

BOOK REVIEW

Democracy and Transparency in the Indian State: The Making of Right to Information Act

Ashish Kumar Singhal

Deputy Director, Govt of India

Research Scholar

cci2010aksinghal@gmail.com

Abstract

'Democracy and Transparency in the Indian State: The Making of Right to Information Act' is a comprehensive examination of the important role played by the fundamental act of transparency in strengthening democratic governance in India.

The book analyzed key milestones of the timelines, details of various stakeholders involving associated members of NGOs/Civil Societies, bureaucrats, politicians, journalists etc, and their roles; challenges faced by them, the debates carried out during the making of the Act, etc.

This book shows the impact of the RTI Act on Indian Society, the limitations and challenges faced during its implementation, and offers recommendations for further strengthening the democratic practice in India.

Keywords: Right to Information Act, RTI, Democracy, Transparency, Governance, Accountability.

AUTHOR AND BOOK INFORMATION

Title	: Democracy and Transparency in the Indian State – The Making of the Right to Information Act
Author	: Prashant Sharma
Publisher	: Routledge/Edinburgh South Asian Studies Series (Series Editor: Crispin Bates)
First Edition	: 2015
Pages	: 258 Pages

About the Author:

Prashant Sharma is a Global Fellow at the Open Society Foundations, New York and a Visiting Fellow at the United Nations Research Institute for Social Development (UNRISD), Geneva and is associated with the Swiss Graduate School of Public Administration (IDHEAP), University of Lausanne.

He did his PhD at the London School of Economics and Political Science and has also studied at the School of Oriental and African Studies (SOAS), University of London; Jamia Millia Islamia University, and Delhi University New Delhi.

INTRODUCTION AND SUMMARY

This book talks about the evolution and process of making the Right to Information (RTI) Act, 2005, details all the stakeholders behind the enactment of the RTI Act, and also touches on the impact of the Act. The author has done extensive research on the making of the RTI Act as a part of his doctoral thesis and then transmitted it into the book. The book, apart from 'Prologue', has six chapters:

1. Democratic Deepening and the Right to Information
2. The Dominant Narrative
3. Digging Up the Grassroots
4. Opening Up the Government
5. The Foreign Hand
6. How deep is my Democracy?

CRITICAL EVALUATION

Prashant Sharma's book provides the reader with a detailed fresh perspective on the emergence of the RTI Act in India and also throws a focused torchlight on the different actors, stakeholders, and locations involved in the process of drafting and enactment.

Overall, the author sets out the argument of the book very clearly. There are a lot of details, particularly in the chapters on the role of the state and the international

context, which add to our understanding of the emergence of the RTI in India. The book contributes to an ongoing debate, particularly in light of the potential of grassroots movement politics, national and international pressure groups, civil societies and their lobbying, mindset of bureaucracy and the Government, etc.

It is worthwhile to appreciate the author who has done extensive research on the issue of the emergence of the RTI Act in India. He has obtained many documents from the Govt of India by using the RTI Act itself as a tool. Even, in certain places, he has mentioned the file name that he had obtained through the RTI Act. He also interviewed many retired and serving bureaucrats, social activists, academicians, members of civil societies, the then members of the National Advisory Committee, etc. He has given codes to certain bureaucrats who did not want to disclose their identity. He also did not mention their departments to maintain their anonymity. This was essential to get the true information. Had it not been the case, he would have not got such information. In the book, he has quoted the statements of the interviewee without any alteration. The author has also mentioned referenced notes at the end of each chapter, which provide insights and clear the doubts arising while reading the chapter. The list of references at the end of each chapter shows the extensive research done by the author. The author had done research as a part of his Ph.D. thesis and then converted his thesis in the form of a book. The language of the book is simple and easily understandable. As an interesting part, the author at the beginning of each chapter narrated some quotations of the eminent scholars and then explained it well in the context of the chapter.

In the prologue, the author recalls the indefinite fast of Social Activist Anna Hazare at Jantar Mantar. This was begun on 5th April 2011, for enactment of the Lokpal Act. The fast ended on 9th April 2011 after he conceded his demands by the Govt. The author resembles this movement with the movement for the RTI Act as both movements were started by Civil Societies. The author also states that the study of making RTI Act provides insights into the practice of democracy in India and the extent of Democratic Deepening in India. However, in my opinion, the RTI movement was a much bigger movement than the 04 day fast of Anna Hazare at Jantar Mantar. It is my understanding as to why the author has related Anna Hazare's fast to the movement of the RTI Act.

In the first chapter 'Democratic Deepening and the

Right to Information,' the author speaks about the rise of the 'democracies' in the world based on 'West-based factors' like the rule of law, protection of civil rights, and holding of fair elections, etc. At the same time, the author analyses the 'monarchy with democracy' in other countries such as Bhutan. The author also describes the democratic deficit and addresses it with the concept of democratic deepening and degree of democracy. I have noticed from the book that the author has considered the new concept of New Public Management and Good Governance which are essentially the inescapable part of every democracy.

Our constitution is very robust and contains many factors that were thought taken from other countries but still have our democratic values and culture like decentralization & Panchayati raj; provisions of the evolution of the constitution by amendments; directive principles of state policy and their implementation; protection of wildlife forests etc. Preamble of the Act vis-a-vis the democratic deepening in India has also been analyzed in the book.

In the succeeding chapters, this book talks about the procedure and process of the enactment of the Right to Information (RTI) Act in 2005. The author deeply analyses the whole process of the making of the robust RTI Act in India. Truly this was one of the revolutionary steps taken by the Govt of India since the adoption of the constitution. The reading and understanding of the book provide valuable insights and provocations of the policymaking processes, especially in India, and the role of social movements and civil society in policymaking. This book proposes that the explanatory factors underlying this milestone achievement were more complex than imagined by us.

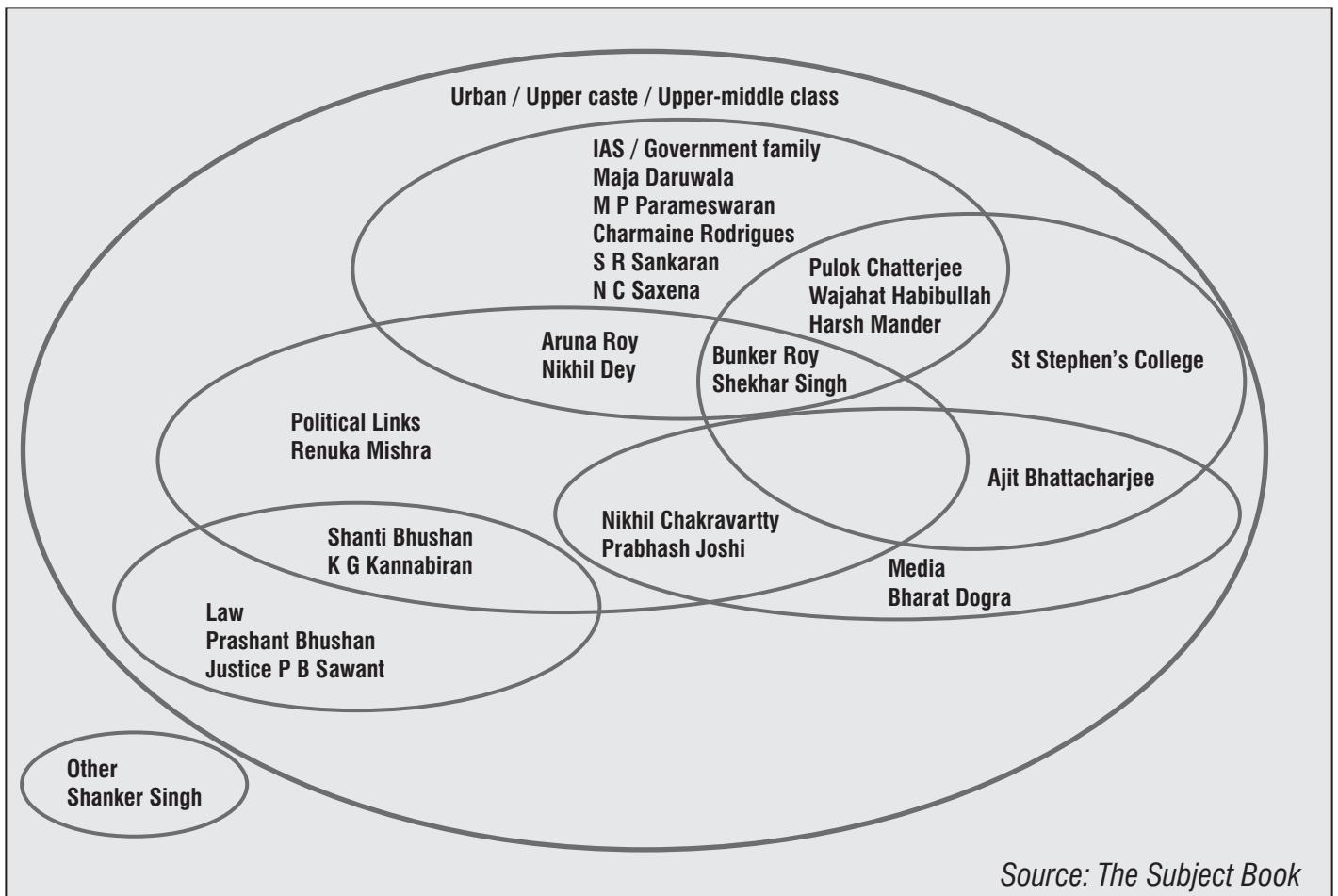
The book discusses how the leadership of the grassroots movement was embedded within the ruling elite and possessed the necessary resources as well as unparalleled access to spaces of power for the movement to be successful. The author explains the stakeholders who were working at a grassroots level including the environment movement run by MC Mehta by filing writs in the courts (such as the Sriram fertilizer case) and Kalpvriksh-an NGO; Mazdoor Kisan Shakti Sangathan (MKSS - working in Rajasthan) raising issues related to wages; Jan Sunwais by MKSS (issues related to the Labour and farmers); National Campaign for People's Right to Information (NCPRI), Social Work Research Centre

¹ Page 6

² As per the Preamble of the RTI Act, it was enacted "to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto. Whereas the Constitution of India has established democratic Republic; And whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed.....".[emphasis given]

³ Page 19

⁴ Chapter 2 and particularly in Table 2.1 (pg 52) – profile of key leaders of NCPRI



(SWRC) etc.

At the same time, some urban social activists who were also actively in touch with these campaigns had taken the movements from regional to National level. The author in detail has described the profile of these activists including social activists, academicians, NGO members, bureaucrats lawyers, journalists etc. The author in his book, briefly describes the profile of each of the social activists working at the National level. The following graph indicates the nature of the field of the activists:

It is understood that the grassroots level movement was hijacked by the national level social activists, and no active worker (including Shankar Singh) of all the social activist groups at the rural/grassroots level was taken at the national level. The author also explains the reasons for such hijacking, since the national level social activists are:

- highly educated (from the prestigious national/international institutions),
- born with a silver spoon (some are kids of IAS/MP or have a direct link with them),

- many are products of the prestigious St Stephen College, Delhi
- privileged due to the above,
- English-speaking people,
- upper-caste,
- upper-middle-class urban elite,
- have excellent network and access to politicians/ministers/bureaucrats,
- recognized at national and international level,
- able to get academic and English media space, and
- some were members of NAC.



Democratization of the higher bureaucracy (demographic profile of Civil Servants has changed from 'urban elite class' to miscellaneous upper middle / middle class)

⁵ NAC - National Advisory Council chaired by Mrs Sonia Gandhi, the then Congress party president. Some of the urban elite leaders were member of NAC and thus able to influence the Govt. At that time NAC was very powerful due to Mrs Gandhi.

⁶ Pg 124, 139-146

also played an important role because they thought that 'without sharing knowledge you cannot have an inclusive Govt'. The book throws light on the democratization of the higher bureaucracy along with the launch of the economic liberalization project implying that the urban, educated, high-caste, upper-middle class elite that provided critical support to the demand for an RTI Act was no longer vested in the state and had moved to the private sector.

Within Govt itself, lots of internal work was under process on the issue of 'Freedom of Information (FOI)' by setting up of various committees, sending civil servants to the foreign countries where provisions on FOI were already established. The author in the book, in chronological order, since 1966 onwards, has summarized the govt related events culminating in the enactment of the RTI act. Lots of deliberations were carried out on certain crucial provisions of the RTI Act.

Kalpavriksha – a local NGO, had first time presented FOI before the Supreme Court based on the FOI provisions in the world (Finland, France, the Netherlands, Canada & the USA). Many government officials were sent to foreign countries to study the provisions of freedom of information laws enacted in the world over the last two decades. The book shows how international pressures had a direct and causal impact both on its content and the timing of its enactment. Lots of provisions of the Indian RTI Act were taken from the provisions of FOI of foreign countries. However, local taste and colour were showered in the RTI Act after due deliberations.

Overall, the timing of enactment of the RTI Act was perfect since at that time all the positive vibes were flowing in a positive direction including the following three prominent players.

Figure 2



⁷ Earlier RTI was named "Freedom of Information (FOI)"

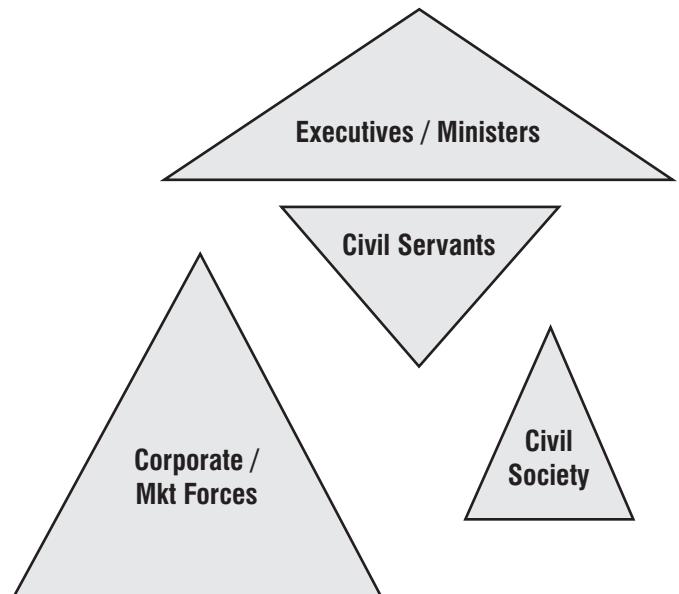
⁸ Pg 120-123

⁹ Pg 139

¹⁰ LPG (Liberalization, Privatization and Globalization) policy was adopted by Govt during 1990s.

Apart from the main objective of making the RTI Act, the author has highlighted the relationship of the bureaucracy, ministers, and the corporate/market forces after the LPG policy of the Government. Contrary to earlier systems, in today's scenario executive machinery of Govt is directly dealing with the corporate/mkt forces, the role of bureaucracy is just to provide the inputs/data, etc.

Figure 3



The book also analyses the impact of the RTI Act since its enactment and concludes that the RTI Act has little impact on minimizing corruption in India, which is one of the major aims for the enactment of this Act.

RECOMMENDATIONS

Though the book discussed the broader aspects of the making of the RTI Act and touched upon the impact of the RTI Act he did not research the positive or negative impact of the RTI Act on the vulnerable society of India including the marginalized people, women, tribes and rural people etc. It is also not discussed the role of the RTI Act in minimizing corruption.

Some milestone case studies, judgments/orders of the Central Information Commission, High courts, and Apex Court may be included in the book which would have enhanced the interests of the readers and knowledge seekers.

The author can provide insights on the future of the RTI Act, and its significance in the highly dynamic world that is continuously changing by way of Information and Communication Technology. Insights can also be

provided on future challenges, continued development, and effective implementation of the Act.

Further, there is a need to change the mindset of the bureaucracy and policymakers towards implementation of the RTI Act, rights of the people, and their duties as a public servants by way of implementing the specialized training programme, especially focussing on cognitive and behavioral aspects. The author could have highlighted this aspect in the book.

CONCLUSION

The book is worth praising as the author wrote the book after extensive research and highlighted almost all the parameters doing justice to the title and theme of the book. At last, the book is a valuable resource for researchers, and policy makers, who may be interested in developing their understanding of the complexities of democratic governance of India.