in front of the district collector’s office in Ajmer on 02 January 1995. Caught between the people’s requests and the pressure by gram sewak association, the district collector referred the matter to the state government. At the same time, the Rajasthan-wide association of gram sewaks met the Development Commissioner of Rajasthan to express their disapproval against being asked to share panchayat records at the jan sunwai.

Despite the unavailability of records, the jan sunwai proceeded on the basis of information shared and verified by the people. Large-scale embezzlement in public works was revealed. Later, during the official enquiry by the Sub-divisional Magistrate, many sarpanchs from the nearby village panchayat offices had gathered to dissuade the people from testifying. They even justified their corrupt actions because they had to spend a lot of money during the election. How else were they going to recover the money? Moreover, how can the people punish their own caste-members? They said that the MKSS members were outsiders and would disrupt the harmony of the community. Despite these arguments, the people continued to testify. Eventually, no action was taken. However, a day or two after the hearing, many people received the money owed to them by the gram sewak.

Kesar Singh too was repeatedly coerced into withdrawing his complaint. The members of the panchayat samiti offered him 1.5 times the original amount. Later, a jati panchayat (caste assembly) was convened to oust him from the community. There too, it was argued that the sarpanch and others were his brethren, and how could he harm them. To which, Kesar Singh responded that while usurping my money, the sarpanch did not consider me as her brethren, and “this is not a question of the community but of ethics” (Roy 2018, 109).

Caste assemblies posed challenges in conducting the jan sunwais throughout the campaign. These were used as instruments of social control, where people were punished for alleged transgressions, often bypassing the legal code. However, with the coming of the jan sunwai, caste assemblies were organised to grant impunity to culprits by imposing a nominal fine. In contrast to a caste assembly, the jan sunwai did not try and punish anybody. It was a dialogical forum where people expressed their grievances and officials chose to explain their actions. Its outcomes were not predetermined, and all the activities were carried out in accordance with the law.

Four months later, on 05 April 1995, the chief minister of Rajasthan, Bhairon Singh Shekhawat announced the government’s decision to deliberate on the right to information in panchayats. This provision would enable people to request photocopies of documents detailing development works carried out between 1990 and 1995 from the panchayat. They could inspect the records and report any irregularities. The government agencies would then enquire into the irregularities.¹⁴ The chief minister’s announcement was published by *Dainik Navjyoti*, a regional newspaper that regularly covered the jan sunwai.

The next jan sunwai was organised in Thana panchayat in Bhilwara district, when new panchayats were formed after the first round of elections under the Rajasthan Panchayati Raj Act 1994. This jan sunwai was organised with a renewed

¹⁴ See “*Safar soochna ke adbhikar ka*” in *Diamond India*, Special Edition, June-July 2005, p. 41.

vigour against the backdrop of the chief minister's announcement and the formation of the first panchayats under the act.

2.4.5 Thana jan sunwai

The Thana jan sunwai that was held on 25 April 1995 witnessed active participation by the newly elected panchayat sarpanch, Ladu Singh. He was a member of the MKSS. In his interview, he said that this jan sunwai succeeded in bringing the administration and the people together on the same platform. The block development officer, panchayat secretary and junior engineer also attended the hearing. Ladu Singh recalled the procedural hurdles in accessing panchayat records. The panchayat secretary demanded the BDO's orders, who in turn asked for the orders by the district collector:

We received orders from the district collector. He promised to attend the hearing as well. However, a day before the hearing, he was asked by the higher authorities to skip the hearing. The block development officer, junior engineer and panchayat secretary were unaware of it and ended up attending the hearing, where the people asked the junior engineer and gram sewak specifically about the bribes they had taken from them for disbursing funds and wages under welfare programmes.¹⁵

The people insisted that the culprits return the money to the people to whom the money rightfully belonged. This popular demand for returning the money was also witnessed at later jan sunwais, which expanded the scope of the movement for transparency to include social audit and time-bound redressal of citizen's grievance.

Thus, the first series of the jan sunwai mobilised the demand for panchayat information. It demonstrated the significance of information in improving service delivery by combating corruption and controlling the leakage of funds. The setting up of panchayati raj under the 73rd Amendment as a key institution for the delivery of public services in the rural areas provided the initial framework for testing the implementation and outcome of a demand-driven right to information legislation. It can also be argued that the constitutional status of panchayati raj helped legitimise,

¹⁵ Interview with Ladu Singh, 25 Feb. 2016, School for Democracy, Badi Ka Badiya, Bhilwara.

in the eyes of the state, the demand for transparency in governance, beginning with the local government. Subsequently, the citizens' right to access information was first recognised at the panchayat level because the information was sought to improve the delivery of public services at the grassroots. This could also help in achieving the two key objectives of panchayati raj - people's access to public goods and their participation in the implementation of welfare programmes.

2.5 Beawar Dharna and the struggle for information within the Panchayati Raj system

The first series of the jan sunwai was followed by a 40-day dharna at Beawar that scaled up the demand for transparency with the formation of National Campaign for People's Right to Information in 1996. The inclusion of provisions for access to information and inspection of records in the Rajasthan Panchayati Raj Rules 1996 marked the watershed in the movement for transparency in Rajasthan. The struggle was later scaled into a nation-wide campaign for the right to information.

Between April and September 1995, the MKSS organised workshops and meetings with citizen groups for deliberating on the right to information and the path ahead. The first state-level convention on the right to information was held in Beawar on 25 September 1995 "that publicly marked the stepping up of the campaign to make the right to information a legal entitlement of the people" (Mishra 2003, 22). The activists began to petition the state to act on the chief minister's announcement to grant access to panchayat information. The MKSS organised the dharna in Beawar to press for the implementation of the order:

The groundwork [for the dharna] included a pad-yatra – a march from one village another talking about the jan sunwai and the need for a right to information. Months before the sit-in, MKSS activists had visited approximately 300 villages to inform the people of their plans and to make two requests: first, people spend four days at the dharna; and second, each house donates at least a kilo and a half of grain. (Roy and MKSS Collective 2018, 125)

The *Chang-gate* in the market square was chosen as the site for the *dharna*. It caught the attention of the passers-by, who stopped to listen to what was going-on,

collect the pamphlets, read the banners and know more about the movement. Over one and half months, residents from nearby villages in Rajasthan and lawyers, journalists, civil society organisations and human rights activists from other parts of the country attended the protest and lent their support to the movement.¹⁶ The protest was lifted on 16 May 1996, after the state government constituted the Arun Kumar Committee to “look at means for providing information to the people”. The committee submitted its report on 30 August 1996. However, the government refused to share the report.

It took a state-wide *yatra* and another 53-day dharna in Jaipur in May-June 1997, before the report was implemented. The protest ended with the government’s announcement that the right to inspect panchayat information and demand photocopies had already been granted under the Rajasthan Panchayati Raj Rules 1996. The rules were said to have been notified six months ago in December, “so what was the protest about?” The order was incorporated into the panchayati raj rules retrospectively (Roy and MKSS Collective 2018, 179). The campaigners conceded it a big victory because earlier, the rules had only allowed the people to inspect the records. The new order by the chief secretary M.L. Mehta allowed the people to demand photocopies.

The Panchayati Raj Rules 1996, section 321 – 326 recognised the people’s right to inspect panchayat records and registers and demand photocopies. It also directed the panchayat to display the information related to construction works, including the expenditure details. In 1997, N.C. Saxena, the then secretary of the Department of Rural Development, Ministry of Rural Areas and Employment,

¹⁶ The Beawar protest has been chronicled extensively in (Mishra 2003; Kidambi 2008; Srinivasan 2011; Pande 2014; Roy and MKSS Collective 2018).

Government of India had ordered the state governments to direct the panchayats to provide information to the village residents.¹⁷ In his order, he mentioned:

An important factor for the success of the Panchayati Raj System is the need for transparency in the functioning of these bodies. Panchayats being closer to the people, their right to information and accessibility to the Panchayats must be ensured. Particularly, all bills, muster rills, vouchers, estimates and measurement books also the criterion and procedure for selection of beneficiaries, and list of beneficiaries should not only be available for inspection, but photocopies of these relevant documents should be given on demand from a convenient place, such as block or tehsil office.¹⁸

The order specifically mentioned the types of documents that must be made accessible. These documents were the focus of the early stages of the struggle for information and were also mentioned explicitly by the popular song *Mhe Nahi Maanga* composed by Shankar Singh and others during the Beawar Dharna.

These developments made the idea of the right to information tangible across the country. In the interim, the National Campaign for Right to Information was founded in August 1996. It played an instrumental role in the legislation of the Right to Information Act in the coming decade.¹⁹ The MKSS, as part of the NCPRI, remained a vital channel for transmitting the learnings from the jan sunwai into the deliberations around the enactment of the legislation. The next section describes the second series of jan sunwais between 1998 and 2001 that further opened up the public debate on the nature of transparency laws in the country.

2.6 Second series of jan sunwai

The second series of the jan sunwais was organised for conducting social audit of development works. The information for social audit was requested under the

¹⁷ N.C. Saxena is a pro-transparency crusader in his own right, and along with the members of MKSS and others, played an important role in the formation of the National Campaign for People's Right to Information in August 1996.

¹⁸ N.C. Saxena (Secretary Rural Development) orders to Chief Secretaries of all states & union territories, D.O. letter No. R-12011 / 1/97-PR 02 July 1997. Accessed 10 August 2018 at http://www.humanrightsinitiative.org/programs/ai/rti/india/states/karnataka/executive_order.pdf.

¹⁹ For a detailed description of the genesis, membership, and the role of NCPRI, see Mishra (2003), Kidambi (2008), Sharma (2012), Pande (2014), Jha (2016) and Roy (2018).

panchayati raj rules to inspect and receive photocopies of development expenditure from the panchayats. Five jan sunwais were organised between 1998 and 2001 – Kookarkheda (1998), Surajpura (1998), Bori (1999), Bhim (2000) and Janawad (2001). The Kookarkheda and Surajpura jan sunwais were conducted for testing the newly legislated panchayat rules for inspection of panchayat records. The Bori jan sunwai in Kumbhalgarh was organised by the panchayat's dalit sarpanch to protest against exploitation and embezzlement of public funds by the upper-caste members. The Bhim jan sunwai was organised for training the ward members in conducting social audit ward sabhas under the Rajasthan Panchayati Raj Amendment Act 2000.

The Rajasthan Panchayati Raj (Amendment) Act 2000 also directed the panchayat offices to publish the details of welfare programmes outside the panchayat. In Janawad, the residents detected ghost works and irregularities in expenditure after the panchayat published the details of public works and welfare carried out between 1994 and 2000. The Janawad jan sunwai (2002) eventually reported a fraud of Rs. 7,000,000.

These hearings demonstrated the efficacy of the jan sunwai as a method of social audit. Public restitution by the sarpanchs of Kookarkheda and Surajpura also triggered questions on the legitimacy of the jan sunwai, the objectivity of the evidence and the alignment of social audit with the legal processes. These questions established the need for institutionalising the jan sunwai.

2.6.1 Kookarkheda jan sunwai

The Kookarkheda jan sunwai generated people's participation in the collective audit of panchayat expenditures. Kookarkheda is a village panchayat in Bhim panchayat samiti, Rajsamand district. MKSS members and supporters from three panchayats – Barar, Kushalpura and Kookarkheda, demanded photocopies of wage records and expenditure from their respective panchayats.

Earlier, the people were dependent on executive orders from the block and district administrations for accessing the records. The right to inspect panchayat

records entitled every resident in the village to demand information from the panchayat. Unlike an executive order that can be revoked at the discretion of public officers, the right to inspect records was a legislative measure. As Dhanna Singh explained:

[Before the jan sunwai] people had accepted that they did not have a right to know. At the same time, every government official – secretary, peon, collector believed that they were not required to answer, inform or be accountable to the people. They had power over the people. And the people believed that the information will always be in the custody of the officers. This changed with the jan sunwai and rules for inspection of records. People understood that they have a right to know, and the officials realised that they are also answerable to people. This transition was the biggest achievement of the MKSS.²⁰

Dhanna Singh was a resident of Kookarkheda panchayat. He is a retired schoolteacher and had returned to his village in the early 1990s. He was very excited about the Rajasthan Panchayati Raj Act 1994 and participating in the local government. After the right to inspect panchayat records was notified, he recalled going to the panchayat office to demand photocopies. However, it was still not easy:

In the MKSS, we had decided that every individual would ask for information and file an application. I also applied for the photocopy of a few records. There was a panchayat secretary called Chhote Lal. I went to him and told him about the rules for the inspection of records. I showed him the Ashoka emblem also on the gazette, which indicated that it is a constitutional rule and not an order from the collector. I told him, “you can even lose your job.” I followed-up for 15 days. I told him that okay, do not give me the photocopies. Give it to this order. It has a lot of power. Again, I was refused. Everybody felt we were not taken seriously.²¹

Eventually, they received the photocopies of the records. The sarpanch of Barar panchayat did not provide photocopies even after repeated requests. People from the village Hamela Ki Ber from Barar panchayat wrote to the district collector, Rajsamand. They requested him to conduct an audit of the check-dam (ani-kat) in the village. A copy of the letter was also marked to MKSS, the block development officer, officers in the Famine Relief Works division, and officers of the anti-corruption department. The people listed all the details of the check-dam and

²⁰ Interview with Dhanna Singh, 23 April 2017, Kookarkheda, Bhim, Rajsamand.

²¹ Interview with Dhanna Singh, 23 April 2017, Kookarkheda, Bhim, Rajsamand.

highlighted the discrepancies and ghost entries in wage records, pending wages, overbilling of cement sacks and transportation costs. They collated all the information in a systematic manner to highlight the irregularities carried out in the public works:

The public works are being carried out in a haphazard manner, embezzling lakhs of rupees from the exchequer. We requested an official investigation into the construction of the check-dam and convicted the people responsible for committing the fraud.²²

Consequently, the sarpanch of Barar, Asha Devi wrote a letter to Aruna Roy of MKSS in August 1997. She said that the workers were paid their dues, and those expressing grievances were trying to cheat the panchayat by misleading everyone. She further said that she expected Roy (also a woman) to understand the challenges faced by a female sarpanch. An excerpt from the letter is reproduced below:

If all the labourers start demanding bills and vouchers of the materials, how will I cope-up with so much work pressure in the panchayat? Please get more staff appointed just to issue information and photocopies. Even if everyone says they have a right to information and hold panchayat accountable, we cannot give photocopies of lengthy records for Rs. 5. It is a time-consuming process. I also request you to support me. I am a woman-sarpanch. You know this is the first-time women have been empowered to contest elections and hold the office of a sarpanch. Women like me do not have adequate experience and on top of it, your MKSS members create disruptions by asking for information. Rajasthan is a vast region, and you should help in the process of development, rather than people's grievances.²³

The sarpanchs and officers used various tactics to delay or restrict information. The people persisted in their demand for information and often received them in bits and pieces. They verified the information and inspected the structures built under different programmes. Narayan Singh explained that in the case of the check-dam (discussed above), both the people and the nature of stones provided evidence of the fraud:

For constructing the check-dam in Doothlav, the panchayat officer raised bills for stones. They said they bought 50 trolleys of stones from Aawalsaara 50kms away. But how's that

²² MKSS Papers, "Kookarkheda Jan Sunwai" file 124, p. 3-4, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

²³ MKSS Papers, "Kookarkheda Jan Sunwai" file 124, p. 27-8, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

possible? The dam is on a hilltop. No vehicle or trolley can reach there because there are no stones. In fact, the stones were quarried near the site only. People also said that the local stones are different from Aawalsara stones, so one can check the dam and see.²⁴

The jan sunwai was eventually held on 09 January 1998. Dhanna Singh recounted the excitement on the day of the jan sunwai:

There were so many vehicles from Delhi. For the first time I had seen so many cars in the Kookarkheda panchayat, and the drivers had told me they had come from Delhi or many other places. Those people from urban areas were also keen and curious to know about how a jan sunwai is conducted. It was a novel experience for the people also to talk about their rights and speak up in front of the officials and the sarpanch.²⁵

Irregularities in public spending through ghost works, overbilling of materials, and ghost entries in muster rolls were revealed at the jan sunwai. In the village Pavatia, “an existing over-bridge was refurbished and cemented over, but the whole work was billed as new construction” (Roy and MKSS Collective 2018, 192–93). The most famous case was of the bullock cart owner, who testified at the jan sunwai that he was in Kathiawar in the period during which he has been marked as paid in the registers – “the man named in the muster roll as owners of bullock carts himself did not know anything.”²⁶

Hemsingh, a resident of Kaletara village, Kookarkheda panchayat also explained his experience of the jan sunwai. He said, “I never worked on the school construction project. I have my own farm. I never even applied for public works; still, they wrote my name on the muster roll.”²⁷ He also said that before the jan sunwai, no one knew anything about the records and how information was maintained.

The highlight of this jan sunwai was the public restitution by the woman sarpanch Basanta Devi. She volunteered to return Rs. 100,000 to the panchayat to compensate for the embezzlements. This was unprecedented. Earlier, the arrears

²⁴ Interview with Narayan Singh, 19 April 2017, Devdungari, Bhim, Rajsamand.

²⁵ Interview with Dhanna Singh, 23 April 2017, Kookarkheda, Bhim, Rajsamand.

²⁶ Interview with Lakshman Singh, 24 April 2017, Kookarkheda, Bhim, Rajsamand.

²⁷ Interview with Hemsingh, 15 December 2015, Abu Road.

were either cleared by the administration or the money was returned secretly by those who had committed the fraud. Basanta Devi was an elected representative and had volunteered to return the money under pressure from the public testimonies. She returned Rs 50,000 immediately and promised to return the remaining amount in two instalments over the next two months. Shankar Singh, a member of the MKSS explained the outcome of the episode:

The sarpanch had voluntarily returned the money. We also had a “settlement” that you had defrauded people’s money and you have agreed to it at the hearing. After that the people present there said that if you return the money to the panchayat, you might be forgiven.

Now, what is the procedure for depositing the embezzled funds? You cannot mention that it was the embezzled fund and therefore, we are depositing it back. Therefore, it was agreed that receipts would be signed in the name of all the ward members, indicating that they had deposited the money as donations. All the ward members deposited money and collected the receipts. The cost was borne by the sarpanch only. Some 51,000 rupees were deposited in the panchayat.²⁸

The press coverage of restitution by the sarpanch created a stir in the region. The block and district administration were alerted. The Anti-Corruption Bureau (ACB) also started investigating the charges of corruption. Shankar Singh explained what had happened:

Now the ACB also got into action and started questioning the sarpanch. After the news reports, the CEO of the zila parishad organised a meeting and called the sarpanch, and asked her why she deposited the money. She said there were discrepancies and irregularities. The CEO said that even if there were irregularities, we have the authority to conduct an enquiry, and in the enquiry, we would have settled the accounts. Why return the money? So, she understood. Moreover, our fault on the day of the jan sunwai was that we did not take the original receipts of the deposits.

Over the next two to three days, the sarpanch cancelled the original receipts and withdrew the deposited money. This meant that no money was deposited. We came to know of this much later. We protested outside the BDO office and shouted slogans. It is there in the RTI video, where the BDO says, “get out.” We were very disappointed because we had tried so hard, and in the end, nothing happened.²⁹

²⁸ Interview with Shankar Singh, 29 April 2017, Devdungari.

²⁹ Interview with Shankar Singh, 29 April 2017, Devdungari.

Lakshman Singh, a resident of Sadaran village, Kookarkheda panchayat had resigned from the post of ward member to protest against the irregularities committed in his name.³⁰ He elaborated on his resignation in his interview:

They had deposited Rs. 5000 in my name also. They asked me to sign the withdrawal slip. I told them that I had not deposited the money and was not aware of it. I will not sign the withdrawal slip also. That amount of Rs. 5000/- is still with the bank. I did not want to hold the post when such cases of corruption were being carried out. Without my knowledge, how could you deposit the money in my name? That too the corruption money. As it is you have lost face before the people, why drag me into this?³¹

The anti-corruption bureau summoned the MKSS members and the residents of Kookarkheda panchayat to testify in the court at Udaipur. This caused inconvenience to the people who had to forego a day's wage every time they were summoned. They regarded the *jan sunwai* as troublesome because it landed them in the *court-kachaberi*. People, in general, avoided judicial matters or lawyers because it was a time-consuming process.³² Shankar Singh explained that because of the inconvenience of travelling to the city court every time, they requested the administration to conduct official enquiries on-site in the village itself. Excerpts of correspondence between the district administration and the MKSS, accessed at the NMML confirmed this.

In a letter dated 18 August 1998, the zila parishad, Rajsamand wrote to the MKSS, stating that:

³⁰ MKSS Papers, "Kookarkheda Jan Sunwai," file 121, p. 55, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

³¹ Interview with Lakshman Singh, 24 April 2017, Kookarkheda, Bhim, Rajsamand.

³² The ACB team from Jaipur also questioned the village residents about the cases of corruption. Because of this, people were reluctant to discuss the *jan sunwai*. They were scared of court procedures. During the field-study, most of the women said they did not attend the *jan sunwai*. Some of them said there was no corruption while the others said they never wanted to work. Their names were mentioned in the MKSS papers related to the *jan sunwai* at the Nehru Memorial Museum and Library. A female ward member from that time said there were no problems. All the women readily recognised Basanta Devi from Malyatadi village. However, all of them refused to remember anything about what had happened. Only Dhanna Singh, Hemsingh, and Lakshman Singh talked about incidents from the *jan sunwai*.

You have filed a complaint dated 28 July 1998 with the Director, Rural Development and Panchayati Raj Department Rajasthan, Jaipur. Please submit all the documentary evidence and panchayat records related to the complaint at the earliest to the zila parishad office.³³

The MKSS members responded to the letter on 01 Sept. 1998:

In relation to the enquiry in cases of corruption in the village panchayats, we would like to point out that all the evidence and documents are present in the village and can be accessed on the spot. We, therefore, request you to schedule the dates of village visit and inform us as well, so that we can present the documents and evidence during the inquiry.³⁴

This ensured that the jan sunwai followed the formal procedure, rather than a “trial by people” that could go out of hand. The jan sunwai had come close to resembling a kangaroo court. The issue of kangaroo courts also came up after the jan sunwai in Surajpura and Rawatmal. There too the sarpanch promised to return the embezzled money under pressure from people’s testimony. These developments necessitated the need for institutionalising the jan sunwai as social audit. These aspects are examined in detail in chapter six of this dissertation on social audit.

The Kookarkhera jan sunwai, on the one hand, demonstrated the efficacy of public auditing for controlling leakages in the delivery of public services. The presence of sarpanch and other panchayat members were a marked change from the earlier hearings. On the other hand, it posed new questions and challenges to the movement for transparency. The experience from the Surajpura jan sunwai held ten days later was also on similar lines. The details from the jan sunwai are discussed in the next section.

2.6.2 Surajpura jan sunwai

The next jan sunwai was held in the village panchayats of Jawaja panchayat samiti in Ajmer district. The people in five village panchayats – Jawaja, Badkochra, Lotiyana, Surajpura, and Rawatmal applied for information under the new panchayati raj rules. The preparatory stage of the jan sunwai was relatively smooth. With very few

³³ MKSS Papers, “Kookarkheda Jan Sunwai,” file 122, p. 65, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

³⁴ MKSS Papers, “Kookarkheda Jan Sunwai,” file 122, p. 66.

exceptions, all the panchayats complied with the rules for providing information. Rodeji, who worked at the Barefoot College in Tilonia and regularly participated in organising the jan sunwai, narrated an incident where the sarpanch had run away, sensing exposure of frauds:

We chased the sarpanch with a video (camera). The sarpanch tried to escape. Everything was fraudulent there. It took us two days to catch the sarpanch. He was in a shop. Wherever we went and asked for him, it turned out that he had left. He fled on the motorcycle, and we followed him in a car and recorded everything on the video. The chase went on, and we found him in Surajpura in the evening in some shop...around 19–20 hrs in the evening. We caught the sarpanch and shot the video as well. Then the jan sunwai was conducted, and he returned the defrauded amount. There were many such cases, and we were also a part of those.³⁵

The jan sunwai was conducted on 19 January 1998. Approximately, twenty-three development works were examined. The fraudulent activities conformed to the regular pattern of overbilling, ghost works, ghost entries, pending wages. An irrigation channel was constructed for Rs. 56,000, but only on paper. While ascertaining the responsibility for the fraud, “both the panchayat and the irrigation department quarrelled, each claiming that it was their work” (Roy and MKSS Collective 2018, 195). In another instance, “Doodh Singh’s name was found on the muster rolls of two different public works for the same period, while he had not received wages for even one” (Bhatia and Dreze 1998).

The total corruption amounted to Rs. 23 lakhs in the five panchayats over three years. Similar to the “Gandhian outcome of the Kookarkhera jan sunwai” (Roy and MKSS Collective 2018, 194), here also three sarpanchs accepted the responsibility for irregularities and agreed to return Rs. 1.14 lakhs, and Rs. 1.15 lakhs and Rs. 5 lakhs respectively.

Bela Bhatia, a tribal rights activist, noted that the sarpanchs had “an inescapable responsibility for the frauds identified” (Bhatia and Dreze 1998). Their signature was mandatory for the sanction and implementation of development

³⁵ Interview with Rodeji, 15 December 2015, Abu Road.

expenditure. Another issue related to the executive powers of the panchayat surfaced where the sarpanch elected on reserved posts (women, and people from the scheduled castes and scheduled tribes) revealed that they were coerced into signing the cheques and certifying the documents. Nortri Bai, a founding member of the MKSS, explained:

There was a woman sarpanch in Surajpura, Lotiyana village. A *jan sunwai* was held there. Around 5000 people had assembled. Police were also there. Collector and political leaders were there. That woman said that she would return the funds that had been embezzled. The Secretary had embezzled the funds, but she said had signed under pressure. She was not illiterate either. She accepted her mistake and returned the money. She said please don't file a case against me.³⁶

Unlike Kookarkheda, the district administration in Ajmer did not act against voluntary restitution by sarpanch at the *jan sunwai* (Mishra 2003, 33). The discussions on institutionalising the *jan sunwai* as a method of social audit were already underway. The demand for transparency had also gained momentum with the efforts of the NCPRI at the national level. In Rajasthan, the members of the MKSS were in touch with the newly elected state government (1999) that had promised a state-level right to information in its election manifesto.

In the meanwhile, the Bori *jan sunwai* was held in 1999 at the repeated requests of the dalit sarpanch Pyarchand Khatik. He was threatened by the upper caste people in the village, who coerced him to sign blank cheques and documents. Through the *jan sunwai*, he wanted to bring out the truth before the people and end the vicious cycle of exploitation. The next section describes the events and the outcome of the Bori *jan sunwai*.

³⁶ Interview with Nortri Bai, 15 December 2015. The collector referred to above is Harsh Mander, IAS posted in the Madhya Pradesh cadre, and the political leader is former Prime Minister of India, V.P. Singh. He attended for a few minutes on the request of the MKSS, while on his way to Ajmer. Other panellists included journalist and director of the Press Institute of India, Ajit Bhattacharjee, Pushpa Bhave, a Marathi writer, and Santosh Mathew, IAS from Bihar Cadre. Bela Bhatia and Jean Dreze also attended the hearing as independent observers.

2.6.3 Bori jan sunwai

The Bori jan sunwai was held in 1999 in Umarwas panchayat, Kumbalgarh block, Rajsamand district. Pyarchand Khatik, the sarpanch had requested the MKSS members to conduct a jan sunwai in his panchayat to expose the corrupt activities. In essence, he wanted a jan sunwai against himself. Earlier that year, the panchayat samiti, Kumbalgarh had detected a series of irregularities in the panchayat records, following which it suspended Pyarchand and ordered him to pay back the money. However, he insisted that he was coerced into committing irregularities. An excerpt from the MKSS report detailing the situation is presented below:

The post of sarpanch for the panchayat Umarwas had been reserved for a scheduled caste candidate in the 1995 election. The most numerous SC groups in the area (Meghwal/Weaver) comprising several hundred households met to discuss the unprecedented political opportunity and nominated a consensus candidate Bhuralal. However, an upper-caste gathering of Rajputs and others decided to counter the Meghwal candidate, and deliver the votes controlled by all the upper-caste groups elsewhere. They nominated Pyarchand, a member of the Khatik community of which there were only a handful of households in the entire panchayat. They in-turn decided to contest the election for the ward panch. A surprised Pyarchand was thus, called from Surat a week before the election and ‘made to win.’³⁷

Nain Singh and Kamla, the wife of Laxman Das (an upper caste person), became ward members and controlled the panchayat. Pyarchand was illiterate and could not read the documents he signed. At the jan sunwai, he revealed that Nain Singh used the panchayat seal as per his whims. Nortri Bai narrated the story thus:

During the jan sunwai, the Khatik sarpanch said that he was unaware of what happened with panchayat funds. “I was simply told to put the official seal on papers, and I would do that. I marked the seal and signed the papers. How do I know where the money went? Who built the house, and who did not? I do not know any of these things, and nobody told me also.”³⁸

The MKSS members were uncertain about the jan sunwai in Umarwas panchayat. The region was out of their area of activity, and the people were not

³⁷ MKSS Papers, “Election of a Dalit Sarpanch,” Bori Jan Sunwai, file 166, p. 89, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

³⁸ Interview with Nortri Bai, 15 December 2015, Abu Road.

familiar with them. Eventually, they decided to conduct the jan sunwai. Pyarchand assured them of participation from the village residents, especially the marginalised groups, who knew the truth. Since he was the sarpanch, there were no problems in accessing the information.

The jan sunwai on 18 December 1998 was attended by a large number of people from villages in Umarwas and nearby panchayats in Kumbalgarh. This was the first time the district collector, Rajsamand and the Superintendent of Police attended the hearing. The panel also comprised Prashant Bhushan, a Supreme Court advocate, Sanjay Kumar, a chartered accountant, social activist Arundhati Roy and others.

It was a significant event with numerous activities going on throughout the day. Details were read out from one file after another, and the people testified with what they knew. The atmosphere was charged with arguments and counter-arguments. Two persons said that the ward members received bribes '*kbarcha paani*' from them for paying their instalments under Indira Awaas housing scheme. Entire blocks of Indira Awaas allotments were cornered by the relatives of the ward members and other upper-caste members in the village. The Bhil community, which was the targeted group of the government welfare programmes, did not get any. Nain Singh, an affluent ward member, used the funds for Indira Awaas for building a part of his house. When asked how he got the Indira Awaas allotted, he said his name was mentioned in the beneficiary list. The panellists countered that the "scheme was meant for the very poor families, how could he have been eligible?" Nain Singh responded that the sarpanch had enrolled his name as a beneficiary. How could he object to what the sarpanch said?³⁹

Similarly, another ward member, Kamla, had used the funds meant for the community hall for constructing an additional room in her house. The jan sunwai

³⁹ Anurag Singh, "Bori Jan Sunwai," Folder 18-12-1999, Tape 2, (New Delhi: Rough Cut Productions, 2001), Video cassettes.

also revealed cases of fake allotments and ghost entries in wage records. The money was disbursed to the non-existent persons. This demonstrated that such lists were manipulated and were not put up for public scrutiny. Sanjay Kumar, a chartered accountant, noted that:

The case of non-existent beneficiaries of Indira Awaas Yojana underlines the conclusion that a chain of procedures had either not been carried out at all or carried out improperly by several functionaries, including elected representatives and officials of the government and the banks. This included, among other things:

- Preparation of master-list of non-existent persons as below the poverty line beneficiaries of Indira Awaas.
- Subsequent allotment and disbursement of cash by bank officials to such non-existent beneficiaries vide cheques issued in their name
- The physical verification of the alleged construction of non-existent houses at three stages was followed by the issuance of a completion certificate.⁴⁰

Prashant Bhushan, a lawyer and civil rights advocate, noted that:

The question which arises is what action can be taken by the district administration against Nain Singh and Laxman Das and what kind of criminal investigation is required to be done in this unusual case where the documents ostensibly show the involvement of the sarpanch, while the real culprits were the ward members.⁴¹

As a result of the sunwai, an official enquiry was initiated against the ward members, who were later required to deposit the embezzled money along with interest to the panchayat. Pyarchand had already been suspended. At the end of the enquiry, the CEO of the zila parishad submitted a detailed report, where he remarked:

It would be just and proper if the recovery were made together from the ward members and the sarpanch because the latter were found to be involved in committing irregularities. The sarpanch, even though illiterate, weak and incapable, cannot be absolved completely of the responsibility for fraud.⁴²

⁴⁰ MKSS Papers, "Bori Jan Sunwai," file 166, p. 3-4, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

⁴¹ MKSS Papers, "Bori Jan Sunwai," file 166, p. 1-2, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

⁴² MKSS Papers, "Bori Jan Sunwai" file 166, p. 363-8, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

According to the MKSS archives, the action taken by the district administration was less than satisfactory and major disruptions in procedures were “glossed over.” After this experience, time-bound action against erring officials was added to the demand for the institutionalisation of the jan sunwai as social audits. This episode highlighted that in the absence of adequate support structures, the reservations for women and weaker sections were not enough for ensuring their equal participation in the local self-government. It also demonstrated that the jan sunwai could supplement the other pro-participatory provisions that were incorporated for preventing elite capture of the panchayat institutions by the upper caste people. This aspect is discussed in detail in chapter seven of this dissertation.

The documents related to the Bori jan sunwai at the NMML archives pointed towards a more systematic method of conducting jan sunwai, with elaborate documentation, uniform method of collating information and organisations of files to be read out at the jan sunwai. Pictures of sarpanch, ward members and physical structures were attached to the reports that were submitted to the district administration and state government for inquiries. Similarly, the videos exhibited the effort that went into organising the jan sunwai. After Bori, the next jan sunwai was held in Bhim panchayat samiti for demonstrating the process of social audit by ward sabha.

2.6.4 Bhim jan sunwai

The Bhim jan sunwai was held on 03 April 2000, after the Rajasthan Panchayati Raj (Amendment) Act 2000 had mandated regular ward sabhas and authorised those with conducting social audits.⁴³ The Bhim jan sunwai was organised for training the ward members in conducting social audits. The jan sunwai was attended by the newly elected sarpanch, along with the Project Director of the District Rural Development

⁴³ Earlier, the panchayat was divided into wards only for election purposes and elected ward members together with the sarpanch formed the panchayat. After the amendment, the ward sabha became the smallest unit of development planning.

Authority, Rajsamand, Rajiv Thakur and Justice V.S. Dave, a former judge of the Rajasthan High Court. The panchayat records were also available readily.⁴⁴

The Bhim jan sunwai highlighted many cases of pending wages. The women from Udamana Kot were paid only Rs. 8 per day, against the minimum wage rate of Rs.44. At the jan sunwai, they stood in a semi-circle around the microphone. One of the women explained that they had quarried the stone manually for two weeks but did not receive their wages. Another group of women received less than promised wages because of ghost entries in the wage registers.

The women named the sarpanch and the teacher, who had marked their attendance on the worksite and disbursed the wages. Seventeen years later, in their oral history interview, they narrated the same story with equal passion. Their responses explained the nature of their participation as well. Only one woman spoke on the mic. The other women said they had gone there with the ward *panchani* (a female ward member) for claiming their pending wages. The ward panchani said they went there to learn how to conduct social audit. She said she went and sat in the corner and observed the proceedings. Other women explained that they did not speak on the mic because of the presence of elderly persons from the community. They stood there with their veil covered faces. Seventeen years later, they recognised each other easily, despite the veil, in the video accessed at the Rough Cut Production.

At the jan sunwai, the MKSS members explained the method of collating information from different muster rolls and organising all the information related to the implementation of a public programme to “get the real story” from the papers. A junior engineer explained how to read and understand the measurement books. A team of civil society members from the **Kerala Shastra Sahitya Parishad (KSSP)** and

⁴⁴ Similar to the Thana jan sunwai, the Bhim jan sunwai also scrutinised the implementation and expenditure on public works completed during the tenure of the former sarpanch. As one of the respondents had explained, it is usually difficult to conduct a jan sunwai for the works completed during the tenure of the current sarpanch. In that case, access to the information becomes difficult.

Samaj Parivartan Sahyog, “had come to the MKSS to look at the method of monitoring works” (Mishra 2003, 35).

Post-jan sunwai, the KSSP members posed a question:

The people in this region are very poor and we noticed that they are dependent on the moneylender and the landlords. At the jan sunwai, the poor man and woman speak-up against these very people or the people related to them. How do they manage the situation? They have to go to the same people for assistance who have embezzled their money. The moneylender may refuse to lend money. Still, people come forward and testify openly.⁴⁵

Nikhil Dey translated it into Hindi for others. A young, tall man (in the video clip), stood up and explained the question: *sarpanch ke kbilaaf bole aur paise lene bhi inhi ke paas kaise jaaye?* (How do you speak-up against the sarpanch when you are dependent on them for credit?) He was Narayan. Then 27 years old, Narayan already had a decade of experience working at the grassroots and had been recently elected as the sarpanch of his panchayat. He said:

The moneylenders earned interest on their credit. They would not refuse to lend money. Similarly, the traders earned profit and would not refuse to sell their goods to you, even if you accused them openly of fraud.⁴⁶

Norti Bai added, “it was the same with sarpanch. You expose their misdeeds now and accuse them of fraud. Next elections, they will again talk sweetly and plead for votes before you. These things do not matter to them.”⁴⁷ The socio-economic and political dynamics of participation are examined in detail in chapter three on the efficacy of the jan sunwai in promoting people’s participation in governance. The next jan sunwai was organised in Janawad panchayat in April 2001. It was by far the most exhaustive hearing of that era.

2.6.5 Janawad jan sunwai

The Janawad jan sunwai was organised on 03 April 2001 in Kumbhalgarh block, Rajsamand district. It revealed a fraud of more than Rs. 7,000,000, and prompted

⁴⁵ Anurag Singh, “Bhim Jan Sunwai,” Folder 3-4-2000, Tape 2, (New Delhi: Rough Cut Productions, 2001), Video cassettes.

⁴⁶ Anurag Singh, “Bhim Jan Sunwai,” Folder 3-4-2000, Tape 2.

⁴⁷ Interview with Norti Bai, 15 December 2015, Abu Road.

the state government to constitute a three-member committee to inquire into the corruption through a systemic audit that was carried out among the people in the village.

The jan sunwai was organised at the behest of the residents of Janawad panchayat, who had discovered discrepancies in the development expenditure published by the panchayat under the Rajasthan Panchayati Raj Amendment Act 2000. The Act mandated suo motu disclosure of information, whereby complete details of works completed in the previous five years were painted on the walls outside the panchayat building. These details included the name of the project and the scheme, period of work, total wages, material cost and the total expenditure. The residents of Janawad panchayat realised that many structures mentioned on the panchayat walls did not exist. The abysmal infrastructure belied the expenditure of Rs. 85 lakhs by the panchayat between 1994-5 and 1998-9.

On 26 February 2000, the village residents applied for the expenditure records of the works carried out since 1994-95. The panchayat refused their requests repeatedly. The people sought the assistance of the MKSS members, who supported the people's initiative to protest against corruption. Chimanlal and Lacchuba, residents of Janawad, played a key role in organising the jan sunwai. They "brought to the attention of MKSS the Janawad case...and became the vanguard of the Janawad struggle" (Roy and MKSS Collective 2018, 228).

The people wrote to the district collector and requested him to conduct an inquiry into the fraud in public works by verifying the infrastructure in the village. Over the next three months, the bureaucratic maze of power came alive with the Chief Executive Officer issuing orders to the Block Development Officer to provide the information, who asked the people to re-submit the application. The gram sewak promised to handover the documents in July. On the designated day, he declared that the accounts were under audit with the samiti. The baton continued to be passed among all the tiers of panchayati raj, with the lowermost functionary (panchayat secretary) stonewalling the orders from the higher authorities.

Bhuri Bai, the new sarpanch, was a dalit woman elected on a reserved seat. Ramlal, a former upper caste sarpanch, continued to control the panchayat. During his tenure, he had embezzled funds with the help of gram sewak. Therefore, both Ramlal and gram sewak were opposed to sharing information with the people. They wrote to the CEO zila parishad and accused the MKSS of creating political unrest:

In the gram sabha meeting on May 15, 2000, a proposal was taken on the request for information by the MKSS. The ward members present at the gram sabha have objected to providing the information, on the grounds that a few powerful political leaders are trying to level personal scores with the help of the MKSS. In the process, the common people of the Janawad would suffer. Furnishing information may also lead to internal strife and also cause disruption of development works. Therefore, the information should not be provided.

In the general body meeting of the panchayat on July 24, 2000, it was resolved that furnishing copies of expenditure details would be against the public interest. The MKSS conducted these public hearings for its own political gains and to mislead the innocent village residents.

The gram sabha conducted on 15 August 2000, was made aware of the panchayat's decision, and the people unanimously supported the decision to not provide the copies. The documents were also collectively scrutinised, and people were satisfied with the development outcomes in the panchayat.⁴⁸

The gram sabha resolution was later declared as null and void under section 92 of the Rajasthan Panchayati Raj Act 1994 for non-compliance with rules.⁴⁹ The gram sewak continued to obstruct information, openly defying legislative statutes. The MKSS requested the state government and the panchayati raj department to intervene in the matter. On 28 November 2000, the gram sewak absconded with the original documents of the panchayat. After three days, he returned with a stay-order from Jodhpur High Court. A legal battle followed and eventually, the photocopies were handed over to the MKSS after the stay was lifted by the court in February 2001. A yearlong struggle for the information despite the legislative mandate and executive orders inspired a key provision of the RTI Act 2005: time-bound delivery

⁴⁸ MKSS Papers, "Janawad Bori Sunwai," file 203, p. 115-6, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

⁴⁹ MKSS Papers, "Janawad Sunwai," file 201, p. 13, Institutional Collection No. 44, Nehru Memorial Museum and Library, New Delhi.

of information, the penalty for not providing the information within the stipulated time and arbitration by independent authorities. This jan sunwai also emphasised the significance of suo motu disclosure of information, the provision for which was made under section 4(b) of the RTI Act (Roy and MKSS Collective 2018, 238).

In the run-up to the jan sunwai, numerous cases of corruption were highlighted by the people of Janawad. Women and men had not received their wages for the works completed three and five years ago. Ghost entries were marked for Indira Awaas allocations, community funds were used for expansion of personal residence by the panchayat members, a check-dam was shown as built thrice under different public schemes, previously constructed buildings were certified as new, and a large number of panchayat works were given on contract (against the provisions of the welfare programmes).

At the jan sunwai, the labourers complained against the mate and contractors for non-payment of wages. The contractors clarified that the sarpanch and secretary had not cleared their dues for works contracted. It was also revealed that the panchayat functionaries made a profit out of the welfare programmes. The works were contracted for a lower amount than the allocated funds.

In a case of fake material bills, the owner of the shop said that he did not know anything about the bills as the panchayat member had taken his bill-book and used it whenever he wanted. The panel questioned him that why did he let the panchayat member take the bill book? The shop owner responded that the panchayat member had told him that it was just for convenience since there were times when the shop-owner was not available, and the bill was needed urgently.⁵⁰

The nexus between the contractors, elected representatives and the government officers in embezzling public money was laid bare at the Janawad jan sunwai, where right from muster rolls, measurement books to utilisation certificates

⁵⁰ Anurag Singh, "Janawad Jan Sunwai," Folder 3-4-2001, Tape 3, (New Delhi: Rough Cut Productions, 2001), Video cassettes.

were duly certified by the government officers – junior engineers, assistant engineers and panchayat secretary. In such a scenario, the public interest suffered, despite a dedicated administrative and legal machinery to secure the welfare of the people. It was argued that transparency could illuminate the gaps in implementation and empower the people to demand accountability. A resident of Janawad narrated a story that illustrated the power of the people in democracy:

Once upon a time, there was a saint. The saint had a mouse. One day, a cat scared the mouse. The saint sprinkled holy water and turned the mouse into a cat, thus saving his life. After a few days, a dog found his way in there. The mouse-turned-cat was scared again. The saint turned it into a dog, who scared the other dog away. Similarly, one day, a lion came, and the saint turned the dog into a lion. However, after three days, the lion (originally, the mouse) roared at the saint and said, “I am hungry and I will eat you.” The saint realised his folly and immediately sprinkled the holy water to transform the lion back to the mouse.

This is how the democracy works. The people can turn commoners into powerful leaders with their votes. People give them power. When these elected representatives become too powerful and exploit the public interest, the people can take back the power and reduce them to a commoner. The corrupt sarpanch Ramlal could not even win the ward member election in the year 2000 and received only 38 votes. People can make or break governments.⁵¹

Many such stories and local tales allegorising the functioning of democracy came out of the movement for transparency. They are a part of the cultural artefacts employed mobilising the people and motivating them to participate in the struggle. Chapter three of the dissertation examines them in detail.

By the end of the jan sunwai, fraud worth Rs. 4,500,000 had been established in Janawad. However, the purpose of the jan sunwai was not merely exposing corruption. The objective was to facilitate interaction between citizens and public officials from the highest to the most local level of administration for making citizen-oriented policies and decisions. Aruna Roy, founder member MKSS, spoke thus on the microphone:

⁵¹ Anurag Singh, “Janawad Jan Sunwai,” Folder 3-4-2001, Tape 3, (New Delhi: Rough Cut Productions, 2001), Video cassettes.

It is important to check the muster rolls, bills, and measurement books because only by keeping a vigil on the small acts of corruption, we can prevent the larger ones. The jan sunwai is the only forum where you can examine the minutest details; officers at the higher levels do not have time to go into that. They only match aggregates. Examining these details at the jan sunwai is not a waste of time. This process has shaped our understanding of the administrative machinery and the role of the people. Since the movement is now poised to enter into a direct dialogue with the policymakers, “we have to remind ourselves to keep in touch with the micro-realities.” At the same time, the people also have to understand that if they go after personal gains every time, they will lose the bigger picture. By focusing their energies on cornering 25 paise, they end up losing lakhs of rupees that comes in the name of development. One has to shed the mentality: *Balba do, mhane kai tha? Mharo piya toh koni na* (It is the government’s money – why should I care? Let it burn).⁵²

The Janawad jan sunwai was reported across regional and national dailies, which compelled the state government to form a three-member committee headed by Shri Bannalal, Deputy Secretary of the Finance Department, for auditing the development works carried out in Janawad between 1994-2000. The committee reported fraud worth Rs. 70 lakhs, out of which Rs. 55 lakhs were embezzled from the funds allocated for public works. The findings of the report and the method of investigation further consolidated the case for the institutionalisation of social audits. Social audit exhibited the potential for preventing leakages in development funds and improving the functioning of less-than a decade old panchayati raj institutions. After the Janawad jan sunwai, the chief minister of Rajasthan also announced the government social audit of ten highest-spending panchayats in every development block or panchayat samiti in the state. The MKSS and other organisations were invited to assist the public officers in conducting social audits.

The Janawad jan sunwai provided the backdrop for the second convention on the Right to Information in Beawar, organised two days after the hearing. The demand for a strong transparency legislation intensified with the civil society actors constantly engaging with different branches of the state.

⁵² Anurag Singh, “Janawad Jan Sunwai,” Folder 3-4-2001, Tape 3, (New Delhi: Rough Cut Productions, 2001), Video cassettes.

2.7 From the jan sunwai to the Right to Information Act 2005

This section briefly summarises the role of the jan sunwai in shaping the provisions of the Right to Information Act 2005. The demand for transparency gained momentum in the latter half of the 1990s. The Chief Minister's Conference in May 1997 endorsed the need for transparency, accountability and responsiveness of the administration. Between 1997 and 2005, the following developments took place that eventually culminated into the passage of the Right to Information Act 2005:

The Government of India (formed by the United Front with support of the Congress Party) set up the H.D. Shourie Committee in response to the draft RTI law submitted by the NCPRI and Press Council of India. The committee suggested the Freedom of Information legislation. Those were the years of coalition governments, which were marked by political instability. As efforts to provide a stable government continued, both the Congress and the BJP promised transparency in governance. Thus, when the National Democratic Alliance (NDA) led by BJP formed the government in 1999, it drafted the Freedom of Information Bill and presented it before the parliament in July 2001. This bill was passed in December 2002 by the Lok Sabha and the Rajya Sabha. It received the assent of the President on 06 January 2003. However, the Act did not come into force because it was not notified. (Agrawal and Nair 2018, 8)

The Freedom of Information Act 2002 (FOI) fell short on many criteria. The penalty clause for delay or denial in providing information was absent. There was a lack of an independent appellate mechanism for resolving disputes. The FOI Act 2002 included a large number of exceptions and criteria under which the information can be denied.

The jan sunwai also demonstrated the challenges in accessing information from the administration and the government. The provisions for countering those challenges were built into the RTI Act 2005. The first and second appellate mechanism was introduced for resolving the disputes related to the non-disclosure or delay in the disclosure of information by the public authority [section 18(1), 19(1-3)]. Similarly, independent information commissions were set up for arbitrating the disputes [section 12].

Under the Freedom of Information Act 2002, the first appeal against the information furnished by the public information officer was submitted to the

secretary of the concerned department itself. The second appeal was made to the state government or the union government. There was no provision for an independent authority adjudicating the disputes. Section 15 of the FOI Act barred the jurisdiction of the civil court from hearing the matters related to the disclosure of information. Under such circumstances, the only option available to a citizen was to file a writ petition with the High Court or the Supreme Court, which was a very time-taking procedure.

This was evident during the Janawad jan sunwai when the panchayat secretary refused to part with the information despite the legislative mandate in the panchayat rules and executive orders from the senior authorities at the block and district level. The stay-order from the Jodhpur High Court was lifted after three months in February 2001. It is important to note that some members of the MKSS were knowledgeable about the legal process and the court procedures. They could, therefore, file a petition in the High Court for lifting the stay order. It may not be possible for a common woman or man to be able to go to court every time a piece of information was withheld.

The FOI Act 2002 was never notified, and the term of the NDA government ended in 2004. The new government at the centre formed by the United Progressive Alliance (UPA) promised to enact “a more progressive, participatory and meaningful Right to Information Act” in its election manifesto as well as the Common Minimum Programme – a document that highlighted the main policies and priorities of the government concerning development and governance. The government also created a **National Advisory Council (NAC)** for realising the objectives of the common minimum programme by providing policy inputs to the government and assisting the government in its legislative business.⁵³ Members to the NAC were appointed by the Prime Minister from within diverse fields such as the academia, voluntary sector, technical experts, and former/serving bureaucrats. N.C. Saxena, C.H. Hanumantha

⁵³ Cabinet Secretariat Government Order no. 631/2/1/2004-Cab, New Delhi, 31 May 2004.

Rao, Jean Dreze, and Aruna Roy were among the twelve members appointed to the council in 2004. While Aruna Roy was directly involved in advocating the passage of a strong RTI Act, others were associated with the MKSS as well as the struggle for the RTI as facilitators for the *jan sunwai* at different times or were “champions” for transparency in their professional domains.⁵⁴

Similarly, many people, who were invited to depose before the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in the run-up to the legislation of the RTI Act were associated with the movement for transparency. These included members of the NCPRI, members from the Commonwealth Human Rights Initiative and former IAS officers, who had been advocating a strong transparency legislation for a long time. Thus, the movement benefitted from the individual activism of those who promoted the idea of an open and accountable government.⁵⁵ The Right to Information Act 2005 was finally passed by the parliament on 15 June 2005 and came into force on 12 October 2005.

2.8 Conclusion: fostering transparency through citizen engagement

The chapter discussed the origin and characteristics of the MKSS prototype of the *jan sunwai*. It established the *jan sunwai* as a dialogical forum, where people participated in information sharing and public auditing of expenditure. The *jan sunwai* also facilitated direct interaction between the people and the public officers, including the elected representatives. The civil society actors, including village residents, moderated the proceedings of the *jan sunwai* and ensured the procedural objectivity of the auditing process.

⁵⁴ For instance, C.H. Hanumantha Rao had visited Devdungari in 1987 on the request of MKSS. He was the head of a Planning Commission team touring the drought prone areas. The members of MKSS had spread the word about the team’s visit. Almost 500 people gathered outside the MKSS house to meet the team. The women and men demanded work and in simple terms said that their names be entered in the muster rolls for Famine Relief Works (Roy and MKSS Collective 2018, 14).

⁵⁵ For a discussion on the role of various State institutions and actors in the legislation of RTI Act 2005, see Sharma (2012), Jha (2016) and Roy and MKSS Collective (2018).

The jan sunwai linked the demand for transparency in governance with the livelihood of the citizens – wages, food security, education and healthcare. Jan sunwai also emphasised transparency as a prerequisite for citizen participation. Notably, transparency at the jan sunwai was also achieved through people's participation. Free and equal dialogue among people led to greater information sharing and scrutiny of public actions. Faults in planning and implementation were revealed and corrected through discussion among various stakeholders. This process, founded on transparency and dialogue, enhanced the legitimacy of the state and its policies, where the people's opinions shaped the laws, policies and programmes - for instance, the Right to Information Act 2005.



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