

CIVIL SOCIETY AND POLICYMAKING IN INDIA: IN SEARCH OF DEMOCRATIC SPACES

A CASE STUDY

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1. INTRODUCTION

'Public policymaking is a process, rather than a single, once for all act'.

Public policy is about 'government action to address public issues'¹. A dominant tendency has been to treat crafting of public policy as a technical function of government—a top-down approach and rational choice based on available data and information. But it is increasingly also being seen as a matter of power² and politics³, involving contestation, negotiations, bargaining and accommodation of diverse interests and actors. Far from being a single and a one-time act, public policymaking is an interactive and dynamic process⁴. It involves a gamut of actions and inactions by many groups, with varied interests, at varied stages in a network, through whom decisions flow, policy agendas get set, policies get shaped, programmes are formulated, implemented and evaluated. Though not all actors and interests have equal power, or equal chance to influence policymaking, the process remains dynamic, with its shifts and slides. Notably then, making of public policy is not just about government, public officials and bodies, but involves a range of non-officials, groups or private actors who play an active role. Within this dynamic policy network, where does civil society⁵ figure? Are there spaces and mechanisms available to civil society and citizens to participate in the process of policymaking? Does the process allow civil society and citizens to participate from an empowered position? What are the social, political and economic factors that are enabling or impeding civil society's participation

¹ See the definition of public policy- <http://ips.jhu.edu/pub/public-policy>

² Power, in the sphere of public policy, is defined as the capacity of an individual, or groups, or holders of public offices to determine policy decisions which is exercised by different individuals and groups

³ Jenkins, 1978, Rose, 1976; Anderson, 1978]

⁴ Rose, Richard (ed.), (1969) Policy Making in Britain: A Reader in Government, Macmillan and Co. Ltd, p 11..

⁵ By "civil society", the reference in this paper is to that metaphorical space between the family and the state, where people as right bearing citizens, enter into associational forms of life to engage with the polity - distinct from entire society, distinct from the force bearing structures of the state, and the commercial interests of the market. While such a definition of civil society would encompass the myriad forms of associational life that exists in India - with varying purposes, values, interests, this paper confines itself to only those civil society groups/organizations/projects that are working on issues of democracy and rights (referred to as 'developmental civil society').

in policymaking? This paper is an attempt to unravel some of these questions.

Context and Approach

The paper explores some of these questions in a context where civil society actors in India have become far more proactive in policy processes than ever before. Until not too long ago, this engagement was confined to policy advocacy involving the use of a range of instruments such as social campaigns, mass mobilisations, community 'scorecards', citizen juries and tribunals. However, today civil society actors are not just proactively feeding into government policy action plans, but also in drafting of national legislation as well as setting the national agenda. Invariably, this has raised public debate about the 'legitimacy' and role of non-elected actors serving as the representatives of the people in official policy spaces—issues that surfaced in a big way in the wake of 'moments', like in the anti-corruption movement. Internally, while there is a growing sense among civil society actors that policy determination needs to be opened up to greater access and scrutiny, there exist dilemmas about the 'appropriate' ways to engage with the policymaking process and how civil society can best strategise to influence policymaking with greater equity, and from an empowered position.

This paper is a preliminary attempt by civil society actors, trying to investigate, reflect and learn from our own practice. Presented in the form of a working paper, it aims to provide civil society groups with tools to take forward the dialogue on 'our' role in policymaking, and arrive at an understanding. It is grounded on the premise that ordinary people have a right to participate in decision-making processes that affect their lives, and that informed policy processes, that are responsive to communities' needs, leads to better policies.

Methodology

The paper is based on three case studies: the Right to Information (RTI) movement, the Lokpal or anti-corruption movement and the Wada Na Todo Abhiyan (WNTA), a campaign to hold the government accountable to its promise to end poverty, social exclusion and discrimination, which engaged with the Planning Commission

and the making of 12th Five Year Plan. The cases represent different modes through which civil society tried to influence policy processes. For the purpose of this paper, these case studies were selected based on three criteria: relevance, in terms of 'opening up' the domain of policymaking at large for civil society; relevance for civil society, particularly from the perspective of 'developmental civil society'; and access to information and available resources. The RTI movement and Lokpal bill have had huge impact in 'opening up' policymaking to civil society. While the RTI movement successfully translated into a landmark legislation, Lokpal had significant bearing on relations between the state and civil society, and stirred further debate on the role of civil society in policy processes. WNTA's engagement with the Planning Commission was more in a campaign mode, and has been chosen for its attempts to 'open up' and institutionalise civil society's involvement in one of the key policymaking institutions of the State. The learning emerging from this case is significant for us as 'insiders' and developmental civil society practitioners. Given the breadth and depth of the subject, the list of cases is limited. It nevertheless captures a variety of issues, strategies and concerns to provide sound basis for a preliminary paper to take forward the dialogue among civil society actors.

The case studies are based on data collected over 30 semi-structured interviews. Activists, academics, journalists and campaigners involved in these movements and campaigns were interviewed (listed in Appendix I). Most informants were interviewed in person, and a few over the phone. Particular attention was given to bring in the perspective of marginalised groups such as women and Dalits in each case study. In addition to interviews, a wide range of secondary literature was reviewed, including media articles, academic analyses and internal campaign materials. Discussions emerging from two consultations organised by CDSA⁶ on the role of civil society in policymaking was also integrated.

The paper is divided into four sections. The first section tracks the shifting terrain of policymaking in India—from a top-down, State-centric approach, to a more negotiated domain of policymaking involving non-State actors. The second section examines some of the

emerging models of civil society's participation in policymaking by investigating the case studies selected. Each case study sets out key features and characteristics of the case, presented as a summary rather than as a comprehensive study. Hence they must not be treated as a study in themselves. The third section draws out common threads of learning from the case studies. The final section then returns to the original questions of what 'ought' to be the role of civil society in policymaking. It concludes by identifying some key questions that confront civil society in its attempt to participate in policymaking to deepen democracy—questions that have no easy answers at this stage, but ones that civil society groups face nevertheless, and which need collective thinking and further conversation.

⁶ Centre for Democracy and Social Action (CDSA), www.cdsa.in

2. SHIFTING TERRAIN OF POLICYMAKING: FROM STATE-CENTRIC TO POLICY NETWORKS

If one examines the policymaking process in India, from the post-Independence period until late 80s, policymaking centered around the State as the 'maker' of policy, with limited participation from non-State actors. The State, in its maximalist *avatar*, sought to resolve societal problems by adopting a top-down, rational approach to policymaking, relying on its institutions to perform this function. One of the major institutional innovations of the scientific or the technocratic mode of policymaking was the Planning Commission. Such institutions depended on experts, mostly economists, and the focus of policymaking remained more on policy implementation and public administration, and less on policy scrutiny. This model worked as long as there prevailed political consensus on the role of the State, and centralized planning as *the* strategy for development. However, once this political consensus broke down with the onset of globalization and liberalization, two processes unfolded. One, the role of the State began to change and get more complex, and two, there began far greater scrutiny of public policy from the ground. Attention shifted to questions of appropriate policies and structures, processes for policy formulation, improving the competence of policymakers and evaluating policy outcomes.

The change in the role of the State was characterised by changes—from 'doing to ensuring', from provision of public goods and redistribution to seeking collaborations with non-State actors to 'do' public issues. This directly impacted 'opening up' policymaking to non-State actors, for it entailed re-conceptualisation of governance—from a centralised, hierarchical and top-down traditional model of 'government', to a more collaborative, horizontal structure, and a non-hierarchical setting, that had to be now based on networking, negotiation and lobbying. This was based on a model of partnerships or networked governance wherein the relationship between government and non-government, comprising market and civil society, became the core thrust in the making of policies and delivery of public goods⁷. Hence, this shift from 'government'

to 'governance as a network' played a significant role in 'opening up' policymaking to partnerships, influences from non-State actors, including influences of global institutions.

As policy networks emerged, the dominant non-State actors were, and have been businesses. To facilitate government-business policy networking, a plethora of new institutional arrangements has emerged over the past decade, Council on Trade and Industry within the PMO (Prime Minister's Office) and the Board of Trade in the Ministry of Commerce for instance. Notably, in most of these councils and boards, there is no representation of trade unions, labour federations or civil society organizations. By and large, in these emerging policy networks formal mechanisms or spaces for involvement of civil society have been few and far between, and rarely from an empowered position⁸. This is hardly surprising, given the critique of the neo-liberal framework from sections of civil society, and the 'unease' that has been the hallmark of State-civil society relations in India where the State has towered and civil society remained at the margins.

However, a few institutions, such as the National Advisory Council (NAC), have surfaced, which facilitate government-civil society networking. The NAC has played a critical role in bringing in legislations such as Right to Information, Mahatma Gandhi Rural Employment Guarantee Act (MNREGA), among others. Increasingly, there is a visible change in the government's approach to formally involve civil society actors in policy networks. This trend is evident in all the flagship programmes of the government, be it the MNREGA, or National Rural Livelihood Mission, or as reflected in the National Voluntary Sector Policy 2011, which outlines an ambitious plan of the government to engage 'developmental civil society' at multiple levels, from policy formulation to implementation and monitoring.

If one were to examine formal participation of the civil society in policymaking, some 'opening up' can be traced since the late 80s. This could be seen, for instance, in Bunker Roy's (a prominent civil society activist) appointment to the Planning Commission, in the institution's attempt to organize a national conference that

⁷ Kuldeep Mathur, "Governance as Networks: Emerging State, Business and NGOs Relationships in India", www.cdsainfo.org; <http://www.ihindia.org/ihdjournal/Abstract1.aspx?id=148>.

⁸ By empowered position, the reference here is to the ability to bring closure to a policy decision.

brought together NGOs and central and state-level ministry representatives in 1992, 1994 and 2002. This drift was reflective of two factors. First, of democracy taking deeper roots, and the consequent demand from the bottom—people, their organizations and movements—for greater participation in the making of policies and decisions that affected their lives. Then, implementation of the 73rd Amendment Act and the arrival of Panchayati Raj Institutions too drove the State to actively seek partnership with civil society actors.

Given that decentralization overlapped with the first moves towards liberalization in India, as in many other countries, there has been a debate as to whether the trigger for decentralization arose from concerns about deepening grassroots decision-making and participation, or from neo-liberal policy framework that would eventually need public service contractors⁹. However, it is significant to highlight the fact that the impulse for 'opening up' policymaking to civil society emerged at the cusp of two—somewhat opposing—tendencies. One, as a narrative of a neo-liberal state—for, even as the neo-liberal state began abdicating its redistributive role, it found itself in a peculiar bind, unable to meet the challenges of equity and distributive justice, in a context where political and social issues tended to be far more contested than ever before¹⁰. The State thereby sought to implicate civil society in governance, and adopt a 'participative' approach to resolve the 'wicked problems' it faced. Two, space for civil society also emerged from a counter narrative—from movements, demands on the ground that people and communities must have greater say in policies that were about them, that policymaking ought to be more democratic, more deliberative, more participatory—from the Gandhian tradition of 'Gram Swarajya'. Here a 'bottom-up' approach to policymaking was conceptualized as an alternative path to development, which would ameliorate some of the ill effects of neo-liberal policies. This dual impulse or state imperatives is critical to understanding not just the shifting

terrain of policymaking in India, but also the dynamics of the 'space' in which civil society finds itself in policy processes, a space that is at times 'sanctioned' or 'invited', and at times 'claimed' or 'occupied'. Invited spaces here refer to those spaces sanctioned or legitimized by the government, whereas claimed or occupied spaces refer to collective actions by civil society and citizens, which confront the authorities.¹¹

⁹ Miraftab, "Decentralization and Entrepreneurial Planning", <http://www.urban.illinois.edu/faculty/miraftab/miraftab/Planning%20and%20Decentralization.pdf>

¹⁰ For a detailed analysis of emergence of a exclusive state-business relations, and neoliberalism in India, and its distributional impact, see Atul Kohli, "Politics of Economic Growth in India 1980-2005", Part I & 2, Economic and Political Weekly, April 1.2006/April 8.2006.

¹¹ The conceptual notion is drawn from Miraftab's Invited and Invented Spaces of Participation: Neoliberal Citizenship and Feminists' Expanded Notion of Politics, Wagadu Volume 1 : Spring 2004, <http://appweb.cortland.edu/ojs/index.php/Wagadu/article/viewFile/378/719>

3. CASE STUDIES

CASE STUDY 1

Right to Information Movement

Overview and Context: The Right to Information Act 2005 (RTI) represents a landmark legislation, which emerged from the domain of civil society, demanding transparency and accountability. Eventually passed by Parliament 'to provide for setting out the practical regime of right to information for citizens', it empowers any citizen to ask for information from any 'public authority', which is then mandated to reply expeditiously or within thirty days.

While for long, 'right to know' was demanded by some citizens' groups, and there were multiple Supreme Court judgments, the seeds of the 'movement' for RTI, sown in 1987, grew out of Mazdoor Kisan Shakti Sangathan's (MKSS) struggle for transparency and accountability in village accounts in Devdungri, Rajasthan. What began as a movement for fair daily wages, survival and justice for the most marginalised, spread to other regions, broader sections of population, citizens' groups, social activists, media, academics, even small sections of government and judiciary, thereby metamorphosing into a powerful movement that culminated in the RTI Act in October 2005. Even after passing the legislation, there was continued struggle to stop attempts to dilute it. Despite that, two important areas of the RTI movement have remained unfulfilled—expansion of its provision to subjects under 'National Security'; and to businesses and corporations involved in delivery of public services under public private partnerships (PPP).

The context that triggered the rise of the movement was a maximalist State, which even as it controlled economic and social development, had become omnipotent, secretive and unaccountable, with a corrupt bureaucracy. Distance between a poor and common citizen and government functionaries and institutions was growing. The movement also overlapped with decentralisation, opening of economy, growing poverty and inability of government schemes to reach and work for the marginalized population, all this amid stronger and open media and information flow.

Spaces of the movement: The RTI movement is a case of gradually multiplying spaces of protest over a long period of struggle, from rural villages in Rajasthan where poor farmers and workers met for Jan Sunvayi (public hearing), to Jaipur and Delhi. At a later phase, it also spread into newsrooms, cyberspace and mobile technology, and even government bodies and institutions. These diverse spaces tell a story of diverse alliance of citizens in different locations, brought together by the felt need for information and accountability by all.

These spaces reflect two critical needs of the movement—an internal need to deliberate in a participatory way, build solidarity, alliances, draft a bill, and plan the movement; and an external need to mobilize and reach out, build awareness and pressure to push for legislation on RTI.

In the first phase, villages were the key spaces, where jansunvayis were organized to bring out discrepancies in muster rolls, wages and corruption in constructions and development work. Care was taken to ensure that jansunvayis and open public meetings were held at central locations that were accessible to all. This was symbolic, giving it a sense of an open and transparent discussion, thereby increasing participation, and deriving legitimacy from the people. From open spaces, the protests moved to *dharnas* (sit-ins) outside the government secretariat in Jaipur. Here, the campaign secured the right to photocopy government documents, as well as the confidence to push for legislation at the national level.

With the formation of National Campaign Committee for the People's Right to Information (NCPRI) in 1996, the national capital became an important space, which proved significant in the long run. As stated by an RTI activist, one reason for RTI's success was the Delhi-Grassroots link. Delhi held the reputation of being the power centre, from where civil society members would regularly travel to sites of local struggles.¹² Meetings, seminars, conventions were held in different parts of Delhi—in Connaught Place, Constitution Club, Delhi University; and residences of civil society members. Network and alliances were sought with non-governmental organizations, international bodies and

¹² Saurab Sharma (JOSH/ RTI Activist), 13th Sept, 2012.

media. The movement also used the platform of LalBahadurShastri National Academy for Administration, Mussoorie. The NAC also proved to be a catalyst in the long struggle for Right to Information. In its very first meeting, on July 17, 2004, NAC members submitted a statement to the NCPRI, calling for action on RTI.

Leadership: The initial leadership of RTI came from MKSS's founders—Aruna Roy, who had resigned from Indian Administrative Service, and worked with the Social Work and Research Centre, Tilonia; Nikhil Dey, who had left his studies in the US for social activism; and Shankar Singh, an expert on rural communication strategy, who provided the local connect as resident of a village not far from Devdungri. However, the real story of the success of RTI movement was a collective and diverse leadership, from grassroots to intelligentsia, from lawyers, retired judges to social activists and journalists. As Aruna Roy had said, the fact that different people claim credit for the Right to Information reflects plurality, and an alliance that was critical for the success of RTI movement.¹³

Some of the key allies in the RTI movement were human rights activists, particularly in conflict zones, who felt the need for an RTI to investigate disappearances and illegal detentions and abuse; environmentalists, who felt spurred by the success of an earlier petition to the Supreme Court demanding transparency about environmental matters; professionals such as journalists, lawyers, academics, and a few retired and serving civil servants. These alliances led to the formation of NCPRI, a body entrusted to oversee the drafting and pushing for an RTI legislation, and mobilize public support for the movement and RTI bill. Among the varied kinds of organizations that played an important role included Commonwealth Human Rights Initiative (CHRI), Press Council and Lal Bahadur Shastri National Academy of Administration (LBSNAA), Mussoorie. However, as pointed out by Bharat Dogra of NCPRI the entire leadership remained horizontal and diverse, with each group relating their own specific issue to the larger question of accountability and transparency, and ensuring that discussions on RTI were elaborate, extensive and participatory.¹⁴

¹³ Case Study on MKSS by Amitabh Behar, Unpublished Document.

¹⁴ Interview of Bharat Dogra taken on 21st sept, 2012

Constituencies: Given RTI's grassroots rooting, the initial campaign base was among rural farmers and wage workers, comprising large sections of Dalits, women, tribals and minorities. This enabled RTI to emerge as a powerful tool for marginalised communities that was 'owned', understood, and used by them in accessing their rights. With passing years, the campaign spread to urban and middle class constituencies. While it was important that people's organizations and NGOs supported RTI, allies from media and bureaucracy as well as politicians were seen as significant constituents of the movement. Here the 'urban' support and spread played a critical role in taking the campaign to institutes like LBSNAA. The discussion in Mussoorie about taking forward the agenda of setting up an appropriate national body in October 1995 was attended by senior activists, professionals, academics, administrators, senior government officials and bureaucrats. However, the movement remained keenly aware that for an RTI legislation to become a reality, grassroots mobilization across the country was an imperative, and it was vital for voices of the rural masses to be heard along with those of their urban counterparts.

Finally in 2005 RTI became an act. However, repeated attempts to limit the RTI Act followed soon after. Protests against such attempts have been strong, demonstrating the value of a wide alliance that had been consolidated over the years. With the protests, the movement expanded to new constituencies among young people, middle class citizens, social media via Internet, and from the experiences of ordinary citizens using and realising the relevance of the act in everyday matters. Notably, multilateral donor agencies also played a role here in 'persuading' governments, especially in South Asian countries to sanction loans and aid, conditional to transparency regimes being set up.¹⁵

Dominant Symbols and Slogans: The symbols and slogans of the RTI movement were effective in attracting diverse groups and citizens to its transparency and accountability agenda. Some of the slogans underlined what 'right to information means and how closely it is linked

¹⁵ <http://rtiworkshop.pbworks.com/f/2010-04-IN-RTI-Workshop-Genesis-and-Evolution-of-the-RTI-Regime-in-India-Shekhar-Singh.pdf>

to life.¹⁶The movement emerged with the slogan 'Hamara Paise hamara hisaab' (our money our accountability). This eventually became the slogan for MKSS. This slogan effectively conveyed that in a democracy the government's money is people's money, and therefore the accountability for it also needed to rest with the people. Shanker Singh of MKSS says slogans like 'nyayasamata ho adhaar, aisarachenge hum sansar' (we will create a world based on justice and equality) also helped to root the movement on justice and reconstruction. Other slogans of the movement included 'hum janenge, hum jiyenge' (we will know, we will live)—which emphasizes the transparency-accountability link to questions of wage, development and the very survival of the rural poor. As the campaign spread to urban India, the slogans began to reflect the flavour of a different audience. Some of the slogans here included 'No RTI, No Vote'; 'Save RTI', when attempts were made by the government to dilute the act; *Ghoosko Ghoonsaor* punch the bribe, which demonstrated RTI as tool to fight corruption. These slogans struck the right chord among the urban middle class.

Methods: Among the key reasons for the success of the RTI movement was its ability to bridge the rare—grassroots struggle, urban-middle class and media; its ability to build and consolidate alliances and effectively combining oppositional and engagement strategy with the government without getting caught in deadlocks.

The RTI movement used a combination of methodologies, some innovative, some traditional or local along with new methods to reach a diverse audience, and impact the government. But the underlying strategy was two-fold: one, to centre stage corruption and the need for transparency and accountability, and make these aburning public-political issue; and two, to then mobilise people to mount peaceful, democratic pressure on the government.

At the grassroots, one of the most innovative methods devised was that of *junsunwayi*. These public hearings were held through a careful process of identifying people's concerns, gathering relevant information, accessing and scrutinizing documents. After having ascertained prima facie cases of corruption and obtaining

relevant documents, a date for public meeting would be fixed, and mobilisation would begin by sharing information with affected people at public work sites, through wall writings and pamphlets. Then an open meeting in the form of open panchayat would proceed to discuss discrepancies in wages and corruption cases. To build worker-peasant solidarity, youth camps and Majdoor-Kisan Mela were organized. Cultural medium was also used—folk theatre, puppet shows, songs and music—for awareness building and mobilizing.

As the RTI movement gained momentum, the methods and channels of outreach (administrative, legislative, media, public spaces) diversified. Different methods included nationwide campaign, *dharnas* near Parliament, lobbying with political parties, media campaigns, bringing in 'eminent' individuals into the struggle; use of social and alternative media, street plays songs and dances and puppet shows. Other typical protest strategies such as signature campaigns, rallies by students and candlelight vigils were also used. To spread word, film screenings, live RTI radio, as well as seminars, workshops, exhibitions and lectures were organized in various urban centres. Among the less conventional methods included rock concerts, kite flying events and women raising the pitch by banging utensils, to demand RTI.

Resources and Funding: The resources to build the movement came from all walks of life. According to Bharat Dogra 'People who worked full-time would conduct seminars with various political parties, bureaucracy and ministers. Someone like me who has a job would incorporate discussions on RTI wherever I travelled for my work. In my experience, talking about RTI gave me new perspective through questions that people had or worries or doubts on how successful such an act would be. I would communicate these to the core team. So a complete churning of ideas and regular continuous work made the campaign a success. Funding initially came from a few individuals who were retired judges and bureaucrats but later on people associated with NCPRI and MKSS started keeping a collection box at protest sites, so that people got a chance to contribute¹⁷. During the grassroots mobilization phase of MKSS, small research projects and assistance from friends too helped

¹⁶ http://sdnp.undp.org/content/dam/india/docs/people_right_information_movement_lessons_from_rajasthan.pdf

¹⁷ Interview of Bharat Dogra taken on 21st Sept, 2012

keep the momentum going¹⁸. As the movement spread, people volunteered to work part-time, or contributed money. The money came from a range of individuals and sectors—rural unskilled labour to a journalist living in Delhi. Interestingly, many key leaders of the RTI movement came from either economically well-off backgrounds or were working in well-paying jobs so they did not necessarily require a salary. As Dogra pointed out, people used their own personal savings as well as job positions to fill in the resources needed for the RTI movement.

Internal Dynamics and Power Contestation:

As reflected by some RTI activists and NCPRI members, initially, there were challenges in getting different civil society members on board in the movement. This required a lot of negotiations, and at times resulted in internal differences. Differences also arose in the process of drafting of the RTI bill—over what should be included in the draft, what left out, and what should be the non-negotiable—all of which were intensely debated. Some groups, such as the human rights groups argued that information restricted under the guise of ‘national security’, such as information on the defence sector, should also be placed under RTI¹⁹. It was eventually dropped since the government did not agree. However, what helped not letting differences spill over was the consensus carefully built over time, and the need for RTI felt by all. Once RTI became an act, tensions became more apparent over claiming credit. According to Bharat Dogra, *‘Ego clashes that came up after RTI legislation did leave a bad mark on the collective work done by the members of the civil society.’*²⁰

Relationship Dynamics with the Government:

Given government’s general apprehension over making information open at one level, and a strong movement for RTI on the other, the relationship was marked by a constant push and pull of civil society’s demand for a strong RTI act, and the government’s offer of a weak one. One of the key strategies in the movement was the effective use of opposition to push the government on the RTI bill, as well as

engage constructively with the government to negotiate.

The relationship also changed with different power regimes and political parties. According to Ashok Srivastav, *‘The negotiations with the BJP government were slow where they continued to delay the process of making the bill an act. However, with the UPA-1, a commitment came for the bill. Government favoured this civil society alliance. I also want to add that UPA-1 was a new government which wanted to do something’.* He further added that *‘the key challenge was to get the bill passed which bureaucracy and many within the government did not want. They continued to question civil society’s legitimacy and agenda’.* According to some RTI activists, the role played by the leader of the party, Sonia Gandhi, in support of the RTI was critical in civil society gaining legitimacy for pushing RTI to become legislation.²¹

Role of other stakeholders: The role of media was critical in the RTI movement. As pointed by RTI activist Saurabh Sharma, *‘Media was involved in a massive way in keeping the idea of RTI alive in the minds of the middle class, and intelligentsia’*²². RTI was projected as a tool that touched the lives of all sections of the society. The idea of information for personal and political use caught the imagination of all. Media was involved to reach the idea of RTI to as many people as possible. Journalists were often called for RTI conventions, many of the NCPRI members had media background, and press council played a key role in the advocacy. According to Ashok Srivastav, *‘Media has done a commendable job in supporting the movement from its early days. When the Prime Minister spoke about amending the RTI Act, media regularly published articles and news reports and took up the campaign’*²³. Finally, the corporate sector has remained more or less silent on RTI.

Impact Assessment/Analysis: RTI represents a case of a unique campaign, which became a movement emerging from the grassroots with a rural base, building bridges into the urban landscape, with cross sections of citizens and media playing an active role in it. By making access to information a right, it did not just break

¹⁸ <http://www.rti.gateway.org.in/Documents/References/English/Reports/12.%20An%20article%20on%20RTI%20by%20Harsh%20Mander.pdf>

¹⁹ Shekhar Singh “Social Mobilization and Transparency”: Indian Experience; Working Paper, Initiative for Policy Dialogue, Columbia University,

²⁰ Interview of Bharat Dogra taken on 21st Sept, 2012

²¹ Interview of Ashok Srivastava was taken on 21st Sept, 2012

²² Interview of Saurabh Sharma (JOSH/ RTI Activist), 13th Sept, 2012.

²³ Interview of Ashok Srivastava was taken on 21st Sept, 2012

the wall of secrecy surrounding the functioning of the state and bureaucracy, but also opened the domain of policymaking to include the participation of civil society and citizens, eventually leading towards democratizing governance.

It also represents a successful transformation of civil society movement of pushing and achieving a legislation, which had far reaching impact on other movements, activism and campaigns. RTI is often perceived as a movement that internally evolved through a democratic process, took on board divergent opinions, emphasised on carefully building alliances and consensus among a diverse civil society over a period of time. Externally, it did not question the boundaries of Parliamentary democracy, and tended to work with it to deepen democracy.

Impact at Government Level: RTI Act marks a watershed in State-citizen relations, making information beyond the control of the State by empowering citizens. It was also a big step in making the State, its institutions and government officials accountable; it enabled citizens and civil society participation in policymaking through information; forming networks inside and outside government, bureaucracy and judiciary, with incredible public support, created pressure to open up new spaces for civil society's participation in policymaking; and it became a catalyst leading to the formation of NAC.

Impact at Civil Society Level: One, the experience of alliances and networking emerged as critical learning for civil society; two, it was significant for civil society-citizen relationship; three, new tools and methodologies of social action/social mobilisation/campaigning emerged; four, it strengthened other movements and campaigns, for example, Right to Food, Implementation of schemes such as MNREGA.

However, some shortcomings pointed out by some of the activists and academics interviewed have been that though the RTI movement has been powerful in opening up a new space for civil society, challenges remain in the implementation of the Act, particularly with a number of cases arising related to killing of RTI activists. There is also the challenge of the RTI regimes becoming weak over time, since there is no timeline for cases lying with the Chief Information

Commissioner²⁴. Moreover, while the RTI opened up spaces and created new alliances, some of these have been transient.

CASE STUDY 2

Civil Society/Wada Na Todo Abhiyan and Planning Commission: The Making of the 12th Five Year Plan

Overview and Context: Development through centralised planning has been the key strategy in India since Independence. Adopted by the Government of India Resolution, 1950, the Planning Commission, chaired by the Prime Minister and comprising Deputy Chairperson and other members, was entrusted with the responsibility of formulating, executing and monitoring Five Year Plans (FYPs). While there are debates about the relevance or irrelevance of the Planning Commission today, what is significant is that planning in India, through a highly centralised mode, continues to set the development vision and policy contours along with resource allocation for the Centre and states for a five-year period. It is not geared to popular participation and remains confined to a technocratic vision of economic development, which it is hoped, would 'trickle down' to social development.

However, the need to make people and their concerns central to 'planning' was felt even as the idea of 'plans' was adopted. During the making of the 1st Plan, when Vinoba Bhave was invited to take a lead in its formulation, he undertook a long march from Nagpur to build a plan with people's vision and inputs. During the 2nd Plan, EMS Namboodiripad also prepared a parallel people's plan. These attempts, however, remained isolated and were unable to make a dent in the top-down model of planning. In the 80s, a number of civil society organisations raised the need for people's participation in the making of the national five-year plans. In the 90s, though the process of planning opened up considerably, it was mostly to trade, commerce, business associations and international global influences such as the World Bank. Civil society's participation remained marginal—limited to giving inputs on adhoc basis, often

²⁴ "It's easier to find god than govt: Shailesh Gandhi", See http://articles.timesofindia.indiatimes.com/2012-07-7/india/32576785_1_cic-and-state-commissions-activist-turned-information-shailesh-gandhi, Accessed on 12.6.2013.

on already formulated plans, or to occasional adhoc representation of a civil society member. Organised involvement of civil society and citizens as an institutionalised process in planning has not existed in India.

Significantly though, at the state level, the Kerala Sasthra Sahitya Parishad (KSSP)²⁵ successfully led a campaign for bottom-up planning process. It resulted in the State Planning Board decentralising the process of planning in Kerala. Though this happened at a much smaller scale, the 'Kerala model' became an important inspiration for civil society groups.

Notably, in terms of promises on paper, some of the five-year plans in this period began to mention about the involvement of voluntary sector and citizens' participation. This was largely owing to growing demands from civil society organizations as well as changing role of the State with liberalization. But little happened at the operational level. During the 9th FYP marginal inputs from civil society were sought. The following 10th Plan period brought out a significant contradiction—of Indian economy recording a high growth rate of 8.9 per cent, but a large section of the population remaining untouched by the rise of mere GDP. Consequently, in the next plan, space for civil society was created with a National Voluntary Sector Policy 2007 assuring a formal or invited space to the 'voluntary organisations'.²⁶ This too remained largely on paper. However, the 'opening' was seized by some civil society organisations and networks working on governance accountability—Wada Na Todo Abhiyan (WNTA)²⁷, a national coalition of over 3000 organisations across states; Centre for Budgeting and Accountability (CBGA)²⁸, a think tank working towards bringing people-centred perspective on policies and government budgets; and National Social Watch(NSW)²⁹, a network of civil society organisations, communities and citizens working on monitoring governance—to 'claim' space in the planning process. When the government

began a mid-term evaluation of the 11th Five Year Plan, these civil society organizations and their partners at the grassroots conducted a people's mid-term appraisal along side in 2009. The findings of the people's review on how far the 11th Plan had included, or excluded the poor and vulnerable groups³⁰, was presented to the Planning Commission.

Until then, evaluation or review of plan performance had been the sole prerogative of the Planning Commission. This marked the beginning of a process of building a loose civil society platform demanding inclusion of social issues in planning, and inclusion of civil society in planning in a real sense; of moving from a 'claimed' space to an 'invited' space, and of an outsider/insider engagement with the Planning Commission in the making of the approach paper for the 12th FYP—the policy blueprint from which the plan flows.

Spaces of the campaign: The spaces of campaign were seen at two levels: one, spreading out to different regions, different constituencies and thematic issues, and to varied civil society organisations, networks and anchors; and two, consolidation and engagement with the Planning Commission in Delhi. The first phase of mobilization and review of people's mid-term appraisal of the 11th FYP involved organization of meetings in 10 state capitals, across 100 villages in 20 different districts across these states, leading to five regional consultations, and a national consultation in Delhi in February 2010³¹. While the earlier phase involved community based organisations (CBOs) and networks and their interface with people at the district level, the national consultation involving the civil society, and representation of citizens and participants from the districts, became a space for engagement with the Planning Commission. For instance, Montek Singh Ahluwalia, Deputy Chair of the Planning Commission, and other members attended the national consultation, and the report was shared with Prime Minister Manmohan Singh who is also the chair of the Planning Commission. One of the key recommendations that emerged from civil society groups and people involved, was they must participate in the process as empowered

²⁵ KSSP - a group of science researchers, with a history of engaging with local people of Kerala, explained/propagated the limitations of bureaucratically planned system through its study on Kuttanad Development Project and the Silent Valley Hydro-electric project in 1978.

²⁶ The background to understanding the initiation of the process was provided by Dunu Roy - Hazards Center.

²⁷ <http://www.wadanatodo.net>

²⁸ <http://www.cbgaindia.org>

²⁹ <http://www.socialwatchindia.net>

³⁰ "How Inclusive is the Eleventh Five Year Plan?: People's Mid Term Appraisal". Wada Na Todo Abhiyan, Dec. 2010

³¹ For process details see <http://www.wadanatodo.net/camapaignreports/download/2010/howinclusiveis11thplan-Voicesfrompeople.pdf>

stakeholders in the making of the 12th Plan process, as opposed to just being implementing agencies of the state policies. People's review thereby became a significant step, providing feedback on policy failures, along with a forward-looking strategy.

Consequently, within the space of the Planning Commission, a workshop was organised by the commission in June 2010 to listen to what it called 'external thought' leaders. They included market and business groups, as well as civil society actors—NGOs and member-based organizations such as cooperatives and unions.³² The suggestion for decentralised consultation process, involving marginal groups and regions, youth, college students, women among others, grew stronger here. A series of deliberations followed within the commission for 'opening' up the 12th plan process to civil society, with differing opinions among the institution's members. Pronab Sen, who had overseen drafting of three approach papers, backed Arun Maira and Sayeda Hameed on the need to engage with people and civil society in the planning process. Finally, in August 2010, the Planning Commission's decision to formally involve civil society was shared by Sayeeda Hameed³³ at a North Central Regional Conference on Health, Population and Social Development.³⁴

In the next phase, the Planning Commission-civil society engagement centered in Delhi, within the Commission. However, as the process unfolded, with WNTA taking up the role of facilitating a civil society platform, the space shifted to diverse locations and regions; and to thematic groups, anchors and CBOs. For instance, in north eastern India, consultations were led by North East Network; diverse women's group took the lead on gender and held a regional meeting in Chennai; on Adivasis, Ekta Parishad mobilized people from all across India, with a regional consultation in Raipur, Chhattisgarh; among others. These were

³² See Annex II. <http://www.planningcommission.gov.in/plans/comments/insight.pdf>, Consultation 19th June 2010.

³³ A respected Women's Rights leader, and now member of PCI, overseeing Women and Children, Health, and Voluntary Action cell, Micro and Small Enterprises

³⁴ Report by Population Foundation of India (Aug.2010) "Civil Society engagement is high on the agenda in the 12th Plan: Planning Commission". <http://populationfoundation.in/news> "We need vibrant efforts by the civil society to supplement the work of the government on family planning to lead to population stabilization. And the Planning Commission of India is seriously considering promoting civil society engagement in the developmental activities in the 12th Plan"

then consolidated into a report by WNTA³⁵, and the space once again shifted to Delhi.

Leadership: Three organisations—CBGA, NSW and WNTA—took up the initial leadership role in facilitating the people's review of the 11th Five Year Plan, with complementing capacity of CBGA on policy research and budget analysis; NSW's experience of monitoring governance institutions, and WNTA as a campaign on governance accountability with visibility, and credibility both within developmental civil society and government. The key for the success in building a platform and legitimacy came from allowing for leadership of each sector—Dalits, Adivasis, tribals, women and people with disability—by organisational and CBO anchor leads working in the sector. The leadership here remained more organisational, in a format of a coalition. The process was also personality driven—by the campaign convenor of WNTA, Mr. Amitabh Behar, who was on the board of CBGA and NSW, and well networked and respected in the sector. This helped in giving the process a strategic cohesiveness and direction, particularly in a short time frame that was provided by the Planning Commission. The fallout, however, could be *if* the constituent organisations want to take this process with the Planning Commission beyond the 12th Plan process and institutionalising civil society's inclusion. This remains to be seen.

Constituencies: The constituencies and the lead organisational anchors were: *Youth* – Joint Action for Self-Help (JOSH), The Tehelka Foundation, Pravah, Infant and Young Child Nutrition (IYCN), YP Foundation and Liberal Youth Forum; *Women* – Women Power Connect, JAGORI, UN Women, Centre for Budget and Governance Accountability (CBGA), National Alliance of Women (NAWO), Ekta; *Children* – India Alliance for Child Rights (IACR), Plan4Children Collective, Migrant Children's Foundation (MCF), Child Relief and You (CRY), HAQ: Centre for Child Rights, Save the Children Federation (SCF), National Campaign on Dalit Human Rights (NCDHR), Joint Women's Programme (JWP), Plan India, Children's Research Triangle (CRT), Mobile Creche, Karnataka Child Rights Observatory (KCRO), World Vision India (WVI), Young Lives, Child In Need Institute (CINI); *Dalits* – NCDHR, National Confederation of Dalit

³⁵ Approaching Equity: A civil Society Draft for 12th. Plan Approach Paper, www.wadanatodo.net

Organisations (NACDOR), National Dalit Forum (NDF), National Federation of Dalit Women (NFDW); *Adivasis* – Ekta Parishad; Transgender–United Nations Development Program (UNDP); *Migrants* – International Organization for Migration, UNDP; *Conflict* – COVA network, Ekta Parishad, South Asian Network for Secularism and Democracy (SANSAD), People’s Union for Civil Action and Rights (PUCAAR), AshaParivar; *Urban Poor* – Hazards Centre, Swaasthya, Indo-Global Social Service Society (IGSSS), Green Flag, Action Aid; *Muslims* – Tehreek-e-Pasmanda Muslim Samaj (TPMS), NACDOR; *People with Disability* – Voluntary Service International (VSO), AarthAsta India; *Elderly* – HelpAge India, Tata Institute of Social Science (TISS); *Adolescents* – Swaasthya, Childhood Enhancement through Training and Action (CHETNA), Smile Foundation; *People Living with HIV and AIDS (PLHIV)*–UNDP, Indian Network of People Living with HIV; *Decentralisation* – Decentralisation Community, Solutions Exchange, UNDP; *North East* – North East Network.

Methods and Internal Dynamics: WNTA’s engagement with the Planning Commission was based on advocacy. The methods involved one, *to claim a space as ‘outsiders’*, asking for accountability from the government towards the performance of the 11th Five Year Plan; grounding itself for legitimacy at grassroots, documenting evidence through extensive public meetings, grassroots consultations in different regions; regional consultations and national consultation. Two, *of engaging as an outsider* with the Planning Commission to push for a formal space for civil society and social issues in the making of the 12th Five Year Plan. Three, *of an insider/outsider strategy* of engagement with the Planning Commission, of stepping into the planning process, but being careful in defining itself as a civil society with a watchdog role, and thereby also stepping out to critique the Planning Commission, and the Plan. Support of key members within the Planning Commission played a critical role, such as Sayeeda Hamid, Pranob Sen, Arun Maira and Narendra Jadhav.

Within civil society, the methods of working was based on decentralising, and working as a plural coalition. Here WNTA worked as a ‘facilitator’ of the process, and did not claim ‘ownership’ of the platform. Care was taken, even while documents were being consolidated across regions and themes, not to change or interfere

with the content of the thematic inputs and recommendations of the sectors involved. While in the phase of giving inputs and suggestions to the Planning Commission, hopes were high but there was wide spread dissatisfaction with the approach paper and its inclusion of civil society inputs in its final content. Some of the CSOs felt it had been a waste of time as many of their recommendations had not been included, and perceived the process merely as a ‘legitimising’ by the government³⁶. Others felt that some aspects of the concerns had found its way, though as ‘Trojans’, and there was need for continued advocacy with the Planning Commission³⁷. Yet others seemed to be still hopeful and saw this as the start of a process.

Funding/Resources: While there was a possibility for funding from the Planning Commission for the involvement of civil society, to maintain an objective distance, and the ‘outsider’ position, it was strategically decided to not take funding from the institution. Instead, funding was taken from UNDP.

Role of other stakeholders: The groups involved in the process remained largely NGOs, CBOs, International NGOs and networks such as NCDHR and NACDOR. Some movement groups like Ekta Parishad joined. Involvement of academics was sought in the preparation of inputs though they were not part of the civil society platform. The role of media was limited to reporting the efforts of the organizations, such as on Lok Sabha TV, Frontline and some newspapers rather than influencing or playing a role in the advocacy effort itself.

Impact Assessment/Analysis: The case of WNTA’s engagement with the Planning Commission represents an attempt of civil society to institutionalise its participation in a policymaking body. Given the technocratic, top-down model of plan making in India, the attempt carries the potential for paving the way for decentralised, people’s planning, and opening up plan making to citizens and CSOs.

At the level of policy and government, the initiative has been a significant step forward in institutionalizing civil society’s participation in the policy network of the Planning Commission.

³⁶ Dunu Roy, Hazard Centre

³⁷ Paul Diwakar, NCDHR

Besides, it would be far more difficult for the Planning Commission in future to assess and review the progress of the 12th Plan without involving civil society and considering other realities on the ground. Consequently, this has opened channels for consistent advocacy on community and social concerns in the planning process. However, if one were to consider impact in terms of how much of civil society inputs translated in the final 12th Plan, there is much disappointment among civil society group. Though some inputs, as the issue of disability, inclusion and gender found its way in, this has been more at a superficial level, made further weak by the push in the plan for high economic growth and PPP as the mode for development. The danger here is that if participatory channels are opened, but inputs and suggestions not taken seriously, it would lead to delegitimisation of the process.

At the level of civil society, besides the opportunities of foregrounding social or people's planning at the national level, this has helped forge a platform on the issue and provided an opportunity to take these issues to the state level, to state planning boards which in many states are weak or defunct. It has also thrown open opportunities to build momentum, build alternative models on the ground for stronger advocacy for people's participation for the next plan. The coming together of diverse sectors, groups and networks, working with a decentralized model on the issue of planning across India, has also been significant. Hence CSOs working independently on their specific area of work are able to bring their learning and concerns from the ground to influence planning at the national level. The challenges remain about resources and to sustain such a coalition. This is particularly tricky when dissatisfaction and two divergent views have emerged among the groups with the outcome of the 12th Plan. One view is that the exercise of engagement within the 'invited' space of the Planning Commission is futile and an exercise of the government to legitimize its own agenda. The other view is the outcome must be seen as a long-term process of sustained negotiations, lobbying, advocacy and ultimately building pressure with alternative models, and mobilization from the ground. This process is just unfolding at this stage, and what shape it takes remains to be seen.

CASE STUDY 3

Lokpal /Anti-Corruption Movement

Overview and Context: The Lokpal bill is a proposed anti-corruption legislation. Developed on the model of Ombudsman of Sweden, it seeks to set up a national institution to look at, control and remedy corruption in India. First introduced in 1968, and passed by Rajya Sabha, the bill was left pending since. Subsequent versions of Lokpal were re-introduced in Parliament a number of times but not passed. The issue of Lokpal came to the centre stage in 2011, when Anna Hazare, a civil society activist, sat on an indefinite hunger strike in Delhi, demanding that the civil society draft or the Jan Lokpal bill be passed. The movement went 'viral', spreading to other cities, neighbourhoods and small towns, building a 'spectacular' mobilisation made visible by mainstream and alternative media. The way it galvanised large and diverse sections of society in recent years, and brought the issue of corruption into limelight all over again, was unprecedented.

The context of the movement can be seen at various levels. At one level, the context of the phenomenon of 'India Against Corruption' (IAC) has been a 'changing', and neo-liberal India. Within this, the very language and scale of corruption had reached unprecedented levels, with series of scams within the government which had made it to the headlines—Nira Radia Tapes, 2G Spectrum and Commonwealth Games, for example. According to **Aditya Nigam of the Centre for the Study of Developing Societies**, the context, and 'the very content of anti-corruption movement was widespread anger against corporate loot of public exchequer, and corruption at high places involving the state-corporate link. It would not have been possible to mobilise people in such large numbers just on the question of individual acts of corruption that babus indulge in'³⁸. At another level figures the context of massive transformation of Indian society and economy with globalization and Information Technology revolution. It created the space and brought to the fore a new form of 'citizens' activism'—of a middle class, social media and mainstream media activism in different parts of the country, particularly in cities. Shades of this had been

³⁸ Aditya Nigam, At CDSA Consultation on "Anna/Anti Corruption Phenomenon: Its implication for Democracy, Civil Society and Policy Making", 13th September, 2011.

witnessed earlier in the Justice for Jessica, Priyadarshini Matoo and Nitish Katara cases as well as NDTV's NoRTI No Vote campaign. The anti-corruption movement foregrounded this as never before, even though its 'high moment' came to an abrupt pause with the government drafting its version of the bill, while including some clauses of the JanLokpal. Then, delay in the passage of the bill has been a cause of unrest. Besides, many within the movement, such as Medha Patkar, see the fight against corruption as a long and sustained battle.

Spaces of the Campaign: The spaces of the campaign were predominantly city squares, cyber space, neighbourhoods, media rooms and newspapers. The most visible spaces of protest were JantarMantar, Ramlila Maidan, India Gate, Chatrasal Stadium, outside Tihar Jail where Anna Hazare was imprisoned. Protests were also held in different cities, for instance, Azad Maidan in Mumbai and Freedom Park in Bangalore became important spaces of middle-class mobilization for the movement. Social media—Facebook, Twitter, SMS, mobile phones and blogs were used to mobilise, connect as well as register protests. This also facilitated instantaneous reach to Non-Resident Indians living in New York, New Jersey and London who joined in by protesting outside the Indian Embassy. These protests were given special coverage by media, particularly English news channels, which took the debate into the living rooms of people.

Leadership: The leadership of the initial platform 'India Against Corruption' included a diverse range of social activists and prominent individuals who came from varied backgrounds. This included Swami Agnivesh, Kiran Bedi, Arvind Kejriwal, the Archbishop of Delhi, Vincent M Concessao, Maulana Mehmood Madani, advocate Prashant Bhushan and JM Lyngdoh, along with Anna Hazare, Justice Santosh Hegde, Medha Patkar, Akhil Gogoi, Baba Ramdev among others³⁹.

While in the initial stages, Baba Ramdev, a yoga guru with large mass following, emerged as the other face of the anti-corruption movement, ultimately the leadership began to revolve around a 'team', with Anna Hazare as the leader. Popularly referred to as 'Team Anna',

this comprised Arvind Kejriwal, Kiran Bedi and Prashant Bushan.

The leadership, aided by media, was successful, even inspirational, in mobilizing youth and middle class, and 'Anna' became synonymous with the identity of ordinary citizens demanding end to corruption. However, its leadership soon came under criticism from within and outside civil society for displaying 'authoritarian'⁴⁰ tendencies and being undemocratic; for getting too close to the rightwing; for not being open and taking on board various views within civil society; of playing to the galleries and media. Overtime, difference also surface within Team Anna, with Anna Hazare, Kiran Bedi going separate ways, and Arvind Kejriwal and Prashant Bhushan floating a political party—*AamAdmi Party*—to contest election.

Constituencies: Initially, anti-corruption movement remained confined to a vociferous and dominant middleclass, across age groups—executives, the upwardly mobile, students, children, khap panchayats, film actors, cult and yoga leaders, RSS cadres, as well as regarded civil society activists. However, from protests at Jantar Mantar in April 2011 to the Ramlilla grounds in August 2011, the anti-corruption drive had transformed into a widespread movement. Initially, it retained its middle class-upper caste-urban character, but as issues of land acquisition, price rise and agriculture emerged, it grew more amorphous as a section of lower middle class, working class and farmers from Haryana and Punjab joined. Notably at this stage, most of the middle class constituents who 'peopled' the protest were from the lower middle class. Young boys and girls, mostly in the age group of 15-35, were an important constituency. However, while women and girls participated, men and boys far outnumbered them. Farmers, rural folk, migrant workers, common daily wage earners also joined the movement. At various protest sites in Delhi, the constituents included farmers, activists from Uttar Pradesh, Jharkhand and Bihar, even people from flood-affected areas. Some activists, civil society groups, political groups were also important constituents of the movement. This included NAPM⁴¹, Bhopal gas survivors and victims, AISA—the student wing of CPI (M)—and Irom Sharmilla who expressed

³⁹ For more details about the "team" behind India Against Corruption, see <http://www.iacahmedabad.org/india-against-corruption>, Accessed 23.6.2013

⁴⁰ Mukul Sharma, The Making of Anna Hazare, <http://kafila.org/2011/04/12/the-making-of-anna-hazare/>

41 National Alliances of People's Movement.

solidarity and used the corruption discourse to foreground issues of land acquisition, corporate plunder and human rights. According to Madhuresh of NAPM, the experience of supporting the anti-corruption movement has been '*critical in giving it a political content by being present within.*' However, a notable gap was the absence of minorities and Dalits in the movement, and apprehensions about the movement going against minorities, particularly Muslims and Dalits, was expressed by leaders and organizations representing the constituencies⁴². Some women activists critiqued the movement for displaying rightwing leanings. What emerges is that while the Lokpal movement had 'virtually' and in the cities created a wave, it tended to be about a dominant middle class, and failed to include or become a tool for marginalised communities to fight corruption and access their rights.

Method: The campaign, which later became a movement, had a strong populist tone, and was designed to target the middle class, and the media—the two vehicles that could push the movement closer to centres of power. Early attempts by some India Against Corruption (IAC) activists to raise the issue of corruption in January 2011 had failed to generate much enthusiasm. '*Smart*' media strategy of 24X7 beaming into people's home proved to be the tidal wave on which the movement rode. The anti-corruption movement received unprecedented coverage in almost all popular newspapers across the country. Television slots in popular shows were booked for members of Team Anna to make special appearances. *Social Media* was used extensively to garner support, reach out, connect, spread word, to form cyber groups, protest and discuss. Special *SMS* and *missed call campaigns* were employed. Over 2.5 crore missed calls were recorded till September 6; *online referendums* relating to the Jan Lokpal were carried out, which showed overwhelming support of the civil society's version of the bill.

Also critical and aided by media, was the creation of the cult of 'Anna'—the leader—as the modern age Gandhi of sorts who had dedicated his life to fight corruption. The draft of proposed Jan

Lokpal Bill⁴³ was circulated at protest sites, on websites and social media to seek inputs. Subsequently, different sections of civil society also drafted alternative drafts of the Lokpal Bill, which they submitted to the legislature. When the government showed lack of interest, Anna Hazare used 'fast unto death' to pressure the government. This raised debates if fasting was 'blackmail', and an illegitimate method in a democracy, or was it a legitimate non-violent method of civil society's social action.

Slogans, Symbols and Internal Dynamics: The Lokpal movement worked within a 'catch-all' strategy, bringing in organisations, slogans and ideologies from far right to far left. Consequently, the campaign did not always speak in one voice. There were divergent projects competing, from right wing agenda, to issues of land acquisition by corporate, and there were divergent understanding of 'corruption'. From Ramdev's Bharat Swabhiman Trust, Manuwadi Kranti Samiti, the RSS to AISA, NAPM, Bhopal gas survivors, all were present, each with a different understanding of corruption. This was reflected in the dominant symbols and slogans of the movement. On one hand, Anna and India seemed to have merged into one, reflected in slogans such as, '*Anna is India, India is Anna*'; or in use of slogans such as '*Vande Mataram*' and '*Bharat Mata ki Jai*'. On the other hand, any and every individual experience of corruption seemed to have found embodiment in the image of 'Anna', voiced as '*I am Anna*' or '*Mein Anna Hoon*'. The dominant symbols of the movement also reflected the trends of a larger than life icon in Anna, and the Gandhi topi at one level, and the national flag and pictorial representation of 'Bharat Mata' at another.

Internally, the movement was rife with contestations from the beginning. Differences emerged around the style of leadership; over strategies and tactics; over different versions of Lokpal; over involvement of groups and leaders with right wing leanings; over formation of a political party. Criticism has also come from Dalit

⁴² Paul Diwakar, Shabanam Hashmi, CDSA Consultation on Anna/Anti Corruption Phenomenon.

⁴³ The key features of the proposed Jan Lokpal bill included establishing of a central government anti-corruption institution called Lokpal, supported by Lokayukta at the state level; Independent appointment of *Lokpal*; Bringing all anti corruption agencies under the Lokpal; Lokpal to have complete power to investigate and prosecute all officers, judges, politicians (including Prime Minister). For more details on its provision, see http://en.wikipedia.org/wiki/Jan_Lokpal_Bill

leaders such as Udit Raj as well as from Muslim leaders.

Funding and Resources: IAC collected money from citizens pooling in resources. This included a cross section of people donating at the protest sites, sending cheques to IAC. IAC was also successful in getting IT professionals, students and citizens to volunteer for the movement.

Role of other stakeholders: While media, as discussed earlier, was a key ally, the anti-corruption movement faced criticism, and roused a heated debate among the intelligentsia and academics. While across the board, there was support for the issue of corruption, there were critiques about the strategies, and of the movement's tendency to bypass procedural democracy and its institutions. There were also criticism of over-the-top media involvement, particularly electronic media, which used the power of visual images to 'mediatise politics', create a larger than life image of Anna Hazare, and promote a lopsided image of the movement where differing voices did not get adequate space. Corporates responded with caution. At one level, all heads of key business houses came out in support of Anna Hazare at the height of the popular movement, but remained cautious about the Jan Lokpal bill.

Impact Assessment and Analysis: The Lokpal movement propelled civil society into the centre stage of policymaking as a 'visible' and active player. Along with this came a number of questions, including how should civil society play an active role in policymaking. The movement also marks a turning point for citizen-civil society-state relationship in India, where practically for the first time the government was seen going out its way to accommodate some of the demands of civil society actors. It also saw the coming of age of new forms of middle class activism in India—new constituencies, with new methodology and tools. Popularly referred to as 'new citizens' activism', it represents a phenomenon that has been occurring with increasing regularity in India and across the world. Undoubtedly, the impact of the Lokpal movement in the short-term, and the long-term, are far reaching.

At the level of government and policy, the movement brought the issue of corruption to the centre stage, compelling the government—for the first time—to bend backwards to

accommodate civil society demands. The movement compelled the government to hold a joint parliamentary session, raising the level of debate in Parliament, and forcing it to acknowledge corruption⁴⁴, and formulate its own Lokpal bill. It left the government walking on a tight rope, unable to grasp or adequately respond to the large mass swell on the ground. It was a significant moment of redefining state-civil society relations, the long-term implications of which are still unfolding.

At the level of civil society, in the long-term, this has serious implication for both democracy and civil society. For instance, it remains to be seen if leaking of power from institutions of representative democracy to media rooms, city squares, cyber spaces weaken or deepen democracy? Will the anti-political or the apolitical movement relate to the political campaigns, and issues of social justice of the poor and marginalised? Will it open up possibilities or shrink the civil society space for issues and concerns of the marginalised? These questions have serious long-term implications, but are still unfolding, and remain open at the moment.

⁴⁴ For instance, the 12th Plan even devotes a section on combating corruption.

4. EMERGING THEMES

The three case studies represent three different kinds of interventions by civil society to influence policymaking. RTI and the anti-corruption case studies represent a movement, while WNTA a campaign of NGOs, INGOs, networks and civil society organizations in the development sector. This leads to difference in their nature, modes of organization and poses some challenges in comparison. However, from the vantage point of each playing a role in policymaking, some differences in base, strategy and organization becomes relevant. In terms of their base, the RTI movement rooted itself in questions of survival of the rural poor and marginalised sections, and from this understanding it sought to expand into urban, middle class, media base and other such spaces. The WNTA campaign worked with organizations working among the poor and excluded communities, and defined its mandate as that of marginalised groups, and sought legitimacy from its constituents among disadvantage population, urban and rural poor in cities and villages in India. The Lokpal/anti-corruption movement based itself in the urban, middle class, media and cyber settings, and then thinly expanded to some disadvantaged groups. This largely also defined the content of the movements.

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

Overall, what emerged from the investigation

was that internally within the civil society, and externally in the public domain, there clearly is greater comfort with strategies used by RTI and WNTA. Whereas the questioning of Parliamentary democracy, the overreliance on media and middle class base and its concerns, the reliance on a 'the leader' has been questioned in the Lokpal movement.

Despite these critical differences, a number of striking themes emerge which are noteworthy.

Deepening Democracy and Accountability:

A sense of 'democratic deficit' cuts through all the case studies, and they all throw up a common theme, of demanding accountability and deepening democracy. However, they also bring out a growing contest about different conceptions of democracy in India today. In a context where the state has become increasingly narrow in its conception of democracy some have talked about a narrow state-business alliance and democratic accountability getting limited to elections⁴⁵. Within this context, the RTI movement and WNTA-Planning Commission engagement reflect faith in liberal or representative democracy, and the attempts are therefore about linking citizens with institutions and processes of the State, to make them accountable. In the case of Lokpal movement, a dominant strand pushed for direct democracy, to make the 'public sphere', including media and cyber space, the site of deliberations with a marked distrust of the State and the structures of representative democracy.

Collective Action in Coalitions and Alliance:

In the three cases studies, civil society's attempt to intervene in policymaking process was through collective action, in a coalitions or alliance. However, the structure of these alliances and coalition differed. The WNTA engagement with the Planning Commission was an alliance of mostly 'developmental civil society',⁴⁶ working as a campaign in a platform mode with decentralized leadership; the RTI movement was a broad but sustained alliance of rural workers, peasants and their organizations, developmental civil society, media, academics and middle class, among others, working with

⁴⁵ See Atul Kohli, "Politics of Economic Growth in India, 1980-2005", Part I & 2, *Economic and Political Weekly*, April 1.2006/ April 8.2006

⁴⁶ Civil society groups/organizations/projects that are working on issues of democracy and rights

horizontal leadership through a centralized coordination committee; the Lokpal movement was an unstructured coming together of disparate groups—leftist, centrist, rightist ideologies, along with citizens who described themselves as ‘apolitical’ and outside any given ideologies, all of whom had come together in a ‘moment’. The leadership here centered around ‘Team Anna’, with a larger than life image of Anna Hazare. Though the forms of collective action varied greatly in all the case studies, the ability to outreach and mobilise large numbers of people appeared to be important for impact.

Spaces of Power in Policy Processes: In all the three case studies, Delhi, or having a base in the national capital was found to be important. Equally important was to demonstrate links to people and have space for mobilization and asserting ‘people’s power’ in one way or another. In the later phase of the RTI movement, and much more in the Lokpal movement, cyber space and media emerge as important spaces civil society used to impact policymaking.

Middle Class and Media: In the RTI movement, particularly in its later phase, and the Lokpal movement, support of the middle class and media seemed to be the vehicles, which made the centre of power more accessible. In the Lokpal movement, middle class activism, or ‘citizens’ activism’, emerged as a dominant trend. Though it may be argued that a number of activists, and many actors of civil society come from the middle class, in categorizing the middle class activism above, it is the values and aspirations of the middle class that has been taken as the defining factor. Nevertheless, in studying the case of civil society-Planning Commission engagement, it stands out that given the niche area of planning, public participation assumes a level of articulation and resources, that has its base in the middle class and not the rural or local activists.

‘Claimed’ and ‘Invited’ Spaces of Civil Society’s Intervention in Policymaking: In all the cases studied, civil society’s entry into the policy domain was preceded by first ‘claiming’ spaces either through engagement, advocacy or oppositional mode. Notably, the two sorts of spaces were fluid—i.e. they mutually constituted an interactive relationship, rather than a binary one. Civil society’s participation combined and moved across claimed and invited spaces of

participation, of formal and informal arenas of politics.

Funding and Independence: The three cases studied emerged from a felt need from within civil society groups themselves, and were not initiated by funders—something that remains important for a campaign and the movement to be seen as legitimate in India. While each case study is different from the other, and has raised funds in different ways, the link between funding and independence was critical.

5. FUTURE CONSIDERATIONS: QUESTION ABOUT CIVIL SOCIETY'S PARTICIPATION IN POLICY PROCESS

The 'legitimacy' Question: There is consensus today about the 'legitimacy' of civil society's participation in policymaking as passive players, using advocacy strategies of persuasion, education and awareness building within sanctioned and invited spaces. However, entry through claimed or occupied collective action, using confrontational strategies, as active players, has brought to the fore the question of 'legitimacy'. This did come up, though in muffled tones, at particular junctures in the RTI movement, but with the Lokpal/anti-corruption movement, the 'legitimacy' of civil society in policymaking became a central debate. There are no easy answers here. The Constitution is silent on how policies are to be drafted—the nuts and bolts of it—before being placed in the legislature. In practice, policies are drafted by 'experts' or bureaucrats, and there is now growing evidence of policymaking being delegated away from Parliament to 'boards' within ministries. These often constitute select corporate and businesses, and these State-business networks have started getting institutionalised within governments. How do we, in this context, see the question of 'legitimacy'? Are elections and dissent through 'sanctioned' structures the only rite to passage into the 'political' in a 'functioning representative democracy'? How does one gain legitimacy? Does legitimacy come from working in a village for years? Does legitimacy come from going to Jantar Mantar and other sites of protests? Does legitimacy come from getting media coverage, appearing on CNN-IBN or NDTV? In a country where an ordinary citizen has no space for representation between elections, what are the 'legitimate' forms of representation?

The question of power in policy process: Power is critical to the policymaking process. At any given time, there is plurality of views and ideas. However, not every voice or idea has a chance to be heard. Power comes into play in policy process at various levels—between civil society and government, among policymakers and between civil society groups. The ability to build a coalition with the middle class, and media support seemed to bring power in policymaking. Here from what perspective, and for whom these coalitions were

built seemed to be important to some extent, as demonstrated in the case of RTI which worked to empower the marginalised even as it spread among middle classes. However, bridging gaps with the middle class becomes far more tricky on issues such as displacement and eviction of urban poor, or land or social justice issues. Similarly, having a base in Delhi or a middle class articulated representation within civil society also seemed powerful measures. The fallout then is that grassroots or rural-based groups with local leadership lose out in policymaking. This is a question that needs to be addressed by civil society actors. Another critical challenge that civil society actors need to confront is how do we surface and address the power dynamics within CSOs, of who is getting heard, who is visible and who is excluded?

The question of Representation and Accountability: As civil society groups begin to engage in policymaking actively, on behalf of citizens and marginalised communities, they are increasingly being asked by the government, and other stakeholders like media, academics, sections of citizens (and rightly so), what is the basis for claiming the 'representation'? How 'representative' of the communities are the CSOs that are entering the policymaking domain? What are the mechanisms or the accountability measures for this? Who is being included, and who is left out? Here, it is important to disaggregate the voice of 'we the people' that are emerging. Does it include women, minorities, other vulnerable and marginalised sections? For by homogenising 'people' (a dominant tendency in the Jan Lokpal/anti-corruption movement), there is a danger of perpetuating dominant voices and inequitable power relation. How can the question of 'who represents whom' be addressed and brought to the centre of debate in creating democratic spaces for civil society's participation in policy processes.

Participation or Co-optation: *'You have to be part of the system to push an idea.'* This has worked in the case of NREGA, Right to Food campaign, RTI or WNTA, Planning Commission's engagement, or in the phase of 'Team Anna' joining the joint panel and drafting the Jan Lokpal. The question that looms large here is how close can one get to the State without getting co-opted? How can civil society ensure that 'participation' is not just cosmetic, merely to legitimise governmental

processes? The issue of being perceived as not co-opted is important within civil society. However, participation in policymaking involves a process of negotiation, of moving back and forth. How do CBOs then walk the tight rope of participating, negotiating and yet be perceived as not co-opted? Does this tilt the balance in favour of 'confrontation'?

Capacity: To steer policy agenda, and impact policy process, the question of capacity of CSOs assumes importance. CSOs pay attention to factors that are critical to influencing policy. These may be external factors such as political

factors, or internal factors such as networks and mobilization capacity. However, what receive far less attention are capacities to rigorously input into policy process and policy drafts—of evidence based knowledge, effective usage of the information, and communication strategies among others. How can civil society enhance its capacities in a more comprehensive way? On occasions when CSOs have been able to build coalitions across these capacities, their ability to impact policies has been greatly enhanced. What then are the ways in which civil society can enhance its capacities?

ATTEMPTS TO MOOT DEMOCRATIC SPACES FOR CIVIL SOCIETY'S PARTICIPATION IN INDIA

- 1. Proposed Pre-Legislative Consultation⁴⁷:** In June 2011, the NAC had formally proposed evolving a policy on pre-legislative consultation process to make representative democracy more participatory and deliberative. As is already an established process in many countries (U.K., South Africa), a pre-legislative consultation bill seeks to create an institutionalized platform to involve public participation on a proposed bill, through time-bound discussions. Such consultation requires the 'essential principles and objectives of proposed policy or legislation or rule' to be kept in the public domain for 45 days and the proposed draft for the policy for 90 days. The draft should also be 'accompanied by a set of questions/standard format' to seek feedback. Currently, however, the bill has hit a dead end because of the resolve of the DoPT that it will 'consult 85 departments' to elicit their opinion on whether such move should be carried out or not.
- 2. Initiatives and Referendum⁴⁸:** Another model mooted, and has been debated, is that of Initiatives and Referendums as a way of citizens having a mechanism to 'voice' their opinions, concerns and have a say between five-year periodic elections. While the referendum is an instrument that allows citizens to accept or reject a legislation passed by Parliament, an 'initiative' lets citizens initiate a new legislation or constitutional amendment, by putting their own proposal on the political agenda that Parliament has ignored. It has been argued by proponents that Initiatives and Referendum would bring legislative behaviour closer to public opinion; usher a process that is educative, transformative, creating a more politically informed and participative citizenry; and makes democracy real with greater alignment between public policy and people's interests. A number of IT kiosks, and use of technology for people's participation have been **subjected** (or: initiated?). However, the idea has raised controversies and debates, positing it as something for direct democracy as against representative democracy and its procedural forms. (Notably, the new constitution of Venezuela does provide for Referenda, including consultative referenda.)

⁴⁷ <http://righttoinformation.info/campaign-for-transparency-in-the-pre-legislative-process/>

⁴⁸ Prashant Bhushan, Atishi Marlena: Initiatives and Referendums, The Next Step in Indian Democracy, Economic and Political Weekly, Vol- XLVII No.34, August 25, 2012

ANNEXURE – LIST OF PARTICIPANTS OF INTERVIEWS/DISCUSSIONS FOR CASE STUDIES

1. Civil Society - Planning Commission Enjoyment Towards the 12th Plan Approach Paper

S.No	NAME	ORGANISATION
1.	Radha Khan	Wada Na TodoAbhiyan
2.	Amitabh Behar	National Foundation of India/WNTA
3.	Dunu Roy	Hazards Center
4.	Subrat Das	Centre for Budget and Governance Accountability
5.	Harsh Jaitli	Voluntary Action Network in India
6.	Yamini Mishra	Earlier CBGA/UN Women
7.	Lysa John	Earlier with WNTA/GCAP
8.	Praveen	Voluntary Service Overseas(VSO)
9.	AheliChowdhury	Joint Operation for Social Help (JOSH)
10.	Ramesh	Ekta Parishad
11.	Dr. N Hamsa	Women Power Connect
12.	Ashraf	PRAVAH
13.	Poulomi Pal	Women Power Connect
14.	MeenuVenkatesvaran	PRAVAH
15.	Dr. GeetaSodhi	SWAASTHYA
16.	Indira Khurana, Jasmine	Water Aid
17.	John Butler	Save The Children
18.	Joy Elamon	UN Solution Exchange
19.	SuneetaDhar	JAGORI
20.	Amitabh Behar	Wada Na TodoAbhiyan

2. Right to Information

S.No	NAME	ORGANIZATION
1.	Saurab Sharma	JOSH
2.	Subhash Chandra Aggarwal	RTI Activist
3.	Ashok Srivastava	Doordarshan Anchor who runs a show on RTI 'Jaaney ka Haq'
4.	Bharat Dogra	NCPRI Member
5.	Shibani Ghosh	Legal consultant associated with CIC.
6.	Kamala Bhasin	Sangat
7.	Shanker Singh	MKSS
8.	Nikhil Dey	Key member of RTI Movement
9.	Annie Raja	National Federation for Indian Women
10.	Anand Panini	Principle correspondent, Outlook –Used to work with Arvind Kejriwal

3. LokPal/Anti Corruption Movement

S.NO	NAME	ORGANIZATION
1.	Middle Class Women, Traders	Protesting outside Tihar jail
2.	Students, Activists from Bihar and Uttaranchal protestesters	Protesting outside Chatraasal Statium
3.	Vipul Mudgal	Media
4.	Aditya Nigam	Kafila/CSDS
5.	Bishnu Mohaptra	Academic
6.	Neera Chandhoke	Academic
7.	Shabnam Hashmi	SAHMAT
8.	Paul Diwakar	NCDHR
9.	Yamini Aiyar	Accountability Initiative
10.	Kavita Krishnan	CPI(ML)



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