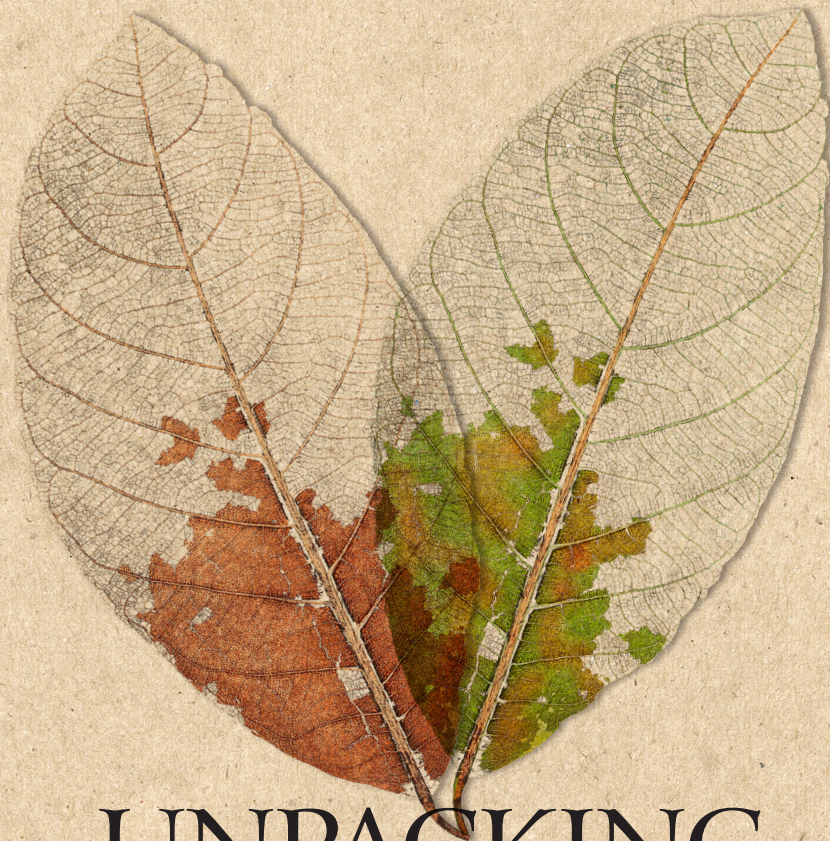


A REPORT ON  
TWO WORKSHOPS  
Montreal • Thiruvananthapuram



# UNPACKING PARTICIPATORY DEMOCRACY

From theory to practice and  
from practice to theory



**ISID**  
INSTITUTE FOR THE STUDY  
OF INTERNATIONAL DEVELOPMENT  
INSTITUT D'ÉTUDE DU  
DÉVELOPPEMENT INTERNATIONAL



**McGill**  
UNIVERSITY



McGill Centre for Human  
Rights and Legal Pluralism  
Centre sur les droits de la personne  
et le pluralisme juridique de McGill



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- Executive Summary
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**Aruna Roy**



PART A  
UNPACKING  
PARTICIPATORY  
DEMOCRACY:  
AN OVERVIEW

# I. Unpacking Participatory Democracy: A Review

## The Context

Aruna Roy was invited to teach a seminar course as the 2016 Professor of Practice at ISID, McGill University. This was, amongst other things an acknowledgement of the role that she, and her organisation – The Mazdoor Kisan Shakti Sangathan (MKSS) played in the successful people’s campaigns which led to pro-people legislations being passed in the Indian parliament in the period between 2004 and 2014.

The context of this report is the two part workshop – “Unpacking Participatory Democracy: from Theory to Practice” – based on Aruna Roy’s seminar course on, “Transparency, Accountability and Participatory Governance – Lessons from People’s Movements in India”.

The position of the Professor of Practice, which formed the basis of these workshops is an ingenious concept, and an ‘inclusive’ approach to the idea of development, and democratic concerns. The fault lines in contemporary democracies can be addressed only if there is a conscious examination of the dialectic between democratic concepts, and actual practice. As a result, an interesting series of people concerned with public action and policy have been professors of practice in ISID. Aruna Roy was the first person from a continent other than North America, invited to occupy the position, and as a result many of the important democratic practices of the countries and people from the ‘global south’ have become part of what is a continuing and developing discourse. This report further establishes and underscores the importance of this platform of learning. It is therefore not just an endorsement of the ‘Position’ in ISID, McGill but, also is a suggestion for many other universities to consider this practice as critical to the building of democratic thought and theory.

## The Workshop Framework: Montreal to Thiruvananthapuram

The campaigns to demand freedom from poverty, corruption, hunger and tracing it to secrecy and lack of accountability of oppressive governance, began a new phase in the history of the role of social movements and people in the formulation and passage of legislation in India. It promoted dialogue between people on one hand, and the political establishment and the government on the other, on fulfilling obligations to citizens – particularly, those who had been marginalised in a representative democracy framework. Most of these promises were made with independence - in 1947- and later in 1950 with India’s proclamation of the Republic. They remained mere platitudes for large sections of Indians, despite every successive government, which made and remade policies and attempted administrative reform. Economically and socially marginalised people and communities remained where they were, and failed to access long promised livelihood, dignity, and freedom from endemic hunger. The quest for the reasons and solutions resulted in peoples’ campaigns organising from the grass root to parliament, and a growing understanding that real democratic governance (participation) is a key in transforming constitutional and legislative promise to delivery.

The Right to Information campaign and the successive campaigns for employment, forest rights, food, against discrimination and violence on women amongst others, introduced a new phase in the people driven legislative history, in India. It deepened democracy- by including participatory democracy, as a way of keeping representative politics transparent and accountable. The dialogue between people and the political establishment led to redefining democratic processes from the level of local government to the federal government in New Delhi.

The UPA (I) government came to power in 2004 and promised the people (and the campaigns by inference) the implementation of many of their demands in a document called the “National Common Minimum Programme” (NCMP). This document was a set of promises of legislations for the social sector published and placed in the public domain like a joint manifesto- and accorded as much importance. The Government set up the National Advisory Council (NAC), Chaired by Sonia Gandhi (President of the Congress party), to monitor and ensure that these promises were realised. The NAC consisted of a small group of civil society members from campaigns as well as other eminent people - economists, members of parliament, and representatives from different sectors - to join the NAC and help in the implementation of these sets of promises.

The rights based legislations that emerged from this unique set of circumstances, and institutional platforms, could trace their roots to decades of struggles for participatory democracy, and people’s rights. However, the fact that the policy and legislative framework drew upon this body of experience in a deliberate and concerted manner between 2004 to 2014, allowed the polity a sense of what could be the results of looking at democracy through the lens of ordinary citizens. It underscored the peoples’ role in defining policy and legislative priorities. The legislations have contributed both in etching a new architecture for enabling people to participate in the process of drawing up legislations, and demonstrating the role of citizenry in shaping democracy. Peoples’ campaigns and their engagement with the NAC and the government – contributed to the changing political discourse, which led in turn to the drafting of the final legislations and their passage. The trajectory of these law making processes had implications for forging a new relationship with power and making it more equitable.

The campaigns for the Right to Information (RTI) and the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) defined the specific illustration of the potential role of social movements in the policy framework, within the Fall Semester course, designed by Aruna Roy. The course traced the struggle, the advocacy, the engagement with governance and the emergence of the movement. It demonstrated to some extent, the role citizenry could play in shaping legislation, and how democracy could be more participatory, and examined 'political participation' beyond the vote. Transparency and accountability in governance began to be defined along with people. It logically ended with planning policy and detailing legislation. In other words, practice shaped theory. This became the deeper context of the two workshops held to explore the nature of democratic participation, in Montreal and in Thiruvananthapuram.

Shiv Visvanathan, in casual conversation described the workshop in Thiruvananthapuram as a remarkable "Intellectual Commons". This description could as easily be applied to the seminar in Montreal. In both places, a remarkable and well known set of theoreticians and practitioners participated to analyse contemporary developments, share

experiences, and critique points of view, in a rainbow of varied perceptions. These perceptions together expressed the strength and challenges of democracy, set as they are in the shadow of an emergent and restricted definition emerging from the USA, in India and in many other democracies. The sceptre of democratic structures being divorced from people by the ruling elite has become tangible. In contemporary politics, the use of rhetoric to deny substance, using techniques of advertising and the market, has become a practice across countries.

Essentially the two workshops looked at democracy beyond the vote. It accepted that voting is political participation at its narrowest, but understood that voting affects the formal institutions of democratic power in disproportionate ways.

When people begin to understand the nature of the democratic polity, demand accountability from their representatives, and assert participation in decision making, conflict and contestation emerge as serious challenges. It could become a creative process as in the passage of the rights based laws, or destructive in its denial – building a smoke screen of rhetoric while denying substance. Examples of increasing numbers of restrictions on institutional and citizen based

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**Patrick Heller** argued that the academic obsession with electoral democracy has normalized a competitive view of democracy, one that was most plainly visible in the media coverage of the recent US elections; more spectacle, less substantive participation. Unpacking the mechanisms of participatory democracy, Heller found that most academics, especially political scientists, were interested in the aggregation of preferences, but did not focus on the making and shaping of public preferences. He identified the public sphere (for instance, media and universities), party politics (that aggregate preferences) and the State (delivery) as important domains of participatory democracy. He further pointed out that even when parties begin as participatory social movements (for example, the Worker's Party in Brazil), they fall prey to the 'iron law of oligarchy,' turning into powerful oligarchical organizations. Only a vigilant citizenry can guarantee that the state, the public sphere, political parties, and bureaucracies produce desirable results.

Closure of politics – what this economic paradigm threatens is the steady undermining of the politics of democracy. Any political formation with an alternative agenda which de-links itself from globalization becomes financially insolvent. People do not have the choice when it comes to basic materialistic conditions of life. Inclusive mass movements are difficult to sustain. There is atomization of the people.

**Prabhat Patnaik**  
Professor Emeritus JNU

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participation are plenty. They could be invoked by denying the right to freedom of expression and dissent, the nerve centre for democratic protest, dissent and difference. New methods, of the denial of participation have been manufactured. The state uses double speak; the rhetoric is the ending of corruption, but actually technology is used for control, denying transparency.

The opacity of governance increases manifold when it hegemonises information and then draws boundaries for entry. When confronted it invokes bogies of terrorism and security, sedition and nationalism, to dumbfound the emerging voices of the unheard. In India, discrimination as denial of equality – caste, religion, gender, language, adds to the restrictions on free speech and expression and participation.

Participatory democracy in this context is both an end and a process. It is in many ways calling the bluff of the rhetoric and looking at the details of governance and exposing lack of real intent. The success of the smaller efforts and the stone walling of larger issue is a case in point. For instance the 6 million users of the RTI continue to ask questions and demand answers, notwithstanding the malevolence of the corrupt and the failure of the state to protect them - 70 information seekers have been killed so far.

The rise of the non-secular and intolerant political discourse threatens constitutional promises. The victims have been institutional

structures for promoting secular dialogue, inequalities in livelihood, access to platforms of dialogue, inequality in decision making and restricting questioning - the right to dignity as freedom from want. The widening hiatus between the rich and the poor, market and welfare are denying participation by exclusion. Exclusion could be through language, inaccessibility, failure of the system of representation, lack of transparency and accountability, promotion of structures of feudalism, or increasing bureaucratic and governance restrictions and controls.

The RTI has been and is one of India's most powerful tools to break this impasse. But it is not the only one. Political structures in the past including the much acclaimed "Peoples Plan" presented in Montreal by Patrick Heller and witnessed by participants in Thiruvananthapuram in Kerala, offer alternative methods and processes of participation.

In Montreal and in Thiruvananthapuram, theoreticians – academics, political thinkers, economists, policy makers – gathered with practitioners of democracy covering a large spectrum of interests. The range of practitioners included the government executives, who take or should take responsibility to put theory into practice. People and their movements form the crux of practice. The workshops included and gave space to a variety of expression from the idiom of the indigenous people in Canada to the Dalits, Adivasis – tribals of India. The idiom

also included the written and spoken word, but went beyond to cultural expression – invocations, songs and poetry.

The people from movements, acknowledged this space as an “equal playing field”, where practice was accepted as an equal partner in shaping the spirit and essence of theory – the basis of an equal democracy.

The curriculum of the 2016 fall course on Participatory Democracy taught by Aruna Roy (as Professor of Practice at McGill University) drew on her four decades of experience, of working with people on issues of democracy and development in rural India. In particular, the struggle, campaigns, and resultant national legislations of two rights-based issues – the Right to Information and Employment. These two significant campaigns wove the intricate dialectic between struggle, advocacy, campaign and movement that helped formulate and pass these legislations. Many issues emerged during this process, requiring creative and sustained democratic engagement.

The students of my class looked at the dialectic between theory and practice in the context of this Indian experience, to reflect upon and expand the boundaries of social and civil rights engagement. As a part of the assignment, she was to design and hold an international seminar, which after discussion with ISID was organized in two parts. The two inter-related workshops on “Unpacking Participatory Democracy”, organized in Montreal (November 2016), and Trivandrum, Kerala (January-February 2017), were therefore connected to this course, as a part of the integral design of her assignment as Professor of Practice.

## The Workshop in Montreal

Organized only a few weeks after the US Elections, the mood at the Montreal workshop amplified the stark contradiction between the principles and results of democratic practice. This workshop sought to critically analyze and rethink the relationship between participation and democracy today. At a time when democracy is universally touted as the only acceptable form of government, it is curiously championed by both those who seek to curtail the rights of the marginalised as well as those who seek a more equal society.

Participants drew on their varied experiences to delve deeper into some of the debates on participatory democracy within the context of contemporary electoral trends as well as from the perspective of some important gains by social movements, collaborative state and civil society efforts at deepening democracy. Participants reflected on the contribution of younger democracies to theories on participation as well as the contribution of popular mobilizations that produced actionable entitlements – such as the right to information and the right to work in India – to expand democratic participation, beyond the vote.

These reforms and legislation, in Patrick Heller’s words, expanded both the ‘surface area and the quality of state-society engagement’ in India. In his keynote address, Heller compared the relationship between political parties and civil society in Brazil, India and South Africa. All three post-colonial states are marked by deep inequalities but also a vibrant civil society. And all three challenge the idea that democracies cannot take root in deeply unequal societies. Analyzing the Communist party led efforts to mobilize the working class in Kerala, Heller discussed successful attempts in India that have led to better local planning and wider engagement of the public with the

state. Like India, in Brazil, strong coordination between political parties and civil society led to significant decentralization. The South African example, however, illustrates that despite the legacy of Left politics and strong institutions that could decentralize power, the dominant political party (African National Conference) in South Africa embraced a technocratic vision of democracy effectively demobilizing civil society. Another reminder from Heller’s talk was that it is often the quality, resilience, and depth of the political struggle that makes all the difference.

Participants also discussed cases from Kenya and South Africa that illustrated how international organizations are helping people exercise control over the budget and policy. Taking scale into account, participants noted that public participation must be a part of transparency and formal consultations; often transparency and formal oversight replace genuine public participation in budgetary allocations. Brazil and India are examples of participatory democracy at the local municipal and village level, respectively. However, both these systems operate at sub-national levels, and the national government does not receive the same scrutiny via public participation.

There was the shock and trauma, of a series of electoral victories of autocratic leaders, who openly challenged diversity and dissent. This affected academics and activists alike, and compelled participants to recognize the dangers of majoritarian tendencies that could take over current democratic frameworks across the world. It also brought to the fore, the tensions that exist between representation and participation. While participation has a great deal of relevance to democratic deepening, it is also an implicit critique of representative democracy: who speaks for whom? And, taking a long historical view, from the perspective of indigenous, black, and Dalit ‘second-class’ citizens *within* thriving democracies, does the flourishing of certain

categories of citizens within democracies necessarily require the active subjugation of others? Indigenous activists from the Kanien'keha territory, in Montreal contrasted indigenous forms of democracy - that included deliberation and consensus based decision making based on the active participation of the clan, and women, and included an inclusion of natural elements such as water, forest, animals, and the earth itself that sustained the communities - with the exclusively individual centric liberal democracy, arguing the latter replaced a more inclusive, deliberative form with one that is perfectly compatible with the genocide and forcible dispossession of the indigenous people.

In many places, participants noted that the undoing of democracy comes packaged in shiny neoliberal language of global investment, anti-corruption, efficacy and good governance, as governments across the world dismantle welfare and redistributive programs and policies, pitting those dependent on welfare programs against those who see them as handouts. While the relationship between capitalism and democracy is a tense one,

participants discussed the obligations of states under capitalism, and whether and how democracy can help to restrain the inherently iniquitous concentration of wealth and power that capitalism fosters.

Drawing on the experiences of the MKSS, and the opening remarks of Elder Otsi'tsaken:ra from Kanien'keha territory, the workshop discussions focused on building strong coalitions and resistance to accumulation and concentration of wealth, and to demand redistribution. This meant confronting head on what really goes on in different societies in the name of 'democracy,' 'participation,' and 'good governance;' reviewing and critically analyzing ongoing efforts in different parts of the world (from well-known cases like Porto Alegre, to other experiments in rural India, including the 'Peoples plan' in Kerala). There was a need to democratize existing structures of power and authority; but by carefully analyzing what works, for whom, and under what conditions, and learning from mistakes, addressing unintended consequences, and enduring paradoxes involved in democratic practice.

**“Participation is no favour, it is a right”**

Naurti Bai, former Sarpanch, Harmara, worker, dalit and women's and democratic rights activist addressing the first plenary session.

**“We live in a time of great uncertainty; the only certainty is that the system can be organised to sustain equity not just politically, but socially and economically as well.”**

Thomas Isaac, the Minister of Finance, Government of Kerala, who argued in essence for a critical need to make our society egalitarian, democratic, participatory and transparent. There is no choice but to learn from practice; theories go back to experiences in practice. He said that it was necessary to put some of these ideas into democratic governance. This was the context that we looked forward to in this deliberative workshop.

### **The Workshop in Kerala**

The Kerala workshop worked as a natural extension to the discussions in Montreal. The difference was in the larger presence of politicians and civil servants representing systems which operated policy and often enacted them, who were as much a part of the workshop as activists from people's movements. Practitioners and academicians from India and other Asian countries also participated and added to the richness of the deliberations. Theoretical frameworks for participation both as institutionalized and non-institutionalized (people's movements) processes were examined in the South Asian context. This workshop in contrast to the one in Montreal attracted a much larger number of people, (150 against the 30 in Montreal) and included several breakaway sessions enabling more focused discussion on thematic issues.

The workshop convenors also hosted an evening on “Culture and Democracy”, bringing together practitioners of classical music, a semi-classical choir with contemporary political lyrics, songs of support to campaigns and the music of people - folk music with political content. They sang of oppression

and victory, of the power of people. But it essentially stated that music is also politics, and how culture is not just expression, but is a part of politics.

The visit to the local self government (Panchayats) in Kerala to see democracy in practice the next day was also critical. It highlighted the closest tier of government and governance for the ordinary citizen whose life had to change and whose problems needed addressing as the reason for deliberations on democratic/economic policy and theory.

The Institute for the Study of International Development (ISID), McGill University, Montreal organized the workshop jointly with the Government of Kerala, the Institute of Management and Governance (IMG), Thiruvananthapuram and the Tata Institute of Social Sciences (TISS). The Kerala Unit of the National Campaign for People's Right to Information (NCPRI) and the School for Democracy (SFD) provided academic and logistical support.

The location of the workshop in Kerala, served as a link to discussions in Montreal and the case study presented by Patrick Heller, was a



tangible example of the theoretical discussions in Montreal, and the practical context in Kerala. It was interesting that Patrick Heller in Montreal and Thomas Issac and from the side of the bureaucracy, Vijay Anand, in Kerala were amongst the many protagonists of the People's Plan. Kerala is internationally acclaimed for decentralized planning, through the "people's plan", which subsequently has become a part of Kerala's governance framework and influenced Indian planning and policy. Citizens groups with sufficient organizational capacity and operational autonomy also helped institutionalise the people's planning process, producing over 3 million participants.<sup>1</sup> The location therefore was specifically chosen, for the opportunity it afforded to the participants to observe and conceptualize from visits to the panchayats

about the nature, the potential and challenges of the peoples plan, and the effective running of local self-governments.

With the background of Kerala's people's plan experiences, the complementary roles of government bureaucrats, politicians and civil society in ensuring just governance was discussed and critiqued. Participants agreed that even a state apparatus fuelled by best intentions has its fault lines; only practice and its constant vigil can keep democratic principles in place. Constant vigil requires creating a space for people's demands, claiming spaces within the system to make governments work for all classes of citizens.

However, many participants felt that one of three central principles of democracy – participation – has come to be seen as co-opted, sanitized, and domesticated by agencies like the World Bank and national

<sup>1</sup> Thomas Issac and P. Heller (2003), 'Democracy and Development: Decentralized Planning in Kerala, in Fung, A. and E. O. Wright (eds) *Deepening Democracy*, pp 77-110. Verso: London

### A Public lecture in Trivandrum Town to launch the event

Public Lectures have become an important and serious part of political communication, and the workshop decided to collaborate with the Campaign for Judicial Accountability and the NCPRI to commemorate the late Justice Krishna Iyer, a legendary judge of the Indian Supreme Court and a rigorous intellectual and jurist from the State of Kerala, on the evening of the 29<sup>th</sup> of January 2017.

**Gopal Gandhi**, intellectual, writer and diplomat, and former Governor, of the State of West Bengal delivered a public lecture in collaboration with the NCPRI, to mark the occasion. The well attended lecture contextualised the need for public deliberation on policy, and the need for participation. The imaginative title of the lecture brought in people's concerns with electoral politics and governance: "Who rules India - Parliament, Gram Sabha or None of the above (NOTA)". The lecture unpacked democratic malaise, and the contemporary disaffection with democratic practice. The trajectory of the lecture drew a picture of systemic failure, and concluded that parliament, local self governance and the vote for 'none of them', were in all honesty to be replaced with – "India is ruled by money, fear and corruption". If democracy had to survive, its principles of participation in governance by people – through engagement with a transparent and accountable system was vital for its survival and health. Gopal Gandhi stressed the importance of independent institutions who were empowered and mandated to protect democratic principles.

governments. In her inaugural address, Aruna Roy, urged participants to reclaim the term "participation" while, being aware of the changing obligations of the state under capitalist democracies. She urged participants to give serious consideration to the need for systemic change alongside independent civil society and grassroots efforts; and to creating spaces for engagement that sanctify the right to dissent and help steer governments towards an egalitarian and accountable direction.

The location of the workshop compelled the participants to also acknowledge the uneven experience of participatory democracy across India. Government officials, and political leaders from Kerala candidly discussed the emergent challenges to decentralized planning, and local self-governance: limited participation of lower caste groups, difficulty in sustaining energy levels and widening the people's plan, and threat of elite capture and corruption.

The discussions posed larger concerns about democratic institutions and practices within India. In a deeply segregated and highly unequal society like India, participants asked what does participatory democracy look like from the perspective of marginalized groups in India? What is the track record of representative, democratically elected local institutions in achieving just and equitable development?

These marginalized groups experience structural discrimination and systemic exclusion in society when they are forced to clear dead carcasses from our streets; in schools where children continue to be segregated in classrooms; in access to basic services like food and health, and in a sense of danger of bodily harm such as rape and lynching, on a daily basis. Together with lack of robust accountability systems, decades of institutional impunity, and the danger of middle classes in state and in society defining

True democracy, a prominent dalit rights activist, noted, means meaningful and sustained participation of minority groups (Dalits, women, including ethnic and religious minorities). The roots of inclusion and exclusion are as important as understanding the democratic systems. The problem lies in the way constitutional bodies function and how stigma affects the marginalised from accessing the resources. **Anand Teltumbde** stated that the society wants to change the people itself instead of changing the mind set, reducing the number of the excluded instead of including them in the process.

“Today after 16 general elections the government is as autocratic as it can be. India is still in the nursery of the Republican spirit. It is a healthy democracy but a weak Republic.

The peoples’ majority must rule, as they are the keepers of the democracy while the constitution is the maker.”

**Gopal Gandhi**

the priorities and needs for the marginalized, the promise of democratic rights and freedoms continues to elude these marginalized populations. Thus, despite Kerala’s success with decentralized planning, participants were urged to think about further democratizing society in Kerala, and the rest of India.

The challenges of social disability and hierarchy in Indian society emerged as larger concerns. Some speakers also expressed faith in the structure of the Constitution and the role that officers of the Constitution can play in a situation of legislatures going haywire. The former Governor of the state of West Bengal, India reminded participants that despite the results of global elections, people must not lose faith in electoral politics or the right to vote. The latter he said is the struggle of long-term popular struggles and is not a choice but as “fundamental as breathing.” Elections he reminded participants is a “right” and not a “gift” and the power to choose leaders and representatives is in our hands. Therefore, despite the rise of the global right, we must not lose faith in elections, and remember that constitutional authorities like election commissions and information commissions – in the case of RTI – are the gatekeepers of our democracy and should be strengthened by our cooperation.

However, the discussions also brought out that power vested in these constitutional authorities/officers is only effective if it can be exercised. An Election Commission, for example, that allows a resolve for the construction of a temple in a party manifesto, is clearly weak and ineffectual. The discussion on constitutional authorities was widened to include larger concerns about the ruling party’s attempts at historical revisionism through distorting historical records, rewriting history.

The Indian Constitution, as in other countries, was the result of rigorous debates that incorporated an inclusive perspective with protective provisions for marginalized groups in Indian society. But current efforts at historical revisionism and questioning the relevance of the judges’ interpretation of constitutional guarantees, poses a direct threat to the fundamental principles on which democracies are organized. A check on the creeping authoritarian tendencies of India’s ruling party is possible through robust constitutional institutions, their independence, and the need to “popularize” the constitution.

*The paradox and dilemma of democracy is that today’s status quo was a hard earned right fought from the French Revolution onwards. The vote may today be coloured and disfigured by the nature of global elections, but for the people of India, it remains the one single link with governance. The loss of faith in the process will harm the people more than we can imagine.*

**Shiv Visvanathan**

## Conclusion

It was interesting that throughout the two workshops participants saw both the creative potential, and the creative tension between the elected representative and peoples movements.

The nature of participation in the two workshops – like democracy itself, was varied and brought in diverse interest groups: some of whom were from historical/traditional adversarial groupings or positions. The two workshops were interesting because all the participants made an effort to genuinely listen and understand to persons with whom they would not normally agree. As one participant remarked, it was interesting to see the Finance Minister in conversation with the Chief Secretary and people from the movements with a sense of equality and willingness to listen. The remarkable thing about this workshop was also that the principles of democracy – dissent and disagreement – were all seen in action. Technology either viewed with mistrust or glorified as a solution to all evils in governance, was analyzed and critiqued. The new scepters of governance as demonstrated by the UID, AADHAR and the shrouded battle to fight transparency through the rhetoric of openness to technology and its real ability to lend itself to centralized control all found space in the discussions. Discrimination, whether of indigenous people in America, or of dalits and minorities in India – were all seen through the prism of culture and politics. It was not therefore a surprise when in Montreal the workshop started with the invocation by Elder Otsi’tsaken:ra from Kanien’keha territory. The Kerala workshop took the metaphor further in talking about how the culture will be the new battleground for both realizing the full potential for democracy as well as being targeted by the dominant power elite. Marauding capitalism comes in the form of decisions imposed upon people by a ruling elite – it could be

Civil society organizations with sufficient organizational capacity and operational autonomy to resist co option by the state, and the involvement and contribution of the Kerala Shastra Sahitya Parishad (KSSP) sustained the decentralization process, working together with the political establishment. In successful cases neither can be effective without the other. This interplay between local government and civil society organizations are crucial. This is sometimes referred to as the paradox of participation – that as the bodies of local governance are strengthened, the greater is the need for political will and stronger the motivation at the centre to sustain decentralization and monitor its implementation.

**John Harriss**

Referring to the success of the Peoples Plan

Indigenous activist from Kanehsatà:ke Mohawk territory (Canada), **Ellen Gabriel**, reminded the workshop that liberal democracy is perfectly compatible with the genocide and forcible dispossession of the indigenous – in Canada, India and the US. Not only that, but liberal democracy has been slowly destroying the lives, cultures, and languages of indigenous people since its inception. Gabriel said that indigenous forms of democracy (deliberation and decision making) have existed long before the Europeans arrived. It was based on the active participation of the clan, and women, and included not just humans but also the water, forest, and earth that sustained the communities. Gabriel compared these features of indigenous decision making with the current patriarchal, and racist, liberal democratic system, of which the indigenous have become a part; but a part that does not make its own decisions and faces everyday state violence.

displacement because of atomic plants, mining, forced divorce from livelihoods – and it undermines democratic participation, through the undemocratic takeover of land and natural resources, against the will of the people.

These interesting debates and discussions are recorded in the minutes. The individual voices articulate their positions with clarity, and the debates show that participatory democracy needs to work within the framework of a democratic consensus.

The language of practice, or more accurately its idiom is generally lost in its translation/ abstraction into theory. In the course of the five days in Montreal and Kerala, the discourse kept a fine balance between the organic expression of practice and the structured expression of theory.

As Sonia Laszlo said in her concluding remarks, “Do not end here. This has been a long process. Please continue this conversation with everyone. Communicate with us as well. Participatory democracy needs more and more participants. Try to share the tangible and intangible results of this workshop with us.”

## II. Culture and Democracy

The over arching contemporary definitions of democracy, which emerge from a perversion of its principles kept coming back to haunt the workshops. It forced us to recognize and admit that practice of democracy as equality and liberty today stands under threat.

One of the dilemmas facing the practice of democracy and its inevitable impact on principles and theory is the use of concepts arising from categories of exclusion. Most of these categories arise from traditional beliefs, often from prejudice, irrational and feudal, hierarchical frameworks of organizing society. Modern democratic theory and practice, has been corroded by these insidious narratives and discourse. For many, the manifestations of choice through the vote, electing leaders who have beliefs which undercut the principles of democracy, has come as a surprise. These have sprung out of the wood work to dismantle the belief in the linear progress of freedom, liberty and equality, defined by the call to the people of France in 1789.

The class Aruna taught at McGill debated the role of culture in making just the opposite happen. The inter-active deliberations went through the extensive dialectic between theory and practice, in which an important subset was the political expression of people through

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The worst is that the culture of fear is producing the culture of silence, where no democracy can survive, and no justice can prevail. It is the business of people who after all define democracy to focus our persistent attention on discriminatory practice and narratives, to unpack them and disabuse people of false histories and narratives. We must begin with an acknowledgement that the culture has to change. It is a continuing debate, with governments, people, and communities.

**Harsh Mander**

culture. In narrowing down theoretical understanding only to the written word, and further restricted by language idiom and non-inclusive platforms of sharing information, dramatically reduce the scope of democratic debate. The two workshops in including a large spectrum of interests and idiom sought to address this issue. In Kerala many languages, idiom, class, caste and religion intertwined to take cognizance of, and deliberate on understanding this aspect of the human psyche, which plays an important role in democratic political choices.

This concern found its way into the two workshops as well. The report would be incomplete without reference to this important concept.

I would like to quote from the final term paper of Aude Raffenstein, Public Policy program at McGill:

“People’s movements are inherently embedded in these webs of significances that compose people’s realities. The challenge is to understand and use these ideas, customs, and social behavior intertwined with arts and other manifestations of human intellectual achievement to carry out participatory democracy. In order to offer a space for participatory democracy, the people’s organization had to make sure that all voices could and would be heard. These are the voices of the poor and marginalized people, people who needed to feel recognition, trust and understanding in order to engage themselves in this political journey. Adopting their cultural idioms is key to establishing this relationship and encouraging the poor and marginalized to share their own analysis. Therefore, culture enables movements to reach a larger number of people and it is the starting point of their empowerment through new democratic functioning.

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Cultural practices not only set up the conditions for an exchange of ideas, they also invite new ways of thinking to appear. Cultural practices challenge pre-established notions of knowledge production, often conceived as one sided. Culture on the contrary enables a real dialogue to take place between those who make the cultural medium and those who receive it. As this collective analysis progresses from both sides, the cultural productions can evolve as well to incorporate the new insights and push the conversation even further. There is, therefore, a virtuous circle constantly leading towards liberation of people and ideas. More precisely, it will deal with the various ways in which culture acts as an agent of politicization.”

The unscheduled contemporary challenges to democracy, such as election results, attacks on religious spaces and forced inequality through social regression supported by a silent state, kept intruding into the secluded space of the workshops. It reminded us that the challenges have to be met in action and in theory.

The Workshop in snowbound Montreal began with a very powerful invocation by Elder Otsi’tsaken:ra from Kanien’keha territory. It reminded us strongly that the people who were unrepresented in the discussions also had the right to self-determination, to choose their model of development in harmony with nature, where equality and justice are in the

way we treat the people around us, the rivers, the mountains and the earth.

In sunny Kerala, the workshop was interrupted by the shooting in Quebec city as we remembered the assassination of MK Gandhi on 30<sup>th</sup> January 1948. On the evening of January 29, 2017, at the Islamic Cultural Centre of Quebec City “six people were killed and 18 wounded after a gunman opened fire at a mosque in Québec City”, in an act condemned as a “terrorist attack”. More than 50 people were at the Québec City Islamic cultural centre, also known as the Grande Mosquée de Québec, for evening prayers on Sunday when shooting erupted in the two-storey building. The US government issued instructions to restrict entry of Muslims.

In an emotionally charged and politically concerned atmosphere in Thiruvananthapuram, Ira Anjali Anwar, was invited to share her evocative poem on her predicament - inequality arising from her mixed parentage. Ira’s personal predicament goes from the personal to the political and reflects on some of India’s contradictions. Her name had to relinquish “Anwar” to protect herself from being ghettoized and discriminated.

*Often, perched on impossible thoughts amidst unflinching nights  
I (try) and weigh these advertised crimes of Islam  
Against my name  
(You see) there is always this shame  
of the blood running through his veins  
As he delivered his boyhood soul  
To take up arms instead, to rip and behead, they say  
Look, his oil soaked hand, he must’ve been born  
a terror.  
So when you ask me who I am;  
I cannot lose myself in the paradoxes of identity and  
wonder how one ever knows such things  
Instead  
I offer you that half of me yet untainted*

*By my woeful Allah  
Dissolve into the poster child for a Western Hindu  
democracy.*

*(Only) Ira Anjali  
As Baba hangs like a phantom limb, his legacy  
Buried in the graveyard of shamed memories.  
Abba jaan, my gently aging old man  
You held my hopeless palm  
When I could hardly stand  
Now I only stumble-  
Surrendering you name.*

*.....  
Tired eyes reciting Iqbal and Faiz  
I cannot listen anymore baba  
(This Urdu is my poison, I must lay you to rest)*

*.....  
Developing dams like our borders,  
He asked for their name.  
From me, today, he just takes yours.*

The swell of intolerance has come as a shock to many. There was an assumption till the early 90s, that India would continue to live in comparative harmony, the memories of a blood-drenched partition (of India and Pakistan), and the assassination of Gandhi by a Hindu extremist, would be a deterrent. The Nehruvian era did much to allay the fears of minority communities. Ira’s poem brings in contemporary India and looks at the bleak future, with irony and pathos.

CK Mathew, former civil servant and Chief Secretary, Rajasthan had this to say, “I got back to Bangalore on Wednesday evening after being completely blown away by the workshop at Trivandrum...A life time in government completely inures you to the sensitivities of the world around and though I prided myself in being a little bit more sensitive than the others of my ilk, the complexities of India and the manner in which it was expressed through the voices of the different speakers, really struck me as the most important take away from the workshop. It was a complete privilege for me to listen to, and also talk to, the participants there. At the beginning it was Gopal Gandhi

who brought the lump to the throat and at the end it was the young Ira who made me want to weep.”

The Kerala seminar included music and poetry as expression of politics, the evocation of the human spirit through music, as a means of indoctrination and influence has been understood by humankind for millennia. It also has an equal role to play in interacting with people to understand their politics and political expression if democracy is rightly understood as a people’s tool to regain space and power for the greater common good.

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### **Musings on Music**

Unpacking the links between Culture and Democracy

Music, as political message for sharpening awareness of realities and as vehicle for social cohesion has assumed tremendous importance in movements.

Shankar Singh, a people’s communicator and MKSS activist, with his inimitable wit and acute political observation, had the audience participating – with raised fists.

**First Thought:** Even in dealing with the worst of corruptions in the system, humour helps to heal. The sense of the absurd is a must, to tide us over rough times.

For any event to function efficiently, every participant must know his role and the exact timing.

**Second Thought:** Once a plan is made, the leader leads and the others follow. A group is stronger than the sum of its members.

Vinay Mahajan and Charul Bharwada are the wandering bards of today, creating original lyrics and tunes and capturing the sadness of inequality and injustice, yet bringing to the listeners, the prospect of hope, tenderness and caring.

**Third Thought:** It is possible to speak truth to power, by singing truth to power.

T M Krishna and Sangeetha Sivakumar have charted a new course in the ocean of classical music. One song that stood out was “Poromboke”, the environmental protest to the destruction of the fishing villages of Ennore in North Chennai. It was set to a classical Ragamaalika pattern and conveyed the message vividly and with humour.

**Fourth Thought:** Art is not elitist, neither is the use of a language or a genre, exclusive. All boundaries are permeable. We share a common humanity and can set our pulses to a common beat.



## **PART B DETAILED REPORTS OF THE TWO WORKSHOPS**

## III. From Theory To Practice: The Montreal Workshop

(NOVEMBER 2016)

### Executive Summary

Dr. Moyukh Chatterjee

Postdoctoral Researcher, ISID, McGill

The two-day workshop on participatory democracy was held in the dark shadow cast by the rise of elected authoritarian regimes that speak in the name of the people to cast aside many of the cherished liberal values associated with democracy. At a time when ‘democracy’ is universally touted as the only acceptable form of government, but championed by both those who seek to curtail the rights of the marginalized, as well as those who seek a more equal society, this workshop sought to critically analyze and rethink the relationship between participation and democracy today.

At the outset, we want to emphasize that Trump’s America is hardly exceptional, when viewed from inside Modi’s India, Erdogan’s Turkey or Putin’s Russia – or from the perspective of indigenous, black, and Dalit ‘second-class’ citizens *within* thriving democracies. Perhaps the rise of brazen democratically-elected authoritarian regimes raises the question of how to resist this undoing of democracy from

within with a new urgency for some. But the workshop was a reminder that for the many, if not the majority, the present moment is part of a longer struggle against dispossession – from one’s land, culture, language, and way of life. In many places, this undoing comes packaged in shiny neoliberal garb as states across the global South and North dismantle welfare and redistribution policies in the language of global investment, anti-corruption, and good governance. It was also a reminder that social movements like the MKSS in India have been engaged in expanding the circle of those who are involved in decision making and creating mechanisms for people to come together and demand their rights. All this is to ask: What happens when the vote delivers majoritarianism? How do we understand the marginalized aligning with anti-worker and anti-poor regimes? What does participatory democracy mean in deeply unequal and hierarchical societies in both the global North and the global South?

However, despair and apathy did not set the tone of the discussions and conversations at

McGill. The spirit of MKSS and the clarity of the words of Elder from Kanien’keha territory steered the workshop towards an even stronger commitment to building coalitions and resistance. While the report does not provide unambiguous answers to the questions raised during the workshop, it takes seriously the challenge posed by each participant. Coalitions and forms of resistance may or may not use the languages we have used so far. Indeed, this is an opportune moment to pause and understand what really goes on in different societies in the name of ‘democracy,’ ‘participation,’ and ‘good governance;’ to review and critically analyze ongoing efforts in different parts of the world (from well-known cases like Porto Allegro to lesser known experiments in rural India) to democratize existing structures of power and authority; to see what works, for whom, and in what conditions, and then also learn from our mistakes and bring up failed attempts, unintended consequences, and enduring paradoxes involved in democratic practice.

### Main Findings

#### Decolonizing Democracy

Thinking beyond the recent US elections, and taking a long historical view, and inspired by the voices of indigenous activists in Canada, the workshop recognized that liberal democracy has subjugated minorities and preserved profound inequalities. Thus, the current moment is opportune to listen to those who have been battling electoral democracy and its war on the land, climate, and the marginalized. It is here perhaps that participation becomes a key aspect of democratic rule, and critically examine the mechanisms and processes that allow vast sections of society to be outside the purview of decision making. Who speaks for whom? And does the flourishing of some within democracies necessarily require the active subjugation of others?

For instance, the indigenous in India, Canada, and the USA have been systematically excluded, in large part, from decisions that have an impact on their everyday life. All this

while elections come and go. For this reason, the workshop emphasized the importance of public participation – whether in the form of protests, social audits, legal interventions, the courts – that is the need of the hour. But with a constant vigilance. To ask: who participates? If the middle-class, international organizations, and state-supported institutions, and NGOs speak in the name of civil society, then perhaps we need new collectivities to express the concerns of those who are never invited to these gatherings. As Parasuraman pointed out, it is mostly the middle-classes that assemble under that banner in India. Taking a different view, Heller argued that civil society has played a key role, especially in the global south, to push toward reforms and decentralization that political actors and the state usually oppose. This pushed the panel to consider novel and creative forms of association and rethink our notions of what is civil society in different world contexts. The workshop indicated the need for new forms of coalitions that allow the poor and the marginalized to come together and demand accountability.

### Democracy beyond Elections

Democracies are of course much more than elections, but the popular obsession with elections, many speakers noted, has limited and impoverished our understanding of public participation. Elections make democracy seem more like an event, and less like an active process that it is and indeed must remain. Public campaigns and political struggle, examples like MKSS show us, can have much more impact on actual distribution and allocation of resources, than perhaps a single election. Heller noted that an obsession with elections reduce people's participation to watching a competitive sport. Post-election analyses of democracy and regime change can lead to short-sightedness; an inability to see the deep and structural problems with current forms of liberal democracy: the corporate control over mainstream media; the ambiguous effects of social media that often polarizes debates; and the long-term effects of human development on environmental degradation. Both indigenous speakers in the workshop reminded the panel that liberal democracies' obsession with 'the human' and its disregard for the water, animals, wind, and the earth that sustain human life threatens the cycle of life beyond any particular election and political regime. Likewise, deep inequalities within our societies – caste in India and race in the US, and class in both contexts – produce enormous obstacles for people, who in Tess Tesalona's words, have "expertise without authority" to influence policy in democracies habituated to listen to only certain voices and interests.

### Models, Experiments, and Movements

What forms of activism and politics can promote participatory forms of democracy? Many speakers analyzed MKSS's success in infiltrating the government of the day and introducing wide scale reforms that were opposed by many inside and outside the state apparatus. Reforms and legislation that, in Patrick Heller's words, have expanded both the surface area and the quality of state-society engagement in India. In his keynote address, Heller compared the relationship between political parties and civil society in Brazil, India and South Africa. All three postcolonial states are marked by deep inequalities but also a vibrant civil society. And all three challenge the idea that democracies cannot take root in deeply unequal societies. Analyzing the Communist party led efforts to mobilize the working class in Kerala, Heller discussed successful attempts in India that have led to better local planning and wider engagement of the public with the state. Like India, in Brazil, strong coordination between political parties and civil society led to significant decentralization. The South African example, however, illustrates that despite the legacy of Left politics and strong institutions that could decentralize power, the dominant political party (African National Conference) in South Africa embraced a technocratic vision of democracy effectively demobilizing civil society. Another reminder to be kept in mind is that it is often the quality, resilience, and depth of the political struggle that makes all the difference.

## Details of Workshop Discussions

### Session I: Examining contemporary theories of participatory democracy

**Patrick Heller**, Professor, Sociology and International Studies, Brown University, U.S.A.

**John Harriss**, Professor, School for International Studies, Simon Fraser University, Vancouver, Canada

**S. Parasuraman**, Director, Tata Institute of Social Sciences, India and Professor, School for International Studies, Simon Fraser University, Vancouver, Canada

**Discussant: Patrick Brennan**, Executive Director, Institute for the Study of International Development (ISID), McGill University, Montreal, Canada

**Moderator: Nandini Ramanujam**, Professor, Faculty of Law, McGill University, Montreal, Canada

In this opening session, academics from USA, Canada and India situated the current moment of right-wing politics and participatory democracy within a longer political and cultural history. John Harriss reminded us that the twin crises of war (WWII) and the Great Depression in the 20<sup>th</sup> century produced *both* social democracy and fascism. In the US, it was Roosevelt's response to the Great Depression – the New Deal – that led to a something like the welfare state. Harriss said that the prospects of social democracy are bleak today. For instance, in the case of the Scandinavian countries, we see a highly organized working class and greater social justice. But this came out of specific broad political movement that included both farmers and capitalists, and organized labor was central to this process. Currently, recent trends in labor markets have eroded organized labor, however, this context of reduced labor rights can lead to citizens uniting behind

a common cause different those organized around workers. Economic disempowerment may lead to new types of participatory movements and demands for rights. Taking the example of MKSS, Harriss said that social audits are a powerful mechanism for decision making, and if it is enshrined in law, then these practices become even more powerful, and allow for participatory democracy.

Patrick Heller argued that the academic obsession with electoral democracy has normalized a competitive view of democracy, one that was most plainly visible in the media coverage of the recent US elections - more spectacle, less substantive participation. Unpacking the mechanisms of participatory democracy, Heller found that most academics, especially political scientists, were interested in the aggregation of preferences, but did not focus on the making and shaping of public preferences. He identified the public sphere (for instance, media and universities), party politics (that aggregate preferences) and the State (delivery) as important domains of participatory democracy. He further pointed out that even when parties begin as participatory social movements (for example, the Worker's Party in Brazil), they fall prey to the 'iron law of oligarchy,' turning into powerful oligarchical organizations. Only a vigilant citizenry can guarantee that the state, the public sphere, political parties, and bureaucracies produce desirable results.

According to S. Parasuraman, the essence of participatory democracy is altering the power structure. To do so requires both the redistribution of power and building the capacities of the marginalized. This, in turn, is based on people's awareness of what is happening to them and the resources to move of a particular situation. And this is why information and education are key to informed participation. Speaking from his experience across different world areas, Parasuraman asked us to scrutinize who

speaks in the name of 'civil society.' Taking a view from the global South, he emphasized that different kinds of people assemble under the umbrella of civil society; in Hanoi, it may be international organizations and in Bangladesh they may be government officials, and in India it is often the middle-class.

### Challenges:

1. How can we come together under new collectives?
2. What forms of participation alter the power structure and how?
3. Is there a tension between representation and participation?
4. If who participates matters as much as much as existing mechanisms for participatory democracy, then how can we include traditionally excluded groups (for instance, the indigenous in Canada)?



## Session II: Representation and Participation: The Constitutional and Legal Framework

**Suzanne Legault**, Information Commissioner of Canada, Ottawa, Canada

**Nikhil Dey**, Founder-Member, MKSS, NCPRI, and SR Abhiyan (Rajasthan), India

**Tom Blanton**, Director, National Security Archives, George Washington University, Washington D.C., U.S.A.

**Discussant: Marlihan Lopez**, Intersectionality Committee, Federation des femmes du Quebec

**Moderator: Sonia Lazlo**, Director, Institute for the Study of International Development (ISID), McGill University, Montreal

This panel analyzed the various dimensions of the right to information and its capacity to expand participation and representation in India, Canada and the USA. The panelists showed that the question of information – who has it, who can demand it, and who can refuse to share it – is fundamentally about power.

Susan Legault used an example of how political parties and the police tried to scuttle the Right to Information Act in Canada to show the importance of resilience and ethics in civil society efforts. Despite her best efforts to bring out information regarding the Long-Gun Registry Act, the RCMP and political parties delayed and frustrated the right to information process, but she continues to struggle against such encroachments from a personal and political conviction about democratic values.

When the founders of MKSS began asking questions on behalf of poor workers and farmers in India in 1987, people questioned their locus standi. They asked Dey, “Why should someone who is not part of the state

apparatus or an elected politician raise public issues?” Speaking on behalf of MKSS, Nikhil Dey said that this experience made them realize that there was no concept of ordinary citizens influencing policy. Dey emphasized that the poor also theorize – sometime in the canny slogans that articulate their demands, like “Hamara paisa, Hamara Hisab” (Our Money, Our Accounts). When people learned that MKSS is asking officials for information, they told them that they would never get the information. But the movement that started from a small hut in Rajasthan led to the Right to Information Act in 2005. And then further efforts led to the National Rural Employment Guarantee Act, which is opposed and diluted by the current regime in India, but the accountability mechanisms put in place by social movements are still there. Using the example of MKSS, Dey emphasized that persistence and struggle can lead to large-scale changes in policy.

Finally, Tom Blanton reiterated the importance of information to changing power relations in North America, India and Latin America. He pointed out that the government is a diverse and differentiated space, where some parts of the government are often unaware of what is happening elsewhere. And the Trump may be in control of the government, but not all parts of the state. In the US, the rise of the security state means that security-crats have free reign over any government, regardless of ideology. But there are also bright spots. In Paraguay, 12 generals were convicted because of documents that proved their planning in a political assassination. The current political moment, especially the election of Trump, has the potential to politicize the youth in the US.

### Challenges:

1. How do we tackle illiberal structures of the modern state that endure beyond particular regimes?
2. How do we deal with misinformation and spin?

## Session III: The Limits of Theorizing: Perspectives from Peoples’ Movements and Campaigns

**Hussein Khalid**, Executive Director, Muslims for Human Rights, Kenya

**Vivek Ramkumar**, Senior Director, Policy, International Budget Partnership

**Ellen Gabriel**, Indigenous Human Rights Activist, Kanehsatà:ke Mohawk Territory, Quebec, Canada

**Discussant: Dolores Chew**, Program Director, South Asian Women’s Community Centre (SAWCC), Montreal, Canada

**Moderator: Catherine Lu**, Associate Director, Institute for the Study of International Development (ISID), McGill University, Montreal, Canada

What does participatory democracy look like from the perspective of indigenous activists? How do social movements build mechanisms to democratize governance? Following the spirit of the workshop that helped practitioners, activists, and academics to listen, learn and be inspired by each other, this session presented an extensive account of the structural violence against indigenous people in Canada. And case studies from Kenya and South Africa that illustrated how international organizations are helping people exercise control over the budget and policy.

Khalid, speaking on behalf of HAKI (Africa), a human rights organization in Mombasa, Kenya, described how local decentralization exacerbated widespread corruption in Kenya. HAKI used public protests and social audits, inspired by MKSS in India, to mobilize local communities on monetary matter, especially in the decisions made on behalf of communities by the government. Because

of their efforts, the system by which most of the money for constituency development was siphoned off to the friends and family of elected officials was suspended by the government. Using creative methods, like asking people to dress in a certain color to protest against public issues, HAKI is trying to raise local awareness about public issues.

Ramkumar, speaking on behalf of the International Budget Partnership (U.S.A), described successful attempts by social movements to use the law against the state to influence its budget policy. When the South African government claimed that the HIV / AIDS programs were unaffordable, the HIV campaign took the government to court and won. But often transparency and formal oversight replace genuine public participation in budgetary allocations. Public participation must be a part of transparency and formal consultations. Brazil and India are examples of participatory democracy at the local municipal and village level, respectively. However, both

these systems operate at subnational levels, and the national government does not receive the same scrutiny via public participation.

Indigenous activist from Kanehsatà:ke Mohawk territory (Canada), Ellen Gabriel, reminded the workshop that liberal democracy is perfectly compatible with the genocide and forcible dispossession of the indigenous – in Canada, India and the US. Not only that, but liberal democracy has been slowly destroying the lives, cultures, and languages of indigenous people since its inception. Gabriel said that indigenous forms of democracy (deliberation and decision making) have existed long before the Europeans arrived. It was based on the active participation of the clan, and women, and included not just humans but also the water, forest, and earth that sustained the communities. Gabriel compared these features of indigenous decision making with the current sexist, patriarchal, and racist liberal democratic system, of which the indigenous have become a part; but a part that does not make its own decisions and faces everyday state violence.

#### **Challenges:**

What can we learn from the indigenous peoples' critique of liberal democracy? How can we decolonize democratic theory and practice?

#### **Session IV: Moving beyond the rhetoric: Lessons and experiences**

**Kenneth Winston**, Lecturer in Ethics (retired), Harvard Kennedy School, Harvard University, U.S.A.

**Anne Marie Goetz**, Professor, Center for Global Affairs (CGA), School of Professional Studies, New York University, New York, U.S.A.

**Fredrik Galtung**, President, Integrity Action, London, U.K.

**Discussant: Roger Rashi**, Campaigns Coordinator, Alternatives, Montreal, Canada

**Moderator: Toby Mendel**, Executive Director, Center for Law and Democracy, Halifax, Canada

**W**hat can a focus on ethics, gender, and technology yield for activists and movements?

Kenneth Winston described his understanding of the MKSS as a model to understand the role of ethics in public life. According to him, democratic institutions are those that go beyond ordering people what to do (bureaucracy) but help people make their own decisions and an openness to heterogeneity. But he also cautioned that doing things the right way does not guarantee that you get the right thing.

Ann-Marie Goetz's attention to gender as a measure of participatory democracy highlighted the public and private divide. For instance, women can be included in high government positions without changing the entrenched patriarchy within domestic spaces. How, then, do we test women's participation? And what are feminist claims? Especially when race, color, class, and religion significantly shape women's experience of democracy.

Making a distinction between practical (safer stoves for women) and strategic (structural changes) feminist claims, Goetz notes that many politicians are happy to use practical claims to mobilize voters, but this achieves little long-term change.

Using the example of how an online application allowed poor citizens to drastically improve the quality of drinking water services in the DRC, Fredrik Galtung argued that open consumer feedback improves governance. Transferring the public and open format of the feedback (for instance, consumers writing reviews of products on Amazon.com) used by companies like Amazon and Trip advisor to matters of local governance like water and roads, can help citizens to participate in improving local infrastructure. Arguing that welfare schemes in many parts of the world are 'designed to fail,' Galtung made a persuasive case that technology in certain contexts can be a valuable aid in fighting corruption.

#### **Challenges:**

1. What role can technology play in deepening citizens' participation in everyday governance?
2. What is the role of ethics and ethical modes of action in circumstances where doing the right thing does not guarantee the right ends?

#### **Session V: Impact of movements on democratic governance**

**Rajesh Veeraraghavan**, Assistant Professor, Georgetown University, Washington D.C., U.S.A.

**Mukelani Dimba**, Executive Director, Open Democracy Advice Centre (ODAC), South Africa

**Renata Terrazas**, Researcher, Fundar Centro de Analisis e Investigacion (FUNDAR)

**Discussant: Pearl Eliadis**, Law Office of Pearl Eliadis, Full Member, Centre for Human Rights and Legal Pluralism, and Lecturer, Faculty of Law, McGill University, Montreal, Canada

**Moderator: Warren Krafchik**, Executive Director, International Budget Partnership, Washington D.C., U.S.A.

**T**his session highlighted issues of scale, politics, and societal inequality that activists face when they begin to implement participatory mechanisms, like the social audit and the right to information act, in different parts of the world. This panel raised many critical issues about 'participation' as a category itself. Who participates? And is it always at the cost of another group? Who sets the rules of how marginalized sections participate? In the words of the discussant, Pearl Eliadis, "participation is not value-free."

Rajesh Veeraraghavan discussed a case study of how social audit unfolded in Andhra Pradesh, India, to highlight the danger of dominant groups (like upper castes in India) co-opting mechanisms of participatory democracy. Describing his experience of attending a social audit meeting in 2012, organized by the A.P. state government, he pointed out that small details like the location and timing of the audit, as well as who

organized it, were key factors in determining what social audit looks like in practice; indeed, these details are crucial if the social audit is to be more than yet another bureaucratic exercise. Who decides where will audits be held? And at what time? Can Dalits attend a social audit meeting in an upper-caste neighborhood? What can bring competing political factions to attend a social audit? Who should run the audit? Civil society, NGOs, the state, political parties, or community leaders? What does 'community' mean in Indian villages segregated by caste? And what are the implications of such meetings if they are mostly attended by men? Raising such questions can help activists to understand the intended and unintended consequences of participatory processes.

Speaking from her experience as a researcher at FUNDAR (Mexico), Renata Terrazas said that we must look at processes and stories that are *not* successful as critical models to analyze what works and what doesn't at different levels within a democracy. What works at the national level may not work at the regional level and vice-versa. For instance, governments are far more accessible to lobbyists and select civil society organizations than marginalized communities. And even the passing of laws is sometimes easier than changing public policy on certain issues, and there is always the danger that state officials can take over participatory structures.

Anand Teltumbde discussed the issue of participation and democracy from the perspective of Dalits (ex-untouchable castes) in India. According to him, the Dalit movement is a cautionary tale about the dangers of short-term 'participation' that reinforces long-term exclusion and violence. For example, constitutional efforts to abolish caste via affirmative action also consecrated caste. And political struggles are not always aimed at the state, sometimes the target is the Hindu caste society, like in the case of Dalits.

Stressing the difference between long-term and short-term strategies, as well as a micro and macro changes, Teltumbde emphasized the importance of aligning participatory democracy with more radical political struggles otherwise short term efforts can bring temporary relief to communities and allow them to forget deeper issues like caste.

#### **Challenges:**

1. The category of participation needs to be approached critically, that is historically and politically. Who participates? How? Where? When? These questions are inseparable from those sections of society who are structurally excluded from participation.
2. Participation is a political process in so far as it does not treat all participants equally. So how do activists make sure that participation does not become another mode of reinforcing the status quo?

#### **Session VI: Challenges of participatory democratic practice**

**Abha Sur**, Professor, Women and Gender Studies, Massachusetts Institute of Technology, Boston, U.S.A.

**Rakesh Rajani**, Director, Civic Engagement and Government, Ford Foundation, Washington D.C., U.S.A.

**Alejandro Salas**, Regional Director of the Americas, Transparency International, Berlin, Germany

**Discussant: Eliane Ubalijoro**, Professor of Practice, Institute for the Study of International Development (ISID), McGill University, Montreal, Canada

**Moderator: Vrinda Narain**, Professor, Faculty of Law, McGill University, Montreal, Canada

In the general spirit of the workshop, Abha Sur said that building a social movement is primary to deepening democracy. Her interest in participatory democracy began with her participation in multiple struggles that characterized the 60s and 70s – like the anti-Vietnam movement and the feminist movement. Perhaps it is movements like Black Lives Matter and the rising anti-Trump agitations in the US that will politicize a new generation. In this way, the election of Trump, as many speakers pointed out, may become an important political moment when liberals rethink the meaning and future of Western democracy by participating in public protests. Sur argued that the feminist concept of intersectionality (the interconnected nature of race, class, and gender as they empower or disempower specific individuals and groups) is especially important in the current political moment to build social movements.

The next speaker, Alejandro Salas, described the paradoxes of fighting something as messy and complicated as corruption. How do we

understand, for instance, the re-election of notoriously corrupt politicians? According to him, people consider corruption an irritant and are quick to condemn it, but that does not mean that it is systematically understood or tackled. And the mainstream definition of corruption ignores the cultural patterns of how corruption is perceived and mobilized in different contexts for very different ends. However, tackling problems like corruption, according to him, are integral to confronting how bribery is ingrained in the structure of electoral politics.

Marie Wilson, Commissioner of the Truth and Reconciliation Commission (TRC) of Canada (2009-2015), used the example of the TRC as an experiment in participatory democracy. The TRC was designed to address the structural violence and discrimination against the indigenous population in Canada. Legislation like the Indian Act explicitly deny indigenous people equality in Canada. Historically, the residential school system, like colonial practices elsewhere, treated indigenous people as savages, forcing them to adopt the modes of thought and habits of white men. In this sense, White supremacy is the foundation of democracy in Canada. Some of this has been challenged by the largest class action in Canadian history, when 8,000 indigenous people approached the courts. But the TRC is not an event, but an ongoing process that is public and affects all Canadian institutions. In this way, TRCs can play an important role in educating the wider public about the structural violence and inequality that pervades liberal democracies.

#### **Challenges:**

1. What issues and questions can bring broad coalitions of people together to protest or even care about everyday governance?
2. What does participatory democracy look like in a 'post-truth' (Oxford Dictionaries Word of the year, 2016) world?

# List of Participants

in the Montreal Workshop

**1. Abha Sur**, Professor, Women and Gender Studies, Massachusetts Institute of Technology, Boston, U.S.A.

**2. Alejandro Salas**, Regional Director of the Americas, Transparency International, Berlin, Germany

**3. Anne Marie Goetz**, Professor, Center for Global Affairs (CGA), School of Professional Studies, New York University, New York, U.S.A.

**4. Aruna Roy**, Founder-Member, MKSS and NCPRI, India, and Professor of Practice, Institute for the Study of International Development (ISID), McGill University, Montreal, Canada

**5. Catherine Lu**, Associate Director, Institute for the Study of International Development (ISID), McGill University, Montreal, Canada

**6. Dolores Chew**, Program Director, South Asian Women's Community Centre (SAWCC), Montreal, Canada

**7. Eliane Ubalijoro**, Professor of Practice, Institute for the Study of International Development (ISID), McGill University, Montreal, Canada

**8. Ellen Gabriel**, Indigenous Human Rights Activist, Kanehsatà:ke Mohawk Territory, Quebec, Canada

**9. Fredrik Galtung**, President, Integrity Action, London, U.K.

**10. Hussein Khalid**, Executive Director, Muslims for Human Rights, Kenya

**11. John Harriss**, Professor, School for International Studies, Simon Fraser University, Vancouver, Canada

**12. Kenneth Winston**, Lecturer in Ethics (retired), Harvard Kennedy School, Harvard University, U.S.A.

**13. Marlihan Lopez**, Intersectionality Committee, Federation des femmes du Quebec

**14. Mukelani Dimba**, Executive Director, Open Democracy Advice Centre (ODAC), South Africa

**15. Nandini Ramanujam**, Professor, Faculty of Law, McGill University, Montreal, Canada

**16. Nikhil Dey**, Founder-Member, MKSS, NCPRI, and SR Abhiyan (Rajasthan), India

**17. Patrick Brennan**, Executive Director, Institute for the Study of International Development (ISID), McGill University, Montreal, Canada

**18. Patrick Heller**, Professor, Sociology and International Studies, Brown University, U.S.A.

**19. Pearl Eliadis**, Law Office of Pearl Eliadis, Full Member, Centre for Human Rights and Legal Pluralism, and Lecturer, Faculty of Law, McGill University, Montreal, Canada

**20. Rajesh Veeraraghavan**, Assistant Professor, Georgetown University, Washington D.C., U.S.A.

**21. Renata Terrazas**, Researcher, Fundar Centro de Analisis e Investigacion (FUNDAR)

**22. Roger Rashi**, Campaigns Coordinator, Alternatives, Montreal, Canada

**23. S. Parasuraman**, Director, Tata Institute of Social Sciences, India and Professor, School for International Studies, Simon Fraser University, Vancouver, Canada

**24. Sonia Lazlo**, Director, Institute for the Study of International Development (ISID), McGill University, Montreal

**25. Suchi Pande**, Scholar in Residence, Accountability Research Center, American University, Washington D.C., U.S.A.

**26. Suzanne Legault**, Information Commissioner of Canada, Ottawa, Canada

**27. Toby Mendel**, Executive Director, Center for Law and Democracy, Halifax, Canada

**28. Tom Blanton**, Director, National Security Archives, George Washington University, Washington D.C., U.S.A.

**29. Vivek Ramkumar**, Senior Director, Policy, International Budget Partnership

**30. Vrinda Narain**, Professor, Faculty of Law, McGill University, Montreal, Canada

## IV. From Practice To Theory: The Thiruananthapuram Workshop

(30 JANUARY – 1 FEBRUARY 2017)

### Executive Summary

Dr. Suchi Pande

The Kerala workshop worked as a natural extension to the discussions in Montreal. State actors were as much a part of the workshop as activists from people's movements as well as practitioners and academicians from India and other South Asian countries. Theoretical frameworks for participation both as institutionalised and non-institutionalised (people's movements) processes were examined in the South Asian context. The workshop also included breakaway sessions dedicated to a more focused discussion on thematic issues. The workshop convenors also hosted an evening on 'Culture and Democracy,' bringing together practitioners of classical music, musicians highlighting stories of marginalization and people's struggle against oppression as well as activists using theatre and puppetry in popular struggles for livelihood and social justice (See box 1).

#### Kerala's Unique Experiment with Participatory Democracy

The location of the workshop in Kerala was of practical relevance. In Kerala a strong political party created the necessary conditions for decentralize planning, civil society groups with sufficient organizational capacity an operational autonomy helped institute the people's planning process, producing over 3 million participants.<sup>1</sup>

With the background of Kerala's people's plan experiences, the complementary roles of government bureaucrats, politicians and civil society in ensuring just governance was discussed and critiqued. Participants agreed that even a state apparatus fuelled by best intentions has its fault lines; only practice and its constant vigil can keep democratic principles in place. Constant vigil requires creating a space for people's demands, claiming spaces within the system to make governments work for all classes of citizens.

<sup>1</sup> Thomas Isaac and P. Heller (2003), 'Democracy and Development: Decentralized Planning in Kerala, in Fung, A. and E. O. Wright (eds) *Deepening Democracy*, pp 77-110. Verso: London

However, participants felt that one of three central principles of democracy – participation – has come to be seen as co-opted, sanitized, and domesticated by agencies like the World Bank and national governments. In her inaugural address, Aruna Roy, urged participants to reclaim the term participation while, being aware of the changing obligations of the state under capitalist democracies. She urged participants to give serious consideration to the need for systemic change alongside independent civil society and grassroots efforts; and to creating spaces for engagement that allow/tolerate dissent and help steer governments towards an egalitarian and accountable direction.

#### Participatory Democracy in India

The location of the workshop also compelled participants to also acknowledge the uneven experience of participatory democracy across India. Government officials, and political leaders from Kerala candidly discussed the emergent challenges to decentralized planning, and local self-governance: limited participation of lower caste groups, difficulty in sustaining energy levels and widening the people's plan, and threat of elite capture and corruption.

The discussions poses larger concerns about democratic institutions and practices within India. In a deeply segregated and highly unequal society like India, participants asked what does participatory democracy look like from the perspective of marginalized groups in India? What is the track record of representative, democratically elected local institutions in achieving just and equitable development?

True democracy, a prominent dalit rights activist, noted, means meaningful and sustained participation of minority groups (dalits, women, including ethnic and religious minorities). These marginalized groups

experience structural discrimination and systemic exclusion in society when they are forced to clear dead carcasses from our streets; in schools where children continue to be segregated in classrooms; in access to basic services like food and health, and in a sense of danger of bodily harm such as rape and lynching, on a daily basis. Together with lack of robust accountability systems, decades of institutional impunity, and the danger of middle classes in state and in society defining the priorities and needs for the marginalized, the promise of democratic rights and freedoms continues to elude these marginalized populations. Thus, despite Kerala's success with decentralized planning, participants were urged to think about democratizing Indian society.

The challenges of social disability and hierarchy in Indian society emerged as larger concerns, but some speakers also expressed faith in the structure of the Constitution and the role that officers of the Constitution can play in a situation of legislatures going haywire. The former Governor of the state of West Bengal, India reminded participants that despite the results of global elections, people must not lose faith in electoral politics or the right to vote. The latter he said is the struggle of long-term popular struggles and is not a choice but as "fundamental as breathing." Elections he reminded participants is a "right" and not a "gift" and the power to choose leaders and representatives is in our hands. Therefore, despite the rise of the global right, we must not lose faith in elections, and remember that constitutional authorities like election commissions and information commissions – in the case of RTI – are the gatekeepers of our democracy and should be strengthened by our cooperation.

However, the discussions also brought out that power vested in these constitutional authorities/officers is only effective if it can be exercised. An Election Commission,

for example, that allows a resolve for the construction of a temple in a party manifesto, is clearly weak and ineffectual. The discussion on constitutional authorities was widened to include larger concerns about the ruling party's attempts at historical revisionism through distorting historical records, rewriting history. The Indian Constitution, as in other countries, was the result of a rigorous debates that incorporated an inclusive perspective with protective provisions for marginalized groups in Indian society. But current efforts at historical revisionism and questioning the relevance of the judges' interpretation of constitutional guarantees poses a direct threat to the fundamental principles on which democracies are organized. A check on the creeping authoritarian tendencies of India's ruling party is possible through robust constitutional institutions, their independence, and the need to "popularize" the constitution. Rather than simply defend it.

### **Role of People's Movements, Campaigns: Threats to Constitutional Principles**

Participants noted that the need for participation is widely recognized. But the missing factor remains a link between these three concepts. Transparency, accountability and participation form three points of a triangle. It is essential to look at all three of them in context with each other, instead of being focused in isolation. Thus the pertinent questions to ask are how to make transparency accountable? How to make accountability transparent? How to make participation transparent? How to make people's participation accountable? How to make transparency participatory? How to make accountability participatory? Participants discussed the problem with participatory democracy, and felt more attention needs to be made on developing the solutions to these problems.

Drawing on the vibrant non-party political sphere participants shared their experiences from the perspective of different people's movements and campaigns – against nuclear power plants, women's movement, right to work and right to information – in continuously calling upon the Indian state to guarantee rights and freedoms it is ostensibly committed to. While in the last decade, people's movements won some uncommon victories after decades of ongoing struggle for rights to information, work, food, access to forest land and education, people's movements are faced with an unprecedented challenging political environment, challenges to their implementation remain.

For example, India's RTI Act is one of the strongest globally. One indication of its strength is the repeated attempts at diluting the law from different branches of the government. Apart from tinkering with the mechanizations of providing information, another tactic to frustrate the RTI is benign neglect. The selection of independent appeal authorities or Information Commissioners (in states and at the national level) continues to be non-transparent and arbitrary. Most serving Information Commissioners are either retired civil servants or police officials. Rather than journalists, academics, social activists as specified in the RTI law. Several commissions continue to be understaffed, causing delays in hearing appeals against denial, rejection of information.

The poor track record of government offices in implementing the proactive disclosure clause is further impeding the functioning of information commissions. According to one national RTI assessment study, close to 67% of the information sought under the RTI law should be made available proactively by officials under their Section 4 obligations. Unlike the first round of amendments that were visible, the information commissioners at the Kerala workshop warned of a

'pernicious' and ongoing attack on RTI' from the judiciary and other constitutional bodies. Since its enactment in 2005, the Indian judicial establishment has tried to dilute the applicability of RTI to courts and the judicial system. In contrast to proactive judicial pronouncement of the 1970's on expanding the citizen's right to know, since 2006 the courts have tried to insulate itself from the RTI – through exorbitant application fees. In 2009, the Supreme Court rejected an RTI request on how many judges had declared their assets, and set a rather incredulous precedent by violating basic principles of natural justice – nobody can be a judge in their own case – by staying lower court decisions, in a writ petition before itself.

Participants also discussed the attempt by Parliament to weaken the RTI Act, to keep political parties outside its purview. As citizens, participants viewed themselves as beneficiaries of politics, and therefore, must take a stand to keep politics on our side. But how do we do it? While the pre-legislative processes is one way to influence the distribution of power in the favour of ordinary citizens. These processes lack the proper institutional channel to be used on an ongoing basis by citizens. In India, the pre-legislative processes exists in the form of political parties. One of the functions of political parties is to mobilise public opinion, to consolidate public opinion, so that it can be represented in the state parliament. But political parties don't do that. Members of parliament and state legislative assemblies are supposed to tell their constituents about upcoming issues to be discussed in the parliament and the assemblies, respectively. But the truth is, the elected representatives are themselves unaware of the order of business in the legislative bodies. But lack of awareness alone is not the reason for why elected representatives don't share information about programs and policies, often the discharge of their public functions is influenced by

the campaign donors. Thus, transparency within the political parties is of the utmost importance. Political parties since 2009, have resisted the RTI. They must not be allowed to say "We are not under the RTI, we don't have to respond to that."

So on the one hand, important legislations that have the potential to improve citizen participation, and empower citizens to hold government officials and politicians accountable on a daily basis, are under attack. On the other hand, fresh assaults on democracy, secularism mount by the day. People's movements must therefore contemplate new strategies and adapt tactics to circumstances in which they now operate.

For many movements the political universe as they knew it, collapsed in 2014 when the conservative Hindu party was hoisted to power with a full majority. Confronted with conservatism, misogyny, bigotry and shrinking civic spaces, as in other countries, many movements continue to mobilize people's participations, but are unclear of the way forward? Participants felt that there needs to be a transformation from interpretation of the problem to the possibilities of change.

The theoretical orientations and actual practices of many movements have been informed by multiple ideologies. Now more than ever, participants felt there is a need to deal with issues in the theoretical and abstract sense, before connecting them to practice. Alongside legislative advocacy for good laws, ensuring proper implementation of these laws, and using them to build collectives and mobilize people's support, participants also discussed the need for engaging different theoretical and ideological orientation – from Marx to Ambedkar to Mao – to define a way forward. Rather than feel confined by the possibilities that could emerge from their theories.

## Musings on Music

### Box 1 : UNPACKING THE LINKS BETWEEN CULTURE AND DEMOCRACY

Twilight had set in. People ambled quietly in groups, towards the Amphitheatre of the Institute of Management in Government. No tickets to be checked, no numbered seats, in fact, no seats at all except the steps leading down to the stage.

Before the music began, the central point that coalesced from the comments of the presenters and their interlocutors was that music as entertainment was only one of its aspects. Music, as political message for sharpening awareness of realities and as vehicle for social cohesion has assumed tremendous importance in the lives of groups like MKSS and several other groups around the country.

Shankar Singh, a people's communicator and MKSS activist, with his inimitable wit and acute observation, took the stage and a group of his old-time associates and friends joined him in the well-known slogans and ditties. Audience participation is an in-built part of these songs and there we all were, pumping our right fists and adding our loud voices to the medley.

*First Thought: Even in dealing with the worst of corruptions in the system, humour helps to heal. The sense of the absurd is a must, to tide us over rough times.*

About twenty women dressed in dark green and red formed an arc on the stage and ten men in white were ranged behind them. The members of the MBS choir took their allotted places, grouped according to their pitch of voice. The music they chose differed from the

standard religious songs and chants. The song that stood out was one by the Tamil patriot-poet, Subramania Bharathi. The poet wonders where the source of the music is, as he describes a snake charmer, with his instrument: in the mind of the player, in his pipe or in the body of the snake. He speaks then of the pathos of children's voices begging and of the myriad sounds of the market, as swift trading goes on, of bangles, flowers and fruits. What is the source of the sounds? The poet concludes that it is the universal power, *Shakti*, which informs all of them and all action on earth. This song was rendered beautifully in harmony throughout, with many variations, capturing consonantly, even the discordance of competing voices in the market place. *For any event to function efficiently, every participant must know his role and the exact timing.*

*Second Thought: Once a plan is made, the leader leads and the others follow. A group is stronger than the sum of its members.*

Vinay Mahajan and Charul Bharwada took the stage next. Their moving music reached the marrow of one's bones. The themes were contemporary and immediate. Their songs on the hands that work were particularly moving. Their empathy with the poor and hungry, their support for their activist friends and the unique blending of their voices cannot fail to touch the conscience of the nation. They are the wandering bards of today, creating original lyrics and tunes and capturing the sadness of inequality and injustice, yet bringing to the listeners, the prospect of hope, tenderness and caring.

*Third Thought: It is possible to speak truth to power, by singing truth to power.*

T M Krishna and Sangeetha Sivakumar have charted a new course on the ocean of classical music. Krishna has been maintaining the loveliness and complexity of South Indian music, without being constrained by the standard structure of the "Concert" or staying with conventional Bhakti music. One song that stood out was "Poromboke", the environmental protest to the destruction of the fishing villages of Ennore in North Chennai. It was set to a classical Ragamaalika pattern and conveyed the message vividly and with humour.

*Fourth Thought: Art is not elitist, neither is the use of a language or a genre, exclusive. All boundaries are permeable. We share a common humanity and can set our pulses to a common beat.*

## Building a Theory of Knowledge

Participants also questioned the term 'participation' and how we can continue to use a term that has no memory. Especially, now more than ever, when we are facing erasure, how do we bring memory into movements? When people who are part of the debate disappear? If we want participation, we have to create a version of this absent memory.

The language of the experts is technical, it signifies the power of the state – legal and bureaucratic – but the people who fight against the injustice on the streets speak a different language. When two epistemologies – of politics and modernity and those of an Adivasi (tribal) – clash, we must not reduce it all to just technicalities. Calling into question the term 'participation', participants argued it is too much of a World Bank term; it does not recognize the different ways in which people remember a way of life and talk about its death or loss of a way of life; it does not have a theory of generations or time. To break the structure of expertise, we need to bring a different idea of cognitive justice into debates on participation and democracy. Just as the term was constructed, people need to also deconstruct it.

In India, social movements have what one participant called a 'tacit constitution' or a constitution around the Constitution, which they view as too Victorian or restrictive. So they try to create a passive constitution. "Epistemic brokers" such as the auditors, nuclear scientists are translators whose aim is to standardize language in development statistics. We need translators, between different languages, translations for the nature of the language of the state, the notion of time, the grammar of expertise—to deconstruct participation. We are lacking a theory of knowledge that does not capture the "noise of democracy." We need a theory of knowledge (and participation) with a wider kind of

## BOX 2: REFLECTIONS FROM BREAKAWAY SESSIONS

The breakaway sessions were organized to facilitate a more focused discussion on thematic issues. A total of 13 thematic discussion were organized on the following topics:

- People's Plan and Budget (Planning and Budget)
- Empowering the Unheard: Public Hearings
- Including the Excluded: Understanding the Other Platforms for Constructive Dialogue, Disagreement and Dissent
- Electoral Processes: Election and Electoral Reforms
- Citizen Engagement with Parliamentary Processes and Procedures
- Independent Commissions
- Transparency and Pre-legislative Process and in Political Parties
- The Power of Public Audit and Supreme Audit Institutions
- Judicial Accountability
- Bureaucratic Accountability
- Digital Technology/Demystifying Technology
- Facilitation, Techniques and Methods for Accountability
- Looking Back on 10 Years of RTI in India

In each sessions participants were asked to engage with four key questions:

1. What are potential areas for encouraging participatory democracy?

2. What are the key challenges involved in the process?
3. What are the key institutional mechanisms to achieve the same?
4. Who needs to be brought together and how?

A small panel of three to four speakers presented key ideas or posed problems related to each sessions' topic. The moderators facilitated discussion on the issues highlighted. Below is a summary of the key takeaways from these different sessions:

1) The meaning of the term 'democracy' should not be limited to mere participation in the formal elections conducted after every five years, but should be recognized as an ideal which needs to be enforced and practiced each and every day by each one of us.

2) We need a multi-level approach to improving institutional responsiveness in the different arms of the state—judicial, legislative and executive arms of the state. For example,

- a. Changing the current, opaque judges' appointment system
- b. Need to recognize and redress the challenges of marginalized communities in accessing the legal system
- c. Need a thorough and board based pre-legislative process that allows citizens and civil society groups to hold up a mirror to more government policy making
- d. Increase voters' awareness to ensure only qualified candidates are elected
- e. Increased transparency of political party donation, bring political parties under the RTI Act

3) There is need for more targeted transparency that is citizen-centric and potentially enhances public participation.

4) Right to Information needs to be accompanied by the use of deliberative platforms such as social audits and public hearings to shift power relations at different levels of government.

5) Need more informed public policy making that is based on public consultations of the kind the national government held on biotechnology brinjal, which permitted civil society and government to discuss the potential threats and challenges to introducing genetically modified food for mass consumption

6) The power of state enabled transparency and participation reforms such as state run social audits for NREGA in Telangana, India, lies in their potency to further public education without being propagandist, by triggering a path of learning by individual wage workers with reference to their memories, experiences, interest and values and relating that those to collective concerns.

7) We need to imagine a new social contract in the age of digital, social media, that is bold enough to accommodate the changing geographies of citizenship and responsible enough to know that accountable governance means accounting for the fluidity of data and expanding networks that aggrandize power.

thought experiments – that is, plurality of knowledge as they link to livelihood and ways of live. Democratic theory needs to be clear about who participates, who represents and who speaks?

### Deepening Democracy and Delinking from Globalization

Participants also discussed the need to focus on aspects other than legislations for deepening democracy, and in implementation that empowers people alongside the enactment of progressive legislations. In India, the latter is necessary since citizens are subjects in the democratic process with a millennia of institutionalized inequality.

Coming back to the issue of decentralization, participants recognized that the argument for decentralization is to shorten the distance between people and decision makers. However, local bodies are part of the state, and thus, decentralization can be viewed as the submergence of the state within the people. Rather than a withering away of the state.

But the degree to which decentralization works depends on the how viable the local institutions of democracy are and whether it is inclusive of citizens to the extent that they can become part of the process as subjects. Rather than as supplicants. Second, where egalitarian sentiments are missing, attempts at decentralizing power could result in a consolidation of existing power relations of unequal social structures such as the caste system. Finally, without social reform struggles, spaces for inclusive social movements that can help build local democracy are shrinking because of the neoliberal ruling party disposition.

The economic distress – the real suffering of working class communities – which is associated with the neoliberal dispensation



results in the populism that we are seeing in Trump's elections, in Brexit, and the rise of the global right. How are the two related? The working class in western, capitalist democracies have experienced a decline in manufacturing jobs, union busting and dismantling of social welfare programs since the 1980s. While jobs were outsourced to the third world where labour is cheap, the conditions of life in third world countries did not improve either. We are also experiencing economic distress – one percent of the population owns 58% of wealth in India. Distress leads to disenchantment and increase the likelihood of mavericks and adventurers to unsettle politics, and pose a threat to democracy. A false kind of reason emerges, inclusive mass movements are difficult to sustain. In India, we have not seen a big strike since the mid 1970s (the Railway Strike). We have seen farmers' suicides rather than peasant struggles. While there are exceptions, struggles against forced land acquisition in Orissa against the multinational corporation POSCO, and the anti-nuclear power plant struggle in Kudankulam, these are localized and specific struggles with national importance.

But identify struggles in the name of caste and religion are creating the conditions for fascism in India. The challenges before people's movements in India is to preserve the drift towards fascism, to deepen democracy while delinking from globalization, and build a multi-issue, multi-campaign platform.

## Conclusion

The Montreal and Kerala workshops pushed the limits of dialogue, and in so doing managed to put together the challenges faced by our democracies. It also reinforced the belief that our struggles for participatory governance - where citizens themselves move from mere spectators to actors of change-is perhaps vital to keep ethics in public life, justice and equality alive. In the current context of global economic and cultural (ethnic, religious) conflict, can elected governments in cohorts with neo liberal forces, dictate policy and legislation? A new set of challenges need to be addressed. Democratic practice must protect the promises of equality and freedom.

## Details of Workshop Discussions

30 January 2017 (Day 1)

### Inaugural session

*Welcome:* Sonia Laszlo, Director, Institute for the Study of International Development (ISID), McGill University, Canada

Naurti Devi, Vice-President, School for Democracy and ex-Sarpanch Harmara, Ajmer District, Rajasthan

*Inauguration:* Shri Thomas Isaac, Minister of Finance, Government of Kerala

Abey George representing Dr. S. Parasuraman, Director, TISS

Satyajeet Rajan, Director General, Institute of Management and Governance, Kerala

S.M. Vijayanand, Chief Secretary, Government of Kerala to moderate the session and comment on the proceedings.

Mr. Satayajeet Rajan invited the panel on the stage.

The panel included Sonia Laszlo, Naurti Devi, Thomas Isaac, S.M. Vijayanand and Abey George (representing Dr. S. Parasuraman) and Satyajeet Rajan.

The workshop began with an inaugural session addressed by **Sonia Laszlo**, Director, ISID McGill University, Montreal, Canada. She introduced the ISID and talked of the significance of the workshop being organised in two different parts of the world. While welcoming the participants, she said this was an academic continuum of the earlier workshop held in McGill University in November 2016. The workshop was called "*Participatory Democracy – Practice to Theory and Theory to Practice*", to indicate the growing concerns with democracy in practice. She said the first part in Montreal focused more on theory, while

this 3-day workshop will focus broadly on practice, leading to theory.

The programme of *Professors of Practice* conceived by the ISID was designed to bridge the gap between theory and practice, and to create a new and better understanding of the challenges of democratic governance and offer solutions to bring overall well-being. Professors of Practice in global governance have brought their unique perspectives through which the world can be understood. She recalled that in the workshop held in McGill, Montreal, many distinguished scholars participated, including Patrick Heller, John Harriss, and Dr. S. Parasuraman among others.

In her address, she briefly described McGill University, and the three aspects of its focus-teaching, research and outreach. Research questions have three themes which are very closely connected – poverty and inequality, governance and society, and environment and sustainability. To support teaching and research, there are strong outreach missions, which include the Professors of Practice. It is strongly believed that knowledge is not generated by Ph.Ds and academia alone, but on the contrary, with people's experiences. It is this belief that leads ultimately to understanding the process of development, however one may define it and to improving living standards. She said, "We believe that academia and practitioners must speak to each other and mutually inform the discussion on key issues and priorities."

In September, Aruna Roy taught a semester in McGill University where she inspired her colleagues, students and everyone she came across. She taught a very valuable lesson, "it is helpful to the individual to be empowered, and it is possible people can make a difference to a town, society or country." This is an important lesson that is usually taken for granted.

The position of the Professor of Practice which formed the basis of these workshops is an ingenious concept and an "inclusive" approach to the idea of development and democratic concerns. The fault lines in contemporary democratic practice can be addressed only if the complexity of the nature of democratic concepts and practice is understood. This defines the scope of the position, and an interesting series of people concerned with public action and policy have been Professors of Practice at ISID. **Aruna Roy** was the first person from a continent other than the North America, to have been invited to occupy the position. This argues for the practice to continue in McGill and for many other universities to consider this practice as not only beneficial but critical to the building of democratic thought and theory.

Democracy is in crisis, principles and values are under threat and the gathering today gives us hope that the situation will change. She concluded with thanks to the organizers and the participants for sparing the time to come.

**Naurti Devi**, Vice-President of the School for Democracy, an NREGA worker, highly acclaimed leader of women and dalits, brought in the world and the imagery of people struggling for democratic and developmental rights. Her vast experience as a worker, a woman and a dalit activist, encapsulated the concerns of a large section of people who have been denied democratic participation, and whose problems this workshop sought to address. In Montreal, Otsi'tsaken, the elder from Kahnawa:ke, brought the indigenous people and their concerns centre stage. In Thiruvananthapuram, Naurti played a similar role. Her presentation also drew attention to the difference in approach in two big democracies in addressing people on the margins. India's affirmative action, mandated in the Constitution, has led to inclusion of the socially less privileged. Dalits have been outcastes for millennia, and untouchability and caste have been a curse. It has restricted participation, impacting the nature of almost everything- occupation, education, social equality. The Indian Constitution in addressing these concerns, has made it possible for persons like Naurti to contest and win elections.

Her argument was built on discrimination and the exclusion it promotes. Her simple but powerful logic was based on the fact that if discrimination continues, participation is logically denied. If these problems persist, they may even multiply. She said that as an elected Sarpanch, she knew how important participation was to democracy. Access to power through the vote is basic, but tools to fight corruption and the arbitrary use of power are vital. Public spending without accountability cannot lead to development,

and the tendency to stonewall people's questions about local expenditure results in discrediting governments, governance and democracy itself. If the system is seen as corrupt by people, the democratic process is severely affected. The government spends money but people do not know where and how. This results in loss to the public exchequer and to individuals. She went on to say that political parties also need to be transparent about their finances and spending at the time of elections. In the interest of justice and democracy, this should be documented as a part of the right to know. The gap between the citizen and the government has to be bridged for democracy to function better as an equal partnership. The government is obliged to function with transparency and accountability.

Commenting on the recent set of policy announcements by the NDA government, she said, that the demonetization process is unjust. There was no consultation, no information, and a policy was announced affecting every Indian citizen. Government, when it becomes a bully- which it should not- it will continue to destroy the framework of democracy as it is practiced in India. Participation is no favour, it is a right.

**Thomas Isaac**, Finance Minister of Kerala, is an economist and well known as a thinking political representative, with integrity. He is well-known and acknowledged for his fundamental contribution as an architect of the *People's Plan*. He wrote of the entire experience in Kerala with Patrick Heller in a book called, "*The Politics and Institutional Design of Participatory Democracy: Lessons from Kerala, India.*" He delivered the inaugural address at the workshop.

Thomas Isaac argued in essence for a critical need to make our society egalitarian, democratic, participatory and transparent. We live in a time of great uncertainty; the only certainty is that the system can be organised

to sustain socially and economically weak persons as well. There is no choice but to learn from practice; theories go back to experiences in practice. He said that this was the context that we looked forward to in this deliberative workshop.

Kerala is an appropriate place for this conference because development experience here is participatory and promoted by the system. There are advancements made by Kerala that everyone is proud of. The practice has built knowledge and kept alive the hope of a better world. People in this state are educated (literacy highest after Tripura), have the highest longevity in the country, and a clean habitat, and a liberal atmosphere prevail. These indicators show that the development in Kerala is close to figures in the North, the “developed countries”. Kerala has helped shape and support the ordinance to decentralize, and decentralization has sustained the knowledge environment.

Kerala’s sustainability was born of two approaches. The contribution of kings pre-independence who believed in benevolence, (welfare in modern parlance) and the modern democratic government and its faith in inclusion and participation. They have continued with similar traditions. This government is different from the rest of the country, because of the active participation of citizens. Public action from citizens plays a very important role. If we look at the history of Kerala, the important lesson we learn is that it is not necessary to wait for legislation, but in fact public action can run concurrent with legislative preparation.

There was and is a big debate about equity in Kerala. Rapid development has pushed the per capita income much higher - it comes from many sources including remittances from “Keralites” working abroad and outside the state. We have invested so much

in human resource that we are able to tap employment opportunities outside.

But new challenges have arisen. We have a generation of well-schooled, educated and aspirant young population, with high job expectations. Kerala cannot provide this level of employment. The challenge is that the older framework is unable to absorb these large numbers of young people. The marginalized sections are left out of the mainstream. More than ever before, we need to provide social security programs to bring the marginalised into the mainstream society.

The question that needs to be addressed in this scenario is, “How can we have Participatory Democracy?” The State structure of Kerala is different from Bihar, for instance. It is possible to design a government system that is more transparent and accountable, but it depends on whether the state structure is modern enough and, flexible enough to take it on.

The questions that arise are:

- How do we get the representatives of the poor into the bureaucracy?
- We need to create pressure on governments by linking social movements which attempt to directly mobilize people, with forming policy
- It is possible to build a government that is more democratic and transparent.

In this context, there are problems and challenges. Development has resulted in the making of hierarchic structures with very little horizontal interaction and with little possibility of popular intervention. It has always put pressure on political executives, so that they take decisions which are implemented by the bureaucratic hierarchy. Two decades ago *People’s Plans* was conceived of as an innovative idea to transform the socio-political reality of Kerala. Since then

Kerala has been at the forefront for democratic decentralization. The three standouts from the campaign were:

1. There is no point in talking about empowering of local government without transferring resources.
2. Attempts to directly mobilize people should be made by social movements and not administratively. A need was felt to design an appropriate government that will ensure transparency, participation and objective deliberation with no discrimination.
3. The silent work was done through the bureaucrats for launching the idea of decentralization.

Kerala now needs another big bang, for which the second phase of the People’s Plan campaign movement has been started. Improving the quality of services for public sanitation, health care, education, organic cultivation and water conservation are integral to this phase. People will be mobilized to achieve these targets. As things stand, subtle corruption, mainstream protests are seeping in. How can participation be made sustainable in this context. We need social movements that do not merely stay in the state of agitation, but create structures and thereby ensure sustainability. Governance has to deal with transparency and controversy.

Talking of a current issue of concern about access to cabinet decisions under the RTI Act, he said that cabinet decisions cannot be made public under the RTI Act within 48 hours, as decisions may be revised. The Government Order that comes out could be accessed, which often comes out soon after the decision.

The challenge is to create space for all the activists, academicians, colleagues, speakers to come together on one platform for a better democratic future. He stated that it

was a struggle for a person like him, who is a minister as well as a political leader, and who at one time was a leading activist in the decentralization of Kerala. He concluded with, “We look forward to criticism so that we can make Kerala a place which still delivers hope.”

His candid analysis was reflected in the presentation of the second generation challenges faced by the structures enabling people’s participation in Kerala. The speakers introduced the structure of the workshop by bringing in the diverse concerns, which together form the concerns of a country in addressing democratic theory and practice.

**S.M. Vijayanand**, Chief Secretary, Government of Kerala talked about the immense possibility of a participatory evolution of policy and making the executive responsible for its implementation. He was part of the team that evolved the People’s Plan - the participatory planning processes in Kerala. Addressing the current concern with transparency, Vijayanand said all government notes, minutes and cabinet decisions are disclosed on the website by the Kerala government. He also said that the power of the self-help groups, “Kudumbashree”, needs to be recognised, as it will help strengthen participatory democracy.

Kerala started Kudumbashree which has a membership of 40 lakhs (4 million) people, the bottom half of the population in Kerala. Unlike rest of India, the government of Kerala decided to work together with the people. Local government, the panchayats and self-help groups work together not in hierarchy but in partnership. About 4-5 years ago, an attempt was made by bureaucrats with political support to kill Kudumbashree. The people were helpless as there was no support from the government. Something unique happened. The members wrote their own experiences like oral narratives, songs, poems, letters, story, drama etc. About 2 lakh (0.2 million) people in Kerala from self- help groups participated

in these events. It was an ultimate use of democracy by creatively expressing feelings, even when surrounded by political barriers.

Due to this partnership, 50% of reservation in seats for women was made possible. This is how local democracy can be strengthened by the partnership of people, as in this case, by Kudumbashree, the self-help groups and local government (the panchayat).

**Satyajeet Rajan** Director IMG welcomed the participants to the workshop.

**Abey George**, representing Dr S. Parasuraman, assured the government and the participants that TISS in Kerala, would work to make practice and theory go hand in hand, and extended all support to the workshop. TISS also thanked the other organizers and welcomed the debates.

With the background of Kerala's People's Plan experiences, the complementary roles of bureaucrats, politicians and civil society in ensuring just governance was discussed and critiqued. Participants agreed that even a state apparatus fuelled by best intentions has its fault lines; only practice and constant vigil can keep democratic principles in place. Constant vigil requires creating room for expression of a people's critique and spaces within the system.

The rich inaugural session critiqued the implementation of the three central principles of democracy. It appreciated participation as seen in the Kerala context, and the real issues kept alive through the People's Plan. It was in sharp contrast with the global interpretation of participation, defined in limited terms, as co-opted, sanitized, and domesticated by agencies like the World Bank and national governments. The speakers acknowledged that there was uneven experience of participatory democracy across India. Government officials, and political leaders from Kerala frankly discussed the emergent challenges

to decentralized planning, and local self-governance and acknowledged the limitations, in the participation of lower caste groups, difficulty in sustaining energy levels, widening the People's Plan, and the threat of elite capture and corruption.

This thought-provoking session unpacked the concepts in participatory democracy for consideration for the workshop.

## Plenary 1

**Keynote address:** Gopalkrishna Gandhi, intellectual, writer and diplomat; former Governor, West Bengal

**Introduced by:** Wajahat Habibullah, former Chief Information Commissioner, Central Information Commission; former Chairperson, Minority Commission

**Scope of the Workshop:** Aruna Roy, Member of MKSS, NCPRI, NFIW; 2016 Professor of Practice, McGill University

**Wajahat Habibullah**, former Chief Information Commissioner, Central Information Commission and former Chairperson, Minority Commission introduced Gopalkrishna Gandhi, former Ambassador to Sri Lanka, South Africa and Norway and Governor of West Bengal, who had left his significant signature wherever he worked.

## Keynote Address

**Gopalkrishna Gandhi's** keynote was couched in the style of a narrative wherein the story carries the wisdom of people, the common sense in history. They define in many ways, the strength, the backbone of India's participatory democracy and the seeds of political wisdom. Through these tales Gopal Gandhi embellished and underscored the need for participation, as both evident and necessary for ethical governance.

He began with the narration of an incident from the previous day. After his public oration, he went with some friends to an ordinary coffee shop. He was carrying along with him the book by Teesta Setalvad that he had just released. After they served coffee, the two waiters picked up the book and started reading it with great interest. The book was in English, which he was yet to open. "This, he said is Kerala", saluting its great leap forward, "The general secretary of the CPI(M) and politburo member, Sitaram Yechury, who was with us is a well-known and respected person, but despite his presence, it was the book that interested those waiters".

Another incident narrated by him referred to what T.M. Krishna, the classical musician and singer, had said about how unusual the Kerala audiences are. Krishna had recalled that at a concert in Kerala a drunk, shirtless man wearing a lungi came and sat down in front of him and lit a "beedi" and smoked throughout the performance. This irreverence annoyed T.M. Krishna greatly. When the man said "oru thodi padunga", Krishna was shocked because he had asked him to sing a rare classical raga in Carnatic music, not always known to lay persons. His anger vanished and was replaced with reverence and respect for this man. Gopal Gandhi said, "Irreverence is not an insult, irreverence is not disrespect."

Today after 16 general elections the government is as autocratic as it can be. India is still in the nursery of the Republican spirit. It is a healthy democracy but a weak Republic. The peoples' majority must rule, as they are the keepers of the democracy while the constitution is the maker.

### Gopal Gandhi

Commenting on the participation of the Kerala government – the Finance Minister and the Chief Secretary speaking as equals – he emphasised institutional integrity. He said, he would like to applaud the fact that both the Chief Secretary and the Finance Minister could sit on the same dais on equal terms, without the Chief Secretary being subservient to the minister. He said, “Lack of respect is one thing and subservience is another.” Similarly, “admiration is one thing and awe is another.” This is different from the inequalities seen in numerous other states. He wondered why it is different in Kerala and attributed it to education, equality and better awareness in the state. Whether they be commissions of information, government, elected members or executives, there is a collective thread of public ethics. He conveyed the urgency to retain the independence of democratic institutions, if participation was to be meaningful. There cannot be a more appropriate location for this workshop than Thiruvananthapuram, Kerala.

30<sup>th</sup> January was the day that Gandhi had been assassinated. Referring to Aruna Roy's moving account of Gandhi, he recounted an incident where Gandhi and his followers had gathered when a small bomb went off which caused disruption in the crowd. However, Gandhi kept saying “kuch nahi hua hai” (nothing has happened) and calmed the crowd. But the commotion didn't stop and he still continued saying “Nothing has happened nothing has happened and if something did happen what would you do? Just stay calm”. He then turns to Manu and tells her to sing “raghupati raghava rajaram”. Here is an incidence of an explosion and the calm and efficient way in which Gandhi prevented it from becoming a major disruption. Gopal Gandhi talking of Gandhi's assassination and the resultant death sentence on Godse and Apte, expressed his regret. He said it would have been better if they had been given life sentence instead of capital punishment. If they were alive there would have been a chance to engage with them.

He went on to address the contemporary narratives about the need for a Constitution, or even Presidents, he said we needed both. Recalling Rajendra Prasad he said he was a man from the grassroots, President of the Constituent Assembly and the first President of India. He said that the assassins of Gandhi should have been pardoned. The electoral system is warped and the politicians have used emotion as a way of manipulating people. There are various discrepancies in democratic practice, there is therefore a need for something like a second chamber in the shape of our Constitution. The President is a ‘think again chamber’, a person who can be appealed to. He can give the presidential pardon in case of death sentences, for instance.

The latter he said is the struggle of long-term popular struggles and is not a choice but as “fundamental as breathing.” Elections he reminded participants is a “right” and not a “gift” and the power to choose leaders and representatives is in our hands. People choose from what they are given. “Voting is as fundamental as breathing.” “Election is not a gift but a right.” “Bahujana hithaya, bahujana subhaya sarvaloka shraya.” Therefore, despite the rise of the global right, we must not lose faith in elections, and remember that constitutional authorities like Election Commissions and Information Commissions – as in the case of the RTI Act – are the gatekeepers of our democracy and should be strengthened by our cooperation. Democracy is derived from the majority, not people's majority but political majority. Addressing international concern with keeping democracy tethered to its principles and processes, and of institutional integrity, he reminded participants that despite the results of global elections, people must not lose faith in electoral politics or the right to vote.

Gopal Gandhi said that it was a proud moment for him when earlier Naurti Devi coming from the sands of Rajasthan, talked with ease

about financial accountability of demanding bills and vouchers. This shows the sheer empowerment of women. The movements which have brought forth this transformation are responsible for such empowerment. RTI law is a result of movements that demanded the revelation of information. These movements have led to the evolution of a constitutional office. He said, that there must be a new partnership with people galvanized by the movement and the laws.

He expressed his dislike of being called an intellectual. He said that every person who has a mind is an intellectual. India is a country of multi-intellecutuals. He said that being called a thinker is perhaps better than the ‘intellectual’, a term which has been used, misused and abused.

### Scope of the Workshop

**Aruna Roy** urged participants to reclaim the term participation in the context of the changing obligations of the state under capitalist democracies. She spoke of the unique opportunity provided by the ISID programme, to bring practitioners and theoreticians together from many corners of the world. Democracy needs action and reflection, practice and theory in equal measure to make it work with justice and equality.

The scope of the workshop would include breakaway sessions to provide space to the diverse aspects represented by participants and their concerns. Plenaries would bring this diversity together in the form of collective concerns, with democratic versions and possibilities. Every specific issue needed to see the larger concerns embedded in it. Likewise, serious consideration needs to be paid to systemic changes. Independent civil society and grassroots efforts must lead to effective delivery of governance. The place for engagement, platforms for interaction

become critical, as they allow space for expression – difference, disagreement and dissent. These platforms are important to steer governments in an egalitarian and accountable manner.

She acknowledged Thomas Isaac's and S.M. Vijayanand's remarks on participatory governance, the challenges posed by the demands of each one of its sectors and the frank analysis, based on years of experience, particularly in Kerala. This was a three day dialogue in which persons engaged in governance, and activists have gathered together to discuss issues of mutual concern to learn from each other, and "unpack" critical issues. When we lose focus of centre staging the views and experiences of people on the margins, majoritarianism takes control, and democracy sometimes works against the interests of "all" people. It therefore fails to fulfill its fundamental obligations. Kerala, and its two decades long experience with the "peoples plan" provided the workshop participants real context and illustrations to explore many of the complexities of participatory democracy.

But unless there is an engagement with democracy, we cannot protect it or make it work for us.

In the last 60 years or so of India's independence, there has been a growing understanding among people's movements that there must be an engagement with the system. This engagement has often evolved through dialogue and has sometimes given rise to the accusation of co-option. Institutions of governance are for people, and they have to claim them and ensure that they work for them. For instance, a few good private schools do not justify privatizing education. The problem with private institutions is that they cater only to the elite - thus emphasizing the need for state facilities. The responsibility of the state

cannot be reduced to empty rhetoric. Gandhi and Ambedkar who demonstrated methods of interactive governance, have played a role in shaping India's movement politics.

Bangladesh, Pakistan, Philippines, Sri Lanka have had bouts of participatory democracy when there have been improvements and change in governance. What we fear in the new trends in democratic mores where an elected government turns authoritarian. This was a concern in the workshop in Montreal, and in India as well. Elections such as these have raised questions whether they really capture the representative voices of people. Will such voices be heard? Will there be a space to fight for rights? Will questions be allowed? Will we be able to express dissent and differ? In India, infringements of such rights have begun within societies, state, universities. Likewise, we have to also begin the fight for the right to express differences in opinion. As women, we define two great enemies to democracy - patriarchy and discrimination. Some of these questions will be addressed in the context of theory and practice. The multiplicities of democratic concerns are reflected and are challenges in practicing democracy. This workshop will discuss how the fine tuning in the hands of people can impact decisions.

Very often in practice, democratic contestations become critical. A Muslim girl in a college in Kottayam asked a challenging question. What happens when there's a contestation between religion and rights? For a person for whom both are important, which will you prioritize? There is a continuing set of dilemmas in governance where the role of the bureaucracy is critical to delivery, but enmeshed often in corrupt practices which deny rights. The system refuses to think or accept new ideas. However the addressing of people's needs depend on it functioning with ethics and efficiency. Similarly with democracy, we focus on the system where the

worst should be changed and controlled and the best of the system is allowed to function.

The ruling dispensation often puts forward arguments about the RTI Act being responsible for paralysis in policy. RTI activists and the MGNREGA are held responsible for tardy growth rates! This is a popular fig leaf for the status-quoists and the power elite.

The relevance of having the conference in Kerala arose out of a socio-political history of successive governments which addressed inequality. They have endeavoured to provide space and create platforms for dialogue. Aruna Roy recalled a visit of the MKSS to a panchayat meeting in Palakkad in 1998, where the allocation of housing benefits was being decided. It was done transparently and with a set of norms, decided with active participation - caste, widowhood, number of children, income, and physical disability - mutually agreed upon by the beneficiaries and the panchayat, and the government. The priority list was decided to everyone's satisfaction. She recognized it as a brilliant concept in practice where the concept of "equality" was translated into a simple tangible format. The workshop will look forward to the field visits. While applauding Kudumbashree the self help group, she expressed her disappointment with Kerala's inequalities for women, the difference in wages between men and women and temple authorities in Sabarimala still disallowing women to enter.

There are changes in the obligations of the state. New laws are being fashioned as citizens engagement grows, new systems are created for preserving the status quo and preventing disclosure of information. Economic policy has become more inclusive and a new set of questions have arisen. Participatory democracy has a continuing set of challenges which need new tools for

engagement and a different set of questions to be asked.

Since it was Martyrs Day, the 30<sup>th</sup> of January, the day Gandhi was assassinated, everyone stood in silence for two minutes in memory of Gandhi and the martyrs for peace and justice.

## Session 1: Beyond the Vote – Participation in Democracy

### Breakaway Session 1A: People's Plan and Budget

**Introductory Speaker:** V.S. Senthil, Additional Chief Secretary, Planning & Economic Affairs Department; Member Secretary, Kerala State Planning Board

Yamini Aiyer, Senior Research Fellow and Founder, Accountability Initiative

Subrat Das, Executive Director of Centre for Budget and Governance Accountability, India

Mridula Eapen, Member, State Planning Board, Kerala

Praveen Jha, Professor, Centre for Economic Studies and Planning, Jawaharlal Nehru University

**Moderator:** Satish Deshpande, Professor of Sociology, Delhi School of Economics

This was a panel where budget experts from the government and those tracking budgets on behalf of peoples' organizations came together to look at progress on participatory budgets in India. The government of Kerala was represented by V.S. Senthil, Additional Chief Secretary, Planning & Economic Affairs Department. Economists Yamini Aiyer, Subrat Das, and Praveen Jha, brought in their years of experience with participatory budget analysis, to build a charter for open budgets. Satish Deshpande, Professor of Sociology, Delhi School of Economics moderated the session.

The focus of the discussion was on deliberations that should take place, (and often don't) between the government and the people on budgets. It was initiated with a set of issues which were of immediate concern to people. The aim was to trace the history of the People's Plan in Kerala and of lessons learnt in over two decades. It was also an attempt to expand the notion of participatory budgets beyond panchayats and local self- government, to the state and national budgets. It was a challenge to force open the entire pre-budgetary process, steeped in secrecy, to enable people's participation.

**Rosamma Thomas**, journalist from Rajasthan recalled an incident in a village called Korla where the government had decided to build a power station despite the people's protests. The clash between the state and the local communities brought into light the chasm between promise and reality. The Panchayat has notional powers, but their decisions are often overruled by the government.

**C. K. Mathew**, former Chief Secretary, Government of Rajasthan said that during a state and local community disagreement, one has to also look at the larger developmental interests of the state. It is important for the state authorities to have looked at other alternatives, before zeroing in on a particular decision.

**John Harriss** stated that C. K. Mathew's take on decentralization has further reinforced the former's pessimism about local governments and participation. There are powerful obstacles in terms of technique and bureaucracy in transparency. How is political change happening without opening points of contact between society and government?

The question still stands: What gets defined as larger interest? Who surrenders rights for whom and what is a state benefit? And the question that remains unanswered, why is the person affected and impoverished by the sacrifice always dispensable?

For instance look at budget allocations for Adivasis. It is presumed that not even 50% of allotted funds are received by them. There is a Kerala Special Tribal Hamlet Assembly which discusses and approves proposals related to Adivasis. The system of Gurukulams is also not functioning in any part of the state. Field experience shows that participation in Kerala is declining. The information obtained from panchayats show that the people at the grassroots level are not aware of their rights. Abey George raised the issue of tardiness in accountability and the absence of social audit institutions in Kerala.

**Pankti Jog** from Gujarat highlighted the positive facets of decentralization after the RTI law was passed. She cited the instance of farmers in a village in Gujarat where the community had refused to blindly comply with the rules. They had questioned the absence of MLAs from coordinated meetings. Owing to their strong understanding, any kind of planning involving them cannot happen without seeking their views. There is free flow of information, so that they can understand budgets and planning. Information in time is necessary for participation.

**Jagdeep Chhokar**, founder member of ADR stated that change will not happen on its own.

There is a need for political reform, to make parties internally democratic and financially transparent.

Apart from the allocation itself, bureaucratic norms prevent inter- departmental fiscal transfers. The Law Commission of India proposed an amendment to enhance the level of coordination between different departments, to make sure that work which overlaps between departments and those who share expenditure can work more efficiently. People's participation is important as a critique of these bureaucratic and procedural blockages to spending and in time, within the constraints of budgetary outlays and fiscal calendars. Kerala was adjudged the best in being able to do so.

This group identified some constraints in participation in budgets and listed them out. The first obstacle is lack of political education-- to get people to realize that the budget is a structure for meeting demands. Their interest must be kindled by discussing the question of allocations. We cannot leave it to the planners and government, as they are already influenced by industrial lobbies.

The second is that the flow of funds from the central government to the state is unclear. The panchayats are not self-sufficient. There should be a norm which ensures that 40 % or 60% should be released during a certain part of the year. The dates of release should be made public.

Participation is also thwarted by political authority, as in the case of Manipur. There are six panchayats under each assembly constituency and the MLA controls the panchayats. They are becoming a judicial body and super powerful. There is no system set forth to deal with budgetary planning.

People should be able to plan and budget at the same time. Budgets generally seem

independent of plans. The huge figures make little sense to people who handle small insignificant amounts. The numbers do not make it easy for people to understand and critique. Planning and budgeting should be concurrent exercises. That is why the People's Plan made sense to everyone because the co-relation between plan and allocation, and the budget within a panchayat, could be understood, critiqued, changed and implemented. Decentralizing allocation of finances to local bodies is a pre-requisite. Aruna Roy commented that the MGNREGA allocation on demand is a subset of correlating budgets between demand and supply, though it is now beginning to be throttled by controls from the Government of India, Delhi. Needless to say none of this can happen, unless there is improved communication between local bodies and the state government.

### **Breakaway Session 1B: Empowering the Unheard – Public Hearings**

Kathyayani Chamraj, NCPRI

Shankar Singh and Janani Sridharan, MKSS

Kanak Mani Dixit, publisher, editor and writer based in Nepal. Founder of the magazine *Himal South Asian* and co-founder of Himal Media

Suchi Pande, Scholar in Residence, Accountability Research Center, American University, Washington D.C., U.S.A.

**Moderator:** Mamta Jaitley, Founding Member of Vividha Features; Editor *Ujala Chadi*

#### **Key themes discussed:**

- Need for public hearings
- Ideal conditions for public hearings
- What happens in public hearings, why they are not being implemented successfully
- Importance of public awareness and understanding of legal provisions and procedures
- Steps to improve the situation

**K**athyayani Chamraj (NCPRI), Shankar Singh and Janani Sridharan (MKSS), Kanak Mani Dixit, (Editor *Himal South Asian*), and Suchi Pande (Scholar in Residence, Accountability Research Centre, American University, Washington D.C., U.S.A) participated in the workshop. Mamta Jaitley (Founding Member of Vividha Features; Editor *Ujala Chadi*) moderated the session. Amongst the many systemic platforms evolved by public campaigns, the process of public hearings has gained acceptability; both for its format and the manner in which it is organized-

showcasing the information publicly and commented upon, for and against. This session extended its original conception from being a tool of movements and citizens' groups, to within the state apparatus, where affected citizens could petition and speak out and be heard by authority. The speakers in the session were experienced with the process, both in developing and using the platform in multiple ways, with different groups, including marginalized communities.

#### **Discussion:**

The definition of 'unheard' is the most important thing to be addressed. The unheard are a vast majority. The problem needs to be redefined as 'providing voice to the vast majority who are unheard'. Some people do not express their opinions because of what other people will think. In what way is our democracy providing opportunity to these people to express their voices? Only the elite get a voice and a platform. That is also the fate of the gram panchayat. It is a space for everyone to speak but unfortunately it gets hijacked by a few people who are the real elites. The main question is how to establish democratic systems to hear the voices of these unheard people.

The situation is changing a lot. The technology is coming in a big way. The Arab Spring happened even without public hearings. People are coming together much faster. These technological means (like social media) are helping a lot.

**Shankar Singh**, MKSS talked of the MKSS experience with public hearings from 1994 in Rajasthan, when they began in a hostile environment. He said that the elected representatives do not listen to the people who approach them with problems and complaints. They ignore the people and do as they please and get away with it. They use diversionary tactics, conspire and shout people down

when they dare oppose them. Thus, the voice from the lower class of the society is never heard. During organized public hearings no one shouts people down when they speak. The system should be willing to listen and people must testify and speak. It must be an accessible platform for everyone.

The likelihood for people to lie in public hearings is very low. Maybe it is possible in private, but it cannot happen in a public hearing when the whole village is watching. There are many stakeholders present and the lie always gets caught. Example: There was a check dam being built in a village. There were bills and records present for 100 trucks of stones being bought. Upon asking, it came to be known that the stones were locally sourced. But the sarpanch had convinced everyone to lie and say it was imported. During the public hearing, the truth came out.

**Kathyayani Chamraj (NCPRI)** said that in a representative democracy, the elected representatives consider themselves kings. They do what they want. They do not consider the opinions of the people who elected them. They only represent themselves and not us, if they do not take in our representations. Elected representatives hold 'darbars'. They ask people to line up in front of them, and dole out favours. Therefore, it is key that equity and transparency about the process of decision making itself is considered. But what happens is that favours are given to the people close to the political party. There is no transparency or accountability for the decisions taken. Unless there is a public hearing where the person is held accountable, this will not change.

People need to be educated about their rights and need to be informed. People think ration shops are to open only twice a month. They don't know that it is supposed to stay open the entire month. Information provokes questioning. Only with this awareness can an open communication platform with the



elected representatives be effectively used. When the elected representatives understand that you are well informed, they treat you with respect.

Formal institutions need to be created to demand accountability from elected representatives. Laws currently say that there needs to be ward committees and sub-committees for different issues. But we know that most of these institutions are not functioning properly. Even the gram panchayats are under this category. MKSS can create informal platforms. But the elected representatives need to have institutional frameworks. There is a need to make legal institutions accountable. Even in Gram Sabha and other institutions, we need to have proper representation of the people. How do we ensure that the leader of the Gram Sabha has the representation of all people? Even Ambedkar had reservation against putting the local government bodies in the 3<sup>rd</sup> tier of government.

**Suchi Pande** said, in response to the issues raised, that idea is not to compare the ideas between MKSS and state governments, but to find broad principles based on the past experiences.

The primary principle of public hearing is that it has to come from the people. There needs to be local support. Secondly, we need to see what kind of social audit is being done. The public hearing policy needs to incorporate both information being contained in official records and people's experiences. Third, you can get information about policies, but you cannot just take it to the field directly. It needs to be translated and made context-specific for the place it is to be implemented in. There needs to be a process of translation from official information to local idiom. Fourth is collaborating and organizing the information from people who have participated in the program/exercise. There needs to be a

concerted mobilization process that goes with the official information and mobilizing people (telling them, informing them and gathering them). Fifth point is making sure that this platform is free of corruption and safe for members of public to voice their opinions. We have to ensure that there are no incidents of violence when people step up to these platforms.

**Kanak Mani Dixit** brought experiences from Nepal about their local self-government.

Campaigns are important for spreading causes. But they run out of steam pretty soon. All causes must be incorporated into the structure of governance so as to not let them vanish/become invisible. Example: Eleanor Ostrom, a noble laureate in economics, studied the management of commons in Nepali villages. She learnt that there was a historicity in the Nepal society which made it easier for people to work in community activities. The old systems of panchayat, elders and quasi-judiciary are now disappearing. But the question is why the villager's commons have not disappeared. The answer lies in the fact that the ideas have been transmuted into a modern system suited to contemporary needs.

The Local Self-government Act was implemented in 1992. Local elections were held twice before 2005. The plans implemented during these terms were state-imposed and top down in nature. Whether this approach would have worked for other places is questionable but it worked very well for Nepal. Thus, local self government can work even with a top down approach, if there are officials who understand the context and the situation. Otherwise campaigns have to be organized upwards from the grass root levels.

Another experience in Nepal is that public hearings and Right to Information meetings get very boring. This is because there is a lot of per capita donor funding for them and

as a result, the motions are followed for the meetings. But there is no interest and nothing productive comes out of these meetings.

One of the speakers mentioned that the system of public hearings has been successfully implemented in the states of Andhra Pradesh and Telangana. The question is whether it can be done equally efficiently everywhere else.

The efficiency of the public hearings depends on the kind of issue they deal with. In issues that relate to human well-being, the idea of public hearings works very well. In environment related issues, public hearing may not work so well. There are many variables involved. So the effectiveness is not assured. So where do public hearings work successfully? And where are they unsuccessful?

The discussion posed larger concerns about democratic institutions and democratic practices enabling people's participation within India and South Asia. In a deeply segregated and highly unequal society, participants wanted to know how democracy would work from the perspective of marginalized groups. What were the platforms where their voices could be heard? What is the track record of representatives and democratically elected local institutions in listening to peoples voices, and achieving just and equitable development?

Public Hearings are a mode developed to empower ordinary citizens to ensure that their voices are heard and recorded. This platform evolved over the years, and strengthened dramatically with the RTI Act, to a point where they could potentially provide marginal groups a space to express their points of view and participate in decision making processes, addressing issues that impact their lives. The experience of formal institutions that had used public hearings like the environment impact assessment, land acquisition etc were also discussed. Shankar Singh explained how

the 'Jan Sunwais' on development works, and also fashioned the idea of social audit public hearings, but yet retained a life and legitimacy of their own, quite removed from social audits.

It was also clear from the proceedings how varied the experience could be in different parts of India. This was because of the difference in the nature of government and society, and the history of the particular initiative, campaign, or struggle. From the discussions, it was clear that giving marginalised people space in public platforms as an equal part of the public discourse is not easy, but has the potential to carry forth the struggle for fighting injustice and bringing about change. Democratic participation, it was clear, came in many forms.

Kanak Dixit said, "Here in Kathmandu, we are so fixated on New Delhi that we forget what Nepal can learn, not from the coddled, self-important demographics of Raisina Hill,<sup>1</sup> but from the constituent states of India. For example, there is much to learn from experiments in grassroots self-government in Rajasthan, or the politico-contractor complex that has destroyed the river system of Sikkim and is proceeding to do the same in Arunachal." He went on to say, "If only Kerala were not so far away, it would be good to fill two or three busloads of Nepal's best and brightest and trundle down the Malabar coast. For Kerala also provides a window on the rest of India."

In conclusion, some points to remember and some warnings:

- Formal institutions are now trying to mimic the work of MKSS regarding public hearings.
- Social media is a double-edged sword. While it can help mobilize the masses, it may also

<sup>1</sup> Where the President's Office and the two imposing Colonial seat of official power – North and South Block are located in New Delhi

depersonalize the issue. Public hearings conducted on social media may not be effective because the person will not feel the fear of lying in front of a huge group. Only when you stand up to face people, the process of participatory democracy unfolds. Also, technical innovations may hamper the basic principle of public hearings. The anonymity and dissociation behind computer screens are contradictory to the idea and effectiveness of public hearings.

- Getting citizens to engage in public hearings is a huge challenge. Other challenges arise when the local bodies are dominated by a few people (an elite group). Whatever they say becomes the law and no one else gets a voice.
- In a public hearing, people's political leaning does not make a difference. Even when people are being political or have a political agenda, it does not matter to the proceedings.
- A Policy framework needs to be put in to protect people who dare to ask questions. Some of us may not have any problems asking questions, but for the ordinary person it requires courage to endure verbal or physical assault for exercising a democratic right.
- Gram Sabhas are vital to the functioning of panchayati raj. Everyone in the system is to be accountable. For the system to function, the activation of Gram Sabhas is essential.
- It is not easy to replicate the formal institutions everywhere. Gram Sabhas are a great idea. But there is opposition to it because it is easier to capture control of this institution and subvert their original purpose. Therefore educating people about rights and entitlements is very important. Enthusiasm is high when the associated campaign is active and from that vantage

point the idea of participatory democracy seems possible. But when the movement loses steam, there is no participatory democracy. Day to day participation is very hard to maintain. And without that, the whole concept of participatory democracy will fail. The use of technology is also essential. Websites are instrumental in instituting participation in a democracy.

- NGOs have the right to assemble people, make them speak etc. But public hearings work only with minor issues. When it comes to bigger issues (concerning MNCs, government schemes etc.), the people are powerless. They still do not have a voice. Social audit is an excellent strategy but it needs to be implemented with care. The field realities (like physical separation of marginalized communities in villages) come in the way of implementation of social audits. Stereotypes and inbuilt beliefs are a huge hindrance to this process.
- What happens when disempowered people decide to express their opinions? A recent example is the sudden implementation of social audits in women SHGs in Tamil Nadu. When audits began, the women who were conducting the audit (from poor backgrounds and invisible) were questioned and cross checked a million times. But the women were smart and did their job effectively, despite the hassles faced. These women also had to face discrimination because they were dalits. Patriarchy and stigma comes in the way of women's development. Hence, the issue of public hearings raises many pertinent but sensitive issues.
- The Kerala experience shows that records are not maintained properly in Gram Sabhas. Proper minutes of gram sabha meetings are not maintained. Even during social audits, people are caught but explanations/reasons are given, and the accused are reprimanded in the next meeting. So the point of the social audit is lost.

• People don't speak up on their own. This is due to patriarchy and other oppressive institutions. People have also given up hope in the democratic process and institutions. This is further exacerbated by political parties taking advantage of emerging movements and politicizing the process for their own means.

#### **Key takeaways from the session:**

- People are a very important component for public hearings. There has to be a local idiom to connect with the people, to educate them and to make them confident to express their opinions.
- Public hearing should enforce a coercion-free, safe environment for people to come forward without hesitation.
- People need to be made aware of their rights and entitlements.
- Laws and legislatures need to be made pro-people.
- Pressure groups need to be available to ensure proper functioning of the public hearings.
- Use of alternative media, folk media etc. can be used to make public hearings more efficient.
- There is a need for better participation in all tiers of governance.
- UN forums can be implemented to improve the situation.
- RTI law can be used to strengthen democratic processes.
- Changing the mind-set of people is essential for the way forward.

**Breakaway Session 1C:  
Including the Excluded: Understanding the  
Other – Platforms for constructive dialogue,  
disagreement and dissent**

Anand Teltumbde, management professional,  
writer, civil rights activist, and political analyst

Teesta Setalvad, Secretary, Citizens for Justice  
and Peace

Osama Manzar, Founder and Director, Digital  
Empowerment Foundation

Vijayan M.J., Programme for Social Action

Tripurari Sharma, National School of Drama

Jyothi Krishnan, TISS, Kerala

**Moderator:** S. Anandalakshmy, eminent  
educationist

**T** rue democracy, a prominent dalit rights activist noted, means meaningful and sustained participation of minority groups (dalits, women, including ethnic and religious minorities). These marginalized groups experience structural discrimination and systemic exclusion in a society where they are forced to clear dead carcasses from our streets; in schools where children continue to be segregated in classrooms; in access to basic services like food and health, and in a sense of danger of bodily harm such as rape and lynching, on a daily basis. Together with lack of robust accountability systems, decades of institutional impunity, and the danger of middle classes in state and in society defining the priorities and needs for the marginalized, the promise of democratic rights and freedoms continues to elude these marginalized populations. Thus, despite Kerala's success with decentralized planning, even in the context of Kerala, and more so, in the rest of India, participants were urged to think about democratizing Indian society.

The participants in this workshop echoed the questions that had been asked by the indigenous community leaders in Canada.

**Anand Teltumbde** had fundamental questions about the nature and form of India's democracy. He said it was deliberately designed to be captured by economic and social elites. He said inclusion and exclusion connote the differences in society. There are several kinds of emotions. Dalits are oppressed because of historical reasons. The question posed by him is, "Were the Dalits really excluded?" Historically the dalits were made to be workers at the bottom of the social hierarchy in the villages and subjected to manual work and serfdom. The power relationship was unbalanced and therefore the dalits were always placed always in the lowest strata of society. The concept of exclusion and inclusion exists to patch up the existing inequalities in society. In the case of Rohith

Vemula,<sup>1</sup> there were questions raised on behalf of the dalit communities whether the dalits were really oppressed. Though dalits asserted equality, the major problem was that they were not accepted by society.

Lack of participation is a major challenge in the field of exclusion and inclusion. Concept of equality is far from the reach of the oppressed, equity seems to be impossible. 1% of the country's people own 58% of the wells. The question is about the distribution of and access to resources. Non-participation is a passive denial of the fundamental rights of an individual. People lack basic empowerment which inhibits them from participating in the process. They lack basic healthcare and education.

Ambedkar said that the relationship between landlord and worker cannot have a balance. Therefore, bonded labourers have always been subjected to power domination and the oppressed are always deprived. The constitutional framework guarantees the people equal rights and opportunities. There is a need to do the basic leveling of the field so that participation from the people can be equal, from the same plane. The oppression of dalits is based on the identification of the term 'dalits' with the oppressed classes.

Society is also responsible as casteism is denied as a problem, while it is one of the fundamental reasons for the failure of Indian democracy. The poisonous soil of casteism does not allow democracy to grow roots. Therefore the difference between lower and upper castes and class has to be reduced to the minimum.

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<sup>1</sup>**Rohith Chakravarti Vemula** was an Indian PhD student at the University of Hyderabad and author of the book *Caste is Not a Rumour*. An activist with the Ambedkar Students' Association (ASA), he committed suicide on 17 January 2016 following a controversy that had begun in July 2015 when the university reportedly stopped paying him a fellowship of Rs 25,000 (US\$ 390) per month because an enquiry found he had been "raising issues under the banner of Ambedkar Students Association".

The roots of inclusion and exclusion are important in understanding the democratic system. The problem lies in the way constitutional bodies function and how stigma affects the marginalised from accessing the resources. Anand stated that the society wants to change the people instead of changing the mindset, reducing the number of the excluded instead of including them in the process.

**Teesta Setalvad's** memoir called, "Foot soldier of the Constitution" was released by Gopalkrishna Gandhi at the Justice V.R. Krishna Iyer memorial lecture, a day before the workshop commenced. This book explains how challenging it is to have the secular Constitution adhered to and implemented, when the political establishment is determined to use the politics of religious identity to retain power and control.

The battle to provide space for the disenfranchised in a democratic framework is getting increasingly more difficult, when democracy itself is under siege by international finance. The complex intersections between democratic rights, constitutional rights and economic policies of exclusion have created chasms not only economically, but have resulted in the capture of democratic institutions. The people are left merely with the vote, and that too is under the stress of identity politics and misinformation. Under these circumstances, the ruling establishment attacks freedom of expression and through that, it controls difference, disagreement and dissent. Invoking anti-nationalism has become a means to justify the restriction of participation- disallowed in multiple ways. A bewildered citizenry is forced into silence when national security is invoked.

Teesta Setalvad focuses on three areas in which inclusion and exclusion criteria can be assessed: the first priority is the law and justice system of the country wherein the structure of criminal justice system is made in such a

way that it tends to ignore the oppressed of the country. The people of the country tend to ignore the judicial system and avoid going to court for redressal. Accordingly two major problems arise: the shared hierarchy of the patriarchal system and accessibility to legal rights. According to the speaker, Maharashtra and Gujarat are the two states in which extreme challenges have been faced by citizen engagement.

One needs good lawyers in the criminal justice system. Good lawyers engaged in this process need to be made aware of the RTI Act in law colleges and in courts. Another challenge is the fact that the courts have to pronounce judgment on high profile political personalities. For example of Donald Trump's recent case in which a sessions judge was empowered enough to take legal action against the President of the United States. In India, the judges restrain themselves from exercising such powers which are enshrined in the Constitution and also in the legal statutes of the country. Awareness of the judicial systems, institutions and government bodies can empower the people to have a better say in democracy

In the criminal justice system as in the appointment of the judges, there is nepotism. Some of the possible solutions for creating a better institutional structure are already under consideration. There is a demand for CCTV cameras to be installed in the court rooms.

Teesta Setalvad also underscored the importance of political education in participatory democracy. According to her, the curriculum content that the children are being taught in the school textbooks have to be revised and updated to present correct facts. Without this, the participation of citizens in the democratic engagement is difficult. Subaltern history has to be included in the pedagogy.

Journalism is important to educate and inform citizenry. The corporate driven media has ceased to see their role as the fourth estate. Media is not catering to those who are the bulk of the Indian population. Information flow is fundamental and participatory democracy needs to *know* most importantly. The ordinary citizen needs to think of the role of media and address it as a part of democratic concern.

There is no viable legal aid system in the country. The challenges range from opaque appointments of judges to poor quality of prosecutors as opposed to the good quality of defence lawyers. Institutional mechanisms that can improve legal systems involve installation of CCTV cameras inside courtrooms, audio transcripts as also proper and frequent utilisation of the suo motu power by the courts. There can also be "judiciary watch" that analyses judgments and key trends thematically such as gender, labour laws etc.

**Paras Banjara** from Rajasthan focused on the nomadic communities residing in Rajasthan. Talking about the details of the Balakrishnan Commission on the *ghumantu* community, Paras stated that there are around 15 lakh members of the community in India out of which 94% belong to non-BPL category and 50% of them reside in tents. They roam the streets in search of employment and they have no social entitlements whatsoever. As they are nomads, they do not have voter IDs or ration cards. In fact, they have no proof of citizenry. This is a major challenge in participatory democracy.

Loss of identity of these people happens in two ways - firstly, by way of flack of social entitlements and the secondly, because of the loss of cultural identity. The historical atrocities perpetrated on these tribal communities dates back to the Criminal Tribes Act meant for the Denotified tribes as brought in by the British government.

The stigmatization leads to homelessness of these people and then unemployment. There is no permanent residence and no social privileges. Talking of the *kalbeliya* (snake charmers) community, Paras stated that the community members have no land to bury the dead. As per one such incident in western Rajasthan, they were denied space to bury by the community and did not find support from the administration either and as a result per force had to bury their dead inside their own homes, cowed down by fear of the villagers.

The culture of the nomads is rich in musical heritage and crafts. Paras supported the need of amending laws in order to protect the identity of the community members. He stated that the Environment Protection laws are so rigid that they deny the opportunity for many communities to practice their traditional professions. The *Banjara* community in Rajasthan traditionally practiced salt making, but have shifted to the sale of cows. The community now has been victimized by corruption and restrained from selling cows in *mandis* (market). They are asked to pay graft of as much as Rs 10,000 or 20,000 per transaction. The latest is the attack from cow lynchings. On October 5, 2016, 15000 Banjaras filed their first FIR against an RSS member. It required huge mobilization and agitation to do so. Mentioning the strong Hindu ideology that is restraining the people from being secular, he said marginalized communities have to be heard in the mainstream.

98% of the nomadic Tribes are landless. Many don't have proof of identity, so the basic right to vote is not available. Other challenges include overcoming the stigma of having once been declared as criminal tribes. Their identity is now facing erasure by *hindutva* forces.

**Vijayan** focused on the historical operation of the marginalised in the country and related the concept of inclusion and exclusion to casteism and denial of rights. Commenting

on the intolerance of society, he stated that people are not open to accepting the views of others and their ideologies. He discussed the phenomenon of reverse discrimination wherein the included have to be excluded now in order to bring back equilibrium in society. The example of Aadhar Card and UIDAI, as exclusionary processes for many of the poor is barely acknowledged. Mentioning the public interest litigation (PIL) against forced enforcement of the UIDAI - a system which makes a bio-metric based identity mandatory from a pre-birth stage to death. Now, while Aadhar has been made mandatory, it cannot be made without residential proof. For those without homes, it is denying citizenship. Social entitlements give people the entitlement to be recognized as citizens of India and therefore a part of democracy. The process of exclusion happens based on gender, caste and land ownership.

Vijayan endorsed the statement made by Paras and commented that people are arrested for no reason other than suspected criminality based on their cultural identity. The tribal/ adivasi is a mere vote bank to be tapped at the time of elections to the country. There are movements driven by community oppression, like the national fish workers forum, and their success has attracted lot of attention. Further, it has now been politicized with representatives of different parties having taken over the leadership of the forum.

The problem is much more deep-rooted. There is a rejection of the fact that marginalization exists at all. The various layers of exclusion have divided society into caste and religious identity groups with them fighting amongst themselves, overlaid by patriarchy, and making social mobility even more difficult.

**Tripurari Sharma** talked of cultural and dramatic aspects and addressed the issue of inclusion and exclusion in a society based on cultural grounds. She said that there is a

platform for diverse cultural manifestations in society and for them to co-exist. The glamorous world of theatre and drama at times does not recognise the reality of inclusion and exclusion. The jan sunwai or the social audit is an important tool for participatory democracy but is in fact, paper dependent. The rigid norms that exist in papers have devalued the oral tradition and people's power is lost. Tracing the origin of the word audit which means audio she stated that the power of spoken word is always stronger than the written one.

She continued to say that words like transparency, accountability and right to information must become a part of the lives of people every day. On an intellectual level, people must be made aware of the rights and the phenomenon that can include them in the process of participatory democracy. Commenting on the traditional folk songs that were written and the portrayal of Indian society in the olden days, she recognized folk art forms as an expression of participation and a contributory factor to build democracy. According to her, "Everybody has a story to tell and a song to sing but is there anyone who wants to listen?" This is a measure that the society must have to keep in check the level of marginalisation.

Talking about the performing communities of India which have distinct cultures and traditional art forms, Tripurari felt that such communities have been forced by the mainstream and pushed almost to the verge of extinction. Many have been forced to give up their profession. Praising the cultural history of these communities and appreciating the comments of Paras, she agreed with him that the denotified communities like the Banjara, have been oppressed historically to gain dominance over the region. The higher castes always consider themselves superior to the performing artists and the performers were seen as people who were at the mercy of the viewers - the audience - for survival.

Society has forced the artist to satisfy the audience and not express himself or herself in performance. The demand created for a particular genre of music has lost its repertoire and its historical knowledge. It has even limited the scope of media in the society. She critiqued the media market that demands a singer to adapt to a particular form and losing cultural identity is becoming a trend. The irony of fame and popularity is that the more visible the performing artist becomes, the more invisible and alienated he/she becomes to himself/herslf.

She regretted the cultural deficit amongst the performing artists and the marginalised class. As performers and practicing professionals they can no longer relate to the spirit and the joy of the profession. It has been reduced to treating work as a means of gaining resources for survival. They no longer relate to their work and would rather create a fake story to please others.

The solution to the problem lies in transcending the existing barriers to see the perspective of the other people and realising the uniqueness that every community in the country brings to the table. Empathy and respect is the key for bringing the excluded into the domain of the included. A platform must be created where performer and the marginalised gain control over the work.

Cultural performances are closely linked to tribes as many of the tribals are performers. These performances are viewed with disrespect and they are expected to conform to the demands of the listener or audience.

**Jyothi Krishnan**, TISS explained that the inclusion of the marginalised into the mainstream must happen with respect for plurality of world views that exist globally. Drawing the attention to the example of decentralization in Kerala, she focused on the two levels of democracy in the rural and

tribal pockets of India. She cited the example of Atta Padi village, the Oora Koottam (tribal conclave) which gained prominence over all the other forms of governance and the people's mandate was governance in the villages before the panchayati raj system even came into existence. People got together to discuss the problems and would sit all through the night to arrive at conclusions. This trend has now been formalized and the meetings held by Gram Sabha at the village level have been reduced to a formal meeting which hardly lasts for half an hour. The Tribal Sub-Plan is implemented only in letter and not in spirit.

Mono culture poses a threat to the local diversity of the communities that exist not only in Kerala but all over India. Many a times the voices of the minority communities are not heard in the mainstream and discussions are so time bound that the real problems of the people are not brought into perspective. People's plan was a remarkable success and from 1991 to 1998 the participation levels in the gram sabhas were tremendous, but there has been a reduction in the numbers of people participating in the gram sabha since then.

There has been a shift from planning to implementation in the gram sabha and its discussions. A reason could be the obvious lack of discussion at the grassroot level. Information is scanty and without adequate information, implementation cannot be effective in empowering the citizen and carrying out any welfare activities. The fund allocation under schemes like Indira Awas Yojana must not only be equal in all the districts and States, but sufficient to cover specific needs of the communities which exist in the different pockets of the State.

Admitting the remarkable progress that the Kerala government has made, Jyothi said society is still patriarchal in its nature. The ability to listen to multiple and plural points of view must be incorporated, in order to make

participatory democracy work at the lowest level of the power hierarchy, to maximize the inclusion of people in the participatory processes.

All the participants agreed that the space for dissent was under severe threat, and that protecting dissent is one of the most important tasks, without which meaningful participation from marginalized groups cannot take place.

Key areas of concern include media reform, education and curriculum. Other mechanisms include public hearings and decentralization.

## Session 2: The Journey of People's Sovereignty through Representation; Parties, People and Parliament

### Breakaway Session 2A: Watching the Electoral Processes – Elections and Electoral Reforms

Trilochan Sastry, Professor of Quantitative  
Methods and Information Systems at IIM,  
Bangalore

Tarak Bahadur K.C., Deputy Executive  
Director, Nepal Staff Administrative College

Shahjahan, Indian Administrative Service  
(IAS), Kerala cadre

Naurti Devi, Vice-President, School for  
Democracy; former Sarpanch, Harmara, Ajmer  
District, Rajasthan

Vipul Mudgal, Director, Common Cause, Delhi

**Moderator:** Shiv Visvanathan, Professor,  
O.P. Jindal Global University, Sonipat

The discussions highlighted the fact that the power vested in these constitutional authorities/officers with a regulatory role is only effective if it can be, and is properly exercised. An Election Commission, for example, that allows a resolve for the construction of a temple (unconstitutional) in a party manifesto, is clearly weak and ineffectual. The discussion on constitutional authorities was widened to include larger concerns about the ruling party's attempts at historical revisionism through distorting historical records and rewriting history.

The Indian Constitution, as in other countries, was the result of rigorous debates that incorporated an inclusive perspective with protective provisions for marginalized groups in Indian society. But current efforts at historical revisionism and questioning the relevance of the judges' interpretation of constitutional guarantees pose a direct threat to the fundamental principles on which democracies are organized. A check on the creeping authoritarian tendencies of India's ruling party is possible through robust constitutional institutions, their independence, and the need to "popularize" the Constitution, rather than simply defend it.

**Vipul Mudgal**, a journalist by training and director of Common Cause began by saying that political parties and politicians are mediated. From the perspective of a journalist, media is interesting as it is a reflection of reality and not reality itself. Reality can always be digitally enhanced and the flipside is that it can be distorted. Speaking for the middle class, he called them as people who "Do not smell the people with whom we interact, not go to political rallies, do not participate in local elections." When asked to head a Sexual Harassment Committee, we suggest other names. We avoid political participation and process in every possible way.

Everything which is common land, pasture land, ecological delights and open areas are all named 'wasteland' because ideologically wastelands can be used for property for profit.

The crude version of looting democracy or distorted reality is called Paid Media. We can buy spaces in newspapers. In Haryana, half a page everyday was given to Congress for an entire month during elections. Hooda ji is someone who gets tears in his eyes if he sees someone in misery. If someone calls him Pradhan ji instead of CM, he feels as if someone has given him a lota (glass) of milk with honey. Somebody with extremely limited imagination has written a positive story for him. Story after story, you don't need to be a social scientist to figure out what is happening, it is all in your face. Anyone can see it. If you want positive publicity for your party, you have to pay a certain rate. But if you want to tarnish the name of your opponent, then you are charged 100% more. Unless, of course, it is gossip.

Unfortunately, there are violations. Electoral laws are brazenly violated - violation of providing level-paying field to your opponent, violation of Security and Exchange Board of India (SEBI) norms, no disclosure of the source of their wealth, violation of income tax laws and violating all ethical codes with your readers (and voters). It is also cheating directly.

One company paid Times of India money for showing the success of GM crops. There was an advertisement that a farmer's son comes back from college and he sees that his dad has got a Scorpio. They actually did a news story stating how happiness has come to the city of Vidharbha wherein they are doing wonderfully well with GM Crops. Someone found out and P. Sainath wrote in The Hindu stating that the reporter had taken matter out of a company pamphlet. This is nothing but fake news.

If you follow the news, you witness this electoral malpractice every day. We are receiving loaded news in complete violation of free and fair elections.

I represent an organization which is called Common Cause. There are three reasons behind why we got into the electoral reforms business.

1. In 1996, a petition was filed in the Supreme Court asking the political parties to show compliance of the obligations under the IT Act. IT returns have to be filed by even the political parties. In fact, there are some parties which are in existence for the past 40 years and they have never filed these returns. Section 77 of the IT Act clearly holds that that the political parties do not have to pay taxes if they file their returns. Nobody is saying, "Show us, where have you got your black money from?" Under the Companies Act, there are certain donations which have to be reflected in the account books of the parties. There has to be a distinction in the money spent by the candidate in the constituency and the political parties nationally and that has to be clearly shown. Supreme Court gave a generic order stating that parties must comply. Since then parties have started filing their returns.

2. Second case relates to criminalization of politics which stated that if there are criminal cases pending against an MLA or an MP, they should be finalized in one year. There was a landmark judgment from the Supreme Court which ordered all the High Courts to make sure that the subordinate courts complete these cases within one year and in case they are not able to finish the hearings, they should give reason to the Chief Justice of the respective High Court. We have recently filed an interim application asking for the implementation of this judgment.

3. Sahara-Birla Diaries cases. An excel sheet was recovered showing how much money

was given to whom. The Supreme Court held that the evidence presented was not valid. Rs. 155 crores were impounded in an IT raid in a Sahara office. Parallel IT raid was carried out in the Aditya Birla office wherein Rs. 25 Crores were seized. IT officers held a press conference. All the money and records were held in reserve. Now, IT department did an investigation which was certified by two equal custodians of cash who were present there. They admitted to owning the cash. This was corroborated by the excel sheets certified by the IT which matched with the records on the hard disk of a laptop of the Chief Executive of Sahara. The Court, however, stated that there was no evidence to charge the guilty. More evidence was produced in which there were analysis by IT and others of records. The most charitable explanation is that Courts are also a part of the establishment. One of the unofficial sources said, "Show us one politician who doesn't need money."

If you look at electoral reforms not from a legalistic point of view but track media coverage or follow the money trail, you reach interesting conclusions.

**Trilochan Sastry**, spoke of the attempts by the government to remove whatever little transparency there was in the electoral process by bringing in measures like the secret electoral bonds. Trilochan said his work is less at the grass-root level in terms of the panchayat. It is closer to representational than participatory democracy. He talked about MPs and MLAs and what citizens can possibly do to try and improve that process. The MPs and the MLAs can be questioned, but activists need to consider firstly, the nature of political system at the state and national level. If we had more leaders like Thomas Isaac we don't have to hold dharnas and fight heroically and get killed because he is doing a good job. The perspective really is to get really good people into the parliament. Secondly, the chicken and egg problem is criminality. The data collected

in last 15 years from about 70,000- 80,000 candidates in every assembly and Lok Sabha seat shows that 30% have criminal records. They protest against this, but according to the law they have committed crimes. If they want they can amend the law. But as of now under the Criminal Procedure Code they are offenders and criminals. You can't become a peon if you have a criminal record, but politicians get away with things. Many of them who are sitting in the Parliament are serious criminals. Kerala is fortunate because there are not as many with criminal records in this state.

People on their own do vote for these people. We are talking about paid news. Well, this is another reality. We cannot stop distortion of facts by media. The fact is that people swallow these lies. Why do we swallow the lies? We let them fool us because we choose to be fooled.

There are a few things that we need to do. One is structural reforms – change the law, change the legal system, put in some regulations for the Election Commission - all of which fall under administrative issues. But who is going to create voter awareness. The Election Commission is not going to do so, the Supreme Court won't do so, the political parties won't do so either, the Government of India or Kerala won't do so and media won't either unless it's a nice *masaledaar* (spicy) story. So who is left? Basically, you and me. There is no one else to save the country. Voters need to be aware and create change. The only language that politics understands is *power*. For them power means numbers.

When the RTI law was passed, they knew that there were numbers behind it. Right from economically deprived to middle-class citizens were interested. We got the RTI Act because of the mobilization. Fundamental changes in the way elections are held, the way money is distributed and the tickets are given to thugs cannot come without systematic mobilization of large numbers of people. They understand

only one language. They should think that, "If I misbehave, I will lose the elections."

**Naurti Devi**, a former Sarpanch who had been debarred from standing for re-election because she had not gone to school (even though she was self-taught) explained the parallels between Panchayat, State and National elections, and the example that could be set by running a transparent Panchayat. The issues of class and elite capture, in the absence of real participation by all citizens was amply clear: money, class, caste, and even schooling could be used for capturing the electoral system.

(Translated)

"They should ban election expenditure and criminality. Candidates must be honest. Without honesty, you cannot effectively function – be it the local panchayat or the PM's office. I was Sarpanch from 2010 - 2015 in Rajasthan." She did not spend money on her election to the Panchayat. She only spent Rs. 2000 on publishing pamphlets which informed the public about her agenda. In 2015, the state government stated that any local government member should be educated at least till 8<sup>th</sup> grade. As a result, this time she could not contest elections as she is not formally educated. The current Sarpanch is literate but he is not honest, he has no understanding of the needs of the people. Likewise, they are MLAs and MPs who are economists and have Masters' degree in Political Science who are also very corrupt. So is there a relation between literacy and corruption?

Last year, MKSS did a 100 day long accountability yatra in Rajasthan. Shankarji would sing his songs in 300 sabhas. In Jhalawar, the constituency of the CM and her son, local MLA along with his goons beat up our friends and Shankarji. That MLA has escaped from any police charge.

Honesty is a crucial consideration and all of us should come together to create voter awareness. She further pointed out that she is from dalit community. During her tenure as a Sarpanch, many people from the upper caste tried to prevent her access to resources. But she was not deterred and continued to do her job.

**Anita Gurumurthy** said that in this workshop we are concerned about elections not being democratic. Though there is much more to democracy than elections, but we can certainly say that first step towards making democracy work in a stratified country like India is elections. This means that we need to establish level-playing field as an essential pre-requisite. Can money-power be used to subvert the electoral processes? Tamil Nadu has perfected the act of bribing the entire electorate – it is called the Thirumangalam model. The numbers are mind-boggling as every voter is bribed. The financial norms are violated and it is almost impossible to arrive at accurate figures of money spent on elections.

A critical question to consider is whether (going by the case of Citizens United in the U.S.) third parties can spend on your behalf. This lifts all restrictions with disastrous implications for a country like India. The legality, constitutionality etc will have to be looked at. Election expenditure then becomes fundamental to a clean and healthy democratic process.

On the positive side, how do we make sure that all candidates get at least some access to the constituency through mass media or the digital world? How can the Election Commission allow debates which can aid people without money power to fight against rich candidates? This is very doable. This might make inequality less problematic.

Thirdly, some portion of Corporate Social Responsibility money may also be routed

to the candidates. This is a very disturbing development if it is true.

The highlight of whole election of Obama was the extent to which he was able to involve a large number of people for campaigning. The election itself can be participatory. AAP had an idea of involving as many people as they could. How can you include more people as active participants and not as passive voters?

Another aspect is whether we should have ceilings on tenures or not. Even though the Panchayat Act is not the reason why Naurti Devi could not contest, in Karnataka they have complex stipulations regarding reservations which keep changing. These restrictions are only for Panchayat. In U.S. there are maximum term limits. Should we consider them? Randomly changing reservation norms could be unfair to the candidates.

The whole issue of qualification for representation is completely outrageous. I am disappointed that courts have upheld this law in Haryana to be legal.

The first past the post system can be combined with the proportionate representation model because some parts might get more representation.

Lastly, we talk about digital possibilities. One good thing is that the Election Commission is digitizing records of candidate's speeches. Candidates, who are campaigning by violating laws through speech, can be disqualified.

**T. K. Bahadur K. C.**, Deputy Executive Director, Nepal Administrative Staff College had a story to share. The story of Nepal is not very different from India. Nepal in 1951 was under PM Shreshtha. The 1951 revolution led to the establishment of monarchy. 1958 - 1960 saw the parliamentary system but it was co-opted by the King. In 1991, the Parliamentary system was restored. The people's revolution led to

creation of a Republic in 2008. Now, we have a republican state and a Constitution which was framed last year. We are expecting elections under the new constitution. But parties are in conflict. Elections are the foundation of democracy. But how is it the foundation? Election reflects public opinion, concentration of popular interest and representation of socio-economic concerns of the people. It will try to solve some purposes that is selecting leaders and providing legitimacy and making the government accountable. Fair elections is a must for these things. Highlights of Nepal's Constitution include people's participation, civil liberties and human rights, periodic elections – which hardly happen - complete press freedom, independent and impartial judiciary (but 80 High Court judges were appointed based on the 3 major parties' convenience), adult franchise and fundamental rights.

But the situation is very grave. The Election Commission is a constitutional body. Three people were nominated by three major parties. The rights include the right to vote for a voter who has attained the age of 18 years, and there is scaled eligibility for candidature and for office. There is a legislation wherein the procedures are laid down with legal provisions for violation.

In Nepal this system will ensure that no majority party is in power. Financing of candidates, factors which affect voter participation and voter turn-out are few aspects which come under electoral reforms. 4 men and 2 Dalits should be executives, 5 women and dalits to be municipal executives, 2 women will be part of Municipal Council in order to be more inclusive. At provisional level, there is conflict between parties. 40% candidates are elected through proportional representational system ensuring representation of diverse groups.

The challenges are that in a mountainous terrain even getting voter identity to everyone is difficult, not to mention the problem for the voters to access polling stations. Two years ago,

the Supreme Court ruled that there has to be a threshold followed by parties and Right to Know but parties disobeyed that. When every employee is a member of a political party then how can you ensure free and fair elections?

**Moderator Shiv Visvanathan**, Professor, O.P. Jindal Global University, Sonapat:

The challenges of social disability and hierarchy in Indian society, and the mirror image amongst India's elected representatives were addressed as the larger concerns of democratic practice. However, some expressed faith in the structure of the Constitution and the role that officers of the Constitution can play in a situation when legislatures deny citizens basic rights.

The paradox and dilemma of democracy is that today's status quo was a hard earned right fought from the French Revolution onwards. The vote may today be coloured and disfigured by the nature of global elections, but for the people of India, it remains the one single link with governance. The loss of faith in the process will harm the people more than we can imagine. As Gopal Gandhi reminded participants at the beginning "it is not a choice but as fundamental as breathing." Elections he reminded participants is a "right" and not a "gift" and the power to choose leaders and representatives is in our hands. Judicial pronouncements must be implemented when there are cases of violations, the ambivalent attitude of the governments have to be questioned by the citizenry.

The mode has to be critiqued but cannot be done away with. Representative politics has a role, it needs however to be made more transparent and accountable.



**Breakaway Session 2B:  
Citizen Engagement with Parliamentary  
Processes and Procedure**

Venkatesh Nayak, Program Coordinator,  
Commonwealth Human Rights Initiative,  
Delhi

Annie Raja, General Secretary, the National  
Federation of Indian Women (NFIW)

Anjali Bhardwaj, Founder, Satark Nagarik  
Sangathan, Delhi

V. K. Baby, Indian Administrative Service  
(IAS), Kerala cadre

**Moderator:** John Harriss, Professor, School  
for International Studies, Simon Fraser  
University, Vancouver, Canada

**H**ow does a citizen or a group of citizens engage with representatives in Parliament and the State Legislatures? Those who work within parties have one set of problems due to issues of internal democracy, and lack of consultation on substantive issues within parties. Those outside the party structure have had to struggle long and hard to make space within the legislative structure.

Parliamentary processes as they exist today are exclusive. The people must have access to parliamentary processes. Horizontal engagement of parliamentarians with the people - to share their plans and programs, needs to be worked out. Indian policies are dictated by the World Bank, the International Monetary Fund, and the Asian Development Bank and not by the people. Any *memorandum of understanding* signed by foreign institutions should be available for public scrutiny. Above all, political parties should be made accountable to the people. Trade unions, informal sector, contractual labour, manual scavengers and other marginalized communities should be at centre stage for policy designs. Prior to any policy decision being taken, the people must be given sufficient time to make their suggestions. The Parliament should give all those interested an opportunity to depose before the Parliamentary Standing Committee.

There is no accountability of a Prime Minister to the party leaders, and the ministers are not accountable to the parliament or the people. To compound the problem, political leaders of political parties are also sometimes unaware of policy decisions. MPs and MLAs are unaware of parliamentary/assembly proceedings. The mapping of policies could serve a public purpose and even contribute to educating the people. Therefore, mechanisms such as pre-legislative consultation is necessary for the public to be able to access guaranteed constitutional entitlements effectively. It follows that people must be taken into confidence for pre-legislative consultation.

**Anjali Bharadwaj** explained the manner in which Satark Nagrik Sangathan not only watches the expenditure of MLAs and MPs incurred through their local area development funds, but also tracks and watches their work within the Parliamentary and legislative committees as a means of increasing accountability of the elected representative even between elections.

**Annie Raja** explained how women's groups within party structures had to build solidarity with women's groups outside if there were ever going to be adequate representation within parliament. She spoke of the work of the National Federation of Indian Women to pursue the long standing promise by the mainstream political parties to legislate on the issue of 33% reservation for women in the Parliament.

The lessons learnt from the campaigns discussed during the session point to a number of issues. Potential opportunities include setting up of deliberative committees of members of the legislature, petitioning legislators and local level political representatives for participation in planning both at the level of fund allocation and policy formulation.

**Challenges**

Lack of public access to the legislative zones sometimes restricts citizens from directly petitioning members of Parliament. Further, lack of accountability in terms of not giving reasons as to why citizens' suggestions are not taken up is dangerous.

We have increase our understanding of formal institutions such as the Legislative Assembly/ Parliament, and auditors. Participation requires understanding through multiple ways: education, training, workshops and hands- on action.

The demand for pre-legislative mechanisms of transparency seen in this context are fundamental to citizen engagement in their exercise of sovereignty.

Paid news was one the many issues discussed in this session. It is possible nowadays to pay a newspaper to carry distorted or fake news to put down an opponent in the electoral process or promote the candidate paying for its publication. There is a range of prices for the same. This has severely distorted the electoral arena making it an unfair system. The media which plays such an important role in voter education is therefore a reflection of reality itself. It could be enhanced or distorted.

The Election Commission and the government are impervious to landmark judgments regarding accountability of commissions and the electoral process. Ultimately "good governance" is not possible with representatives who have criminal charges against them and who peddle black money. Unless the influence of black money in elections is reduced, things will not change. The solution lies not merely in a change in political parties. The electoral arena will not change without systematic mobilisation of the masses against the kind of politics of today.

Take for instance the issue of educational qualification required for contesting an election. Most women over 35 would be debarred as would tribals, dalits and those who do not have physical access to schools in remote areas. Access to schools is curtailed severely as more and more schools are being privatized, rapidly reducing schools with free or nominal fees. Candidates should be voted in only on the basis of integrity and ability and not on the basis of other extraneous considerations.

The implementation of election laws must be made more stringent. There should be a complete ban on use of vehicles, big money

or alcohol etc during elections, how else can there be a level playing field which is a prerequisite for free and fair elections? There should probably be term limits for candidates contesting in assembly and parliament elections.

The campaign for clean elections should be a continuing process and electoral education about fair and free elections should begin from the school level.

**Anjali Bhardwaj** noted that parliamentary processes where citizens can engage are required. This fits into the demand for a sustainable and systemic platform for engagement created by the state. As important as this may be, pre-legislation consultations are necessary for understanding the complexities hidden in legislations. All laws impact citizens and they have a right to know what indeed is being passed in Parliament in their name. Actually very little consultation takes place before Bills are passed. In fact, various provisions, drafts, citizen's commissions etc. need to be made transparent and citizens' views need to be solicited and considered.

She cited the recent examples of accountability legislations. Government makes amendments but does not make it available in the public domain for the citizens to see. The problem with the Delhi Lokpal Law was that it had no pre-legislative process. As a result, participation by the people was never a possibility. It is critical that people are informed and participation is encouraged.

We need the deliberative committees to function properly. The way people are asked to present their position is completely arbitrary. In some cases, where vested interests are involved it is quite alarming. For example, cabinet documents are kept confidential and therefore cannot be accessed. Under the Prevention of Corruption Act, all bribe givers

are punishable. Even lay men and women are punishable if they pay the bribe even in times of need, like in hospitals. Under the RTI Act, government should have an obligation to say what they have received as bribe and why they accepted it.

While the Parliament remains fairly open through webcast etc., but access to information still needs to be improved. It is critical to have an institutional provision/framework. Information needs to be provided in local languages. Accountability is needed for these frameworks to function well. She commented that, "Once in every 5 years people come to ask for votes then they forget us". No one knows what the elected representatives do after they get elected.

**V.K. Baby** looked at the issue in a different context - cutting across different institutions from Gram Panchayat to legislature. Kerala as a state believes strongly in decentralization as a powerful tool. We must integrate people from all walks of life and integrate them in a democratic exercise. What is participatory in USA or Canada cannot apply to Rajasthan or Karnataka. It is a different context. Whatever we do, cannot be fruitful until we ensure that it is applied properly.

According to him, the process of institutionalization is important. In 1996, all citizens from Gram Sabhas participated to frame rules. Technical committees were maintained to ensure that the Gram Sabha functioned well. Social audits were used to monitor these systems. RTI Act can be used for contacting community. Everything was made easily accessible to the citizens. Voluntary disclosure was adopted. Empowerment process was done via skill development processes. It was not all just rosy. The response was mixed. But it was a step forward.

This is not to say that there are no continual challenges. We assume that everyone accesses

equally, but equity needs to be improved. There is also an erosion of political will. Politicization takes place i.e. political interest dominates and works against the interest of the citizens. Consensus based collaboration must take place to fight corruption. There is also the erosion of trust – the faith will come only when there is transparency and the people know what the representatives are doing is in their best interest. A significant gap between policies and practice is also a big problem. Romantic policies which are not really implemented do not do anyone any good.

The way forward requires the government to redefine the concept of engagement and participation. Specific definitions need to be made regarding these concepts keeping the context in mind. According to the policy, it should be made clear that it is the public's money being used by the government. The money does not belong to the government but to the people of this country. Hence everything needs to be made open and accounted for. Improvements in transparency and accountability are necessary.

**Annie Raja** highlighted the plight of public when it is not consulted before the formulation of policy and legislation. She clearly stated that pre-consultation is absent from decision making, except for a few exceptions. Issue of BT Brinjal was one occasion when the government did go to the public. Likewise, in the aftermath of the Nirbhaya rape case when huge protests took place all over the country, the government said it would amend the existing law and tasked the Justice Verma Committee to prepare a draft law. Justice Verma Committee and the Law Commission did reach out to public for suggestions.

It should be the responsibility of an MLA or MP to first understand what issues are tabled in the in the next session of the Parliament, and then he or she should go back to their respective constituents, gather opinion and go

back to the Parliament and present them. This way he can take a stance confidently, backed by his constituency.

Instruments are needed for engagement with people. As regards the Bills which are referred to the Parliamentary Standing Committee, very few individuals get the invitation to depose before the Committee. Sometimes, people end up using undemocratic methods (influence) to express their views. For example, the NREGA was introduced by UPA. The Standing Committee was headed by a BJP leader. The BJP leader did not have a standing committee meeting for over 6 months. So when the person heading the Standing Committee is from a different party, challenges have to be faced.

There are many tools like the *Petitions Committee* but how many of them are known let alone be put to use? How many know about the existence of these provisions? If the existence of these provisions is not made known, how will people ever use them?

Another issue related to effective access to parliamentarians. We need to understand that parliamentarians are humans too. Many times they are not conversant with the legislative procedure/legislations. Thus when we get to meet parliamentarians, time is wasted in explaining the procedure or Bills. If the party's views is in conflict with that of the MP's, the parliamentarian cannot help you (even if they agree with you on a personal level) because they are not allowed to go against their political whip. Ministers do not make time to meet their constituency. Certain ministers even have double standards and can also end up harassing people who come to meet them.

Again an example will clarify. A few people from the Narmada Bachao Andolan came to meet a Minister. The Minister met with them, but immediately after their meeting those people were arrested by the police. And none of the newspapers reported on that.

**Amitabh Mukhopadhyay**, former Director General, C&AG of India said that fear is a dominant factor in preventing access to democratic rights. It was this fear to speak which was addressed by Gandhi and the national movement. Independent India has seen its return as we opted for a centralized state (to copy the west) instead of Gandhi's suggestion for de-centralized governance i.e. Panchayati Raj.

Definitions and implementation of the parliamentary procedures of India were copied from the west and even though those countries have moved on, we are stuck there. For example the Petitions Committee is very difficult for a common person to access. The initial idea of the Petitions Committee was to keep people's voice as far away from the Parliament as possible, as it was framed by the British colonial government to keep the Indian citizens at bay. Petitions cannot be moved by a common person, but only through an MP.

We need to cut down on existing laws and not push for more. There is a lot of change in structures of parliamentary functioning. Essential questions to be asked now – whether the existing procedural ecosystem is consonant with our times? Or is it too reflective of the times and contexts it was borrowed from? For instance, in contemporary Indian electoral politics, we need more stringent anti-defection laws as we see majoritarian rule moving towards a totalitarian state.

Even the fundamental structure of an elected representative's role is missing. It was shocking to find this, when an RTI application was filed to know the rules which define the role of the elected representative. There are no stated rules and responsibilities for the elected representatives. People are looking at how to make money and getting involved in business.

Think tanks in parties are misnomers as they toe the party line. What is needed is dedicated support for them, as parliamentarians gather their information from the media, which as we have seen is often compromised. They are not proper sources for parliamentary research. The reference library also does not work as an objective body. The staff give personal (and politicized) opinions instead of objective information. Institutions like the Parliamentary Research Service (PRS) have been a very good concept in practice. They provide resources – both human and material - for MPs.

Citizens' engagement or political engagement is a loaded word like the word civil society - inclusion or exclusion is implicit in the term itself. Take for instance, the Land Acquisition Act. This is a classic case of political engagement - from opposition in the parliament to street protests. There is a complacency in the feeling that we can have an engagement with the government. There is no scope for arguing with anybody about anything. The heart of the parliamentary procedure is related to public reasoning. Public reasoning itself constantly veers towards ideological stances. Nowadays, any act of trust is a mixture of a strategic reason, an emotional reason and a logically arrived at reason.

Participants from the vibrant non-party political sphere shared their experiences from the perspective of different people's movements and campaigns that have gone through advocacy processes and organised campaigns. This included campaigns against nuclear power plants, women's movement, right to work and right to information, the right to food, the rights of dalits and minorities, of labour, of children, of farmers, of slum dwellers etc. In continuously calling upon the Indian state to guarantee rights and freedoms it is ostensibly committed to, not only is there continual vigilance but an education of the people. While in

the last decade, people's movements won some uncommon legislative victories after decades of ongoing struggle for right to information, work, food, access to forest land and education, now they are faced with an unprecedented challenge in the political environment. Populist declarations-exclusionary tactics and the gap between rhetoric and delivery have required revisiting governance issues of policy and implementation. Rights based laws have come under attack by the hostile power elite, ever jealous of sharing power and space alike. The dominant political narrative continues to blame rights based structures for lack of "progress". This narrative can only be countered with hands on factual contradictions by calling power to explain and be accountable.

## **Breakaway Session 2C: Independent Commissions**

**Wajahat Habibullah**, former Chief Information Commissioner, Central Information Commission; former Chairperson, Minority Commission

**Henri Tiphagne**, Executive Director, People's Watch

**Vincent Paul**, Chief Information Commissioner, Kerala

**Sayed Akram Afzali**, Integrity Watch, Afghanistan

**Moderator:** Sonia Laszlo, Director, ISID

**M**any speakers including Gopalkrishna Gandhi in his keynote address had spoken of the important role independent commissions and regulatory bodies could play in making sure that Indian Democracy is not kidnapped or held to ransom, by any group that wants to undermine Constitutional principles. Often the mandate of a commission is unclear and there is no clarity amongst the citizenry as to whom the commission is accountable to – whether to the government, political parties or the people at large. There are over 160 Commissions in India but their ability to deliver justice is questionable. Principles which apply to appointments of commission members are routinely violated in India. Commissions started out as a very dynamic idea but over a period of time this enthusiasm has declined and Commissions themselves get entangled with those they should be regulating. There is no national trajectory for Commissions and their capacity varies too much State-wise. The Commissions such as the Election Commission without strong punitive measures are unable to function with efficacy and a major hurdle is that funding of political parties is still not disclosed. In case of National

Human Rights Commission (NHRC), 46% of the cases where they have recommended compensation are still pending with the Government. Law commission reports such as the one on judicial backlogs have examined issues of pendency, yet no suggestions have been implemented. They do not even get tabled in the Parliament.

The role of independent commissions can dramatically change the nature of participation, and address the inequality in access to power and decision making, if it so desires. Many commissions including the Women's Commission, the Scheduled Caste/Scheduled Tribes Commission, the Election Commission, the Human Rights Commissions, and the Information Commission at the State and Central level can play a proactive role in giving space to participation of people from marginalised groups in the pursuit of justice. Their platforms are available for citizens, and their independence from the executive and legislature gives them a mandate of reaching out to people.

However, ensuring their independence and accountability to the people is a challenge. The selection of independent appeal authorities or Commissioners (in states and at the national level) continues to be non-transparent and arbitrary. Even in the Information Commission which has Bi-partisan representation in the selection committee, most serving Information Commissioners are either retired civil servants or police officials, rather than journalists, academics, social activists as specified in the RTI law. Several commissions continue to be understaffed, causing delays in hearing appeals against denial. Many are not empowered enough, and the executive ignores their orders. The large number of RTI activists, including a former Central Information Commissioner and a State Chief Information Commissioner, led a more detailed examination of the Information Commissions. The poor track record of

government offices in implementing the proactive disclosure clause is further impeding the functioning of information commissions.

Important legislations have the potential to improve citizen participation, and empower citizens by holding government officials and politicians accountable on a daily basis. On the other hand, fresh assaults on democracy and secularism mount by the day. People's movements must therefore contemplate new strategies and adapt tactics to circumstances in which they now operate. The battle for participation in law making is becoming more acutely evident as new laws get framed affecting the entire population, without any process of consultation with citizens who will be most impacted.

Information Commissions in Afghanistan and India address somewhat differing issues. In Afghanistan, a cultural shift is required where legal awareness about access to information needs to grow. In India, however, the Information Commission is dependent on the government for financial outlay and is administratively controlled. The members of the Information Commission are appointed by the Government and transition into working with a new government is tough. There is no accountability of commission members regarding disposal or pendency of cases. It is alarming that there is a growing trend in the Information Commission to limit its jurisdiction.

The Election Commission lacks the power to impose strong punitive measures. Most critically the funding of political parties is not disclosed.

The commission for judicial appointments needs to have a process of appointments that must be transparent. It should also have a proper public procedure for dismissal of judges. Impeachment as a mechanism to discipline errant judges has been a failure.

For many movements, the familiar political universe collapsed in 2014 when the conservative Hindus won with a full majority. Confronted with conservatism, misogyny, bigotry and shrinking civic spaces, as in other countries, many movements continue to mobilize people's participations, but are unclear of the way forward. Participants felt that there needs to be a transformation from interpretation of the problem to the possibilities of change.

There were practical suggestions from this group. It was suggested that information technology needs to be better integrated in the system to analyze RTI applications and decisions of the Information Commission. This would enable users to identify key areas where information is being requested and move that to the domain of proactive disclosure, like an MIS for Commissions.

There could be a reduction in transactional costs by adopting models such as the one now being used in Bihar where information can be disclosed on the telephone. It was suggested that there could be a dedicated R&D department and social audits for Commissions. As regards the problem of pendency, internal time limits should be fixed within Commissions to dispose of cases, especially for second appeals wherein the time limits has not been prescribed in law. A grading system for Commissions would help as an internal evaluation system. Above all, commissions must have a transparent appointment system. Post retirement appointments should be discouraged and a guaranteed tenure should be ensured.

The theoretical orientations and actual practices of many movements have been informed by multiple ideologies. Now more than ever, participants feel there is a need to deal with issues in the theoretical and abstract sense, before connecting them to practice. Alongside legislative advocacy for good laws,

ensuring proper implementation of these laws, and using them to build collectives and mobilize people's support, participants also discussed the need for engaging different theoretical and ideological orientations – from Marx to Gandhi, Ambedkar to Mao - to define a way forward, rather than feel confined by the possibilities that could emerge from their theories.

### **Sayed Akram Afzali, Integrity Watch**

**Afghanistan** was inspired by the MKSS and the Indian RTI movement. He said that an Independent Commission can be an excellent solution for Afghanistan. The campaign in 2009 – 2014 resulted in the Parliament passing a law. Afghanistan eventually got the law and a commission that has inclusive representatives from different Social Welfare Organizations and media. The members include: National head of Security, foreign affairs, telecommunication and information, two civil society representatives. Sayed Akhram is chairing as civil society representative since 2015. Although the organization opposed the passage law in its current form as it was intrinsically weak, after the law was passed the organization has worked with it. The organization has been working at the local level for seeking information and also monitoring its implementation to avoid misuse. There have been problems in accessing information with the current law.

The law was passed as part of an electoral promise, at the end of 2014. Despite advocacy it took six months to establish the commission. The Access to Information Commission was therefore established and is mandated to monitor the RTI applications. It was expected that a strong RTI law would solve the problems of corruption faced at the institutional and grass roots level. However, the present law has not addressed the issue successfully. There is a need for social movements that engage with people, rather than the traditional NGO work. There has been a general disappointment

with the commissions – apart from raising awareness, it has not really addressed many complaints. The Integrity Watch works more with civil society and media to encourage use of this law.

Challenges lie with the lack of citizens' understanding of the law. There has been poor dissemination of information about the process under the law. Maybe it is a question of trust and culture. It may be that the people do not believe that if they request for information there will be a response and things will work. Citizens prefer a personal relationship with government officials rather than demanding access to information. Changing culture is a primary task where citizens will have to shift from favour to rights. Information is a right and legal mechanism will work in their favour and we must make it work.

**Wajahat Habibullah** compared the movement for the RTI in India and the passage of the law to the storming and fall of the Bastille. It forced the government to open up. His argument was that the RTI law was essential to the government not to bring it to account, but to keep an account of itself. Quoting Barack Obama's first speech in 2002 and his reference to information, where he said it brought strength to public and government alike, he said, it is an essential organ of the government, unlike the judiciary. In other words, it was not to make government accountable to public alone, but to make government accountable to itself. For that purpose an Independent Commission must not work like a government department, but the other way around, it should work without being answerable to government working for full transparency.

The law also was a promise in an election manifesto, and the movement held them to it. Keeping the commission independent is in the interest of government. It provides to itself authentic feedback on its functioning. In the

2016 meeting of Information Commissions, the Prime Minister said that every department should set up a committee that goes through the feedback achieved and work on it. Given that, it must be seen how independent are the Central and State Information Commissions. The annual conference was a meeting between the Central Information Commission and the users of RTI Act to facilitate empathy. The Information Commission in India is technically independent with regard to making rules. There are separate competent authorities, the Central and State Information Commissions with their separate jurisdictions. A frequently asked question is whether its jurisdiction extends to the private sector. Does it cover public-private-partnerships? The private sector is also covered under RTI if it has received any subsidy or preferment from government.

The Commission's independence is essential, it has no political interest, only governance interest. It is very difficult to remove an information commissioner before he completes his term. This is a precautionary provision to preserve his independence. There is however financial and administrative dependence on the government. The R&D wing of the Information Commission is essential for evolution of the RTI movement. The RTI and the commission have been successful in India for the maintenance of records. There is a huge resource base available for those who wish to do research.

Information technology has been put to good use and it is in the interest of the commission to do so. The Central Information Commission has its own network for video conferencing. In a large country like India, distances are enormous. This enables the commission to connect with the applicant. Many State Commissions also have this facility. In conclusion the Information Commission though not fully independent, has enough autonomy to function.

**Vincent Paul**, Chief Information Commissioner, Kerala was of the opinion that in Kerala any member appointed to the Information Commission by a particular party during its tenure was seen as branded by that party. The government in power would also see commission members as representing the previous government, this affecting the image and the member is no longer seen as being impartial. When files go to the Governor who receive complaints against members about the eligibility criteria, the file is returned. The matter is still pending in the High Court. Government will have to appoint the rest irrespective of whom they were chosen by. Earlier, retired officers were appointed as Members of the Commission, and independence was maintained. During his government tenure, 1 person was accommodated into the commission due to a medical condition. Thereafter, every political party decided to have their own member from constituencies. This was a major step back for impartiality and independence.

Commissioners need to have a certain legal background for impartial decision making in the Commission. No member of the Commission is accountable for performance. The Governor should exercise some measure of control and call for periodic reports and there should be a target for disposal of cases. Maybe social audit can be used to ensure impartial working of members and check accountability to the general public. This should apply to all Commissions.

## Plenary Session: Culture and Democracy

**Tripurari Sharma**, Professor, the National School of Drama and Founding member of Alarippu

**T.M. Krishna**, eminent Carnatic music vocalist and writer

**Sangeetha Sivakumar**, eminent Carnatic music vocalist

**Shankar Singh**, MKSS

**Charul Bharwada and Vinay Mahajan**, Founding members of Loknaad, well known creators of popular movement music

**MBS Choir**, Kerala

Aude Raffenstein, Student of Public Policy McGill wrote:

“People’s movements are inherently embedded in these webs of significances that compose people’s realities. The challenge is to understand and use these ideas, customs, and social behavior intertwined with arts and other manifestations of human intellectual achievement to carry out participatory democracy. In order to offer a space for participatory democracy, the people’s organization had to make sure that all voices could and would be heard. These are the voices of the poor and marginalized people, people who needed to feel recognition, trust and understanding in order to engage themselves in this political journey. Adopting their cultural idioms is key to establishing this relationship and encouraging the poor and marginalized to share their own analysis. Therefore, culture enables movements to reach a larger number of people and it is the starting point of their empowerment through new democratic functioning.

Cultural practices not only set up the conditions for an exchange of ideas, they also invite new ways of thinking to appear. Cultural practices challenge pre-established notions of knowledge production, often conceived as one-sided. Culture, on the contrary, enables a real dialogue to take place between those who make the cultural medium and those who receive it. As this collective analysis progresses from both sides, the cultural productions can evolve as well to incorporate the new insights and push the conversation even further. There is therefore a virtuous circle constantly leading towards liberation of people and ideas. More precisely, it will deal with the various ways in which culture acts as an agent of politicization.”

The School for Democracy has been organizing lectures on ‘Culture and Democracy’, perhaps taking from Aude, we could amend

it to, “culture is the politics of participatory democracy”.

This session was an immersion in the thought and emotion combine that is the human being. It is a coming together of the totality of a being that brings in the more subtle and reflective part of human consciousness that deals with ethics, compassion and prejudice. It is therefore imperative that in public action which has to deal with contestations between rational and the irrational, often leading to disruption of democratic processes and violence, cultural expression is indeed the beginning of equality in idiom and analysis. It was sharing a moment of intensity to feel the humanity in all of us and the basis indeed of equality, non-violence and compassion in music, the leveler.

**Tripurari Sharma** introduced the topic of culture and democracy and moderated the session. She began by introducing and inviting the panelists - MBS choir members, eminent Carnatic musicians T.M Krishna and Sangeetha, Shankar Singh from MKSS and Charul Bharwada and Vinay Mahajan the founding members of Loknaad.

### An overture (pallavi) to the evening:

**Shankar Singh** walked down the stairs, with a puppet much as he would have in a village. His sudden appearance made it more dramatic, and did not give time to most people to prepare, a face to meet the faces you meet. The natural unconscious ease with such communication is possible and the innate grace with which a conversation can begin was more than amply demonstrated. The *mu phat*, a puppet infamous for being out spoken and putting his foot in it, got to the audience with satire and parody on demonetization. He engaged with people drawing them into the dialogue, as he sang an interactive song. The audience joined him in the chorus with “*me nahi manga*” and “*me manga*”, the creativity of

protest music needed no advocate after this performance. This was an important song of the RTI movement sung in Beawar in 1996 and brought in the flavor of the streets, and the energy and robustness of folk culture.

### Counterpoint: From Immersion to Perspective: A Critique

**Shiv Visvanathan** asked T.M. Krishna as to how singing classical music in a slum worked. How was it different? His question was very specific. Krishna has started singing in villages where people are not accustomed to hearing classical music. There is a criticism of his performances, by the social literati of bringing quality down with radicalism. His question was, “Don’t you think radicalism in music erodes quality?” Krishna’s response was that those accusations have been a reaction to his secular approach, accusing him of catering only to atheists and being anti-religious. The social literati pay attention to his radicalism. In kuppams (fishermen’s villages) it is a different experience altogether. He went on to say that art and democracy as practiced today are complicated concepts, are divisive and constantly at conflict with each other. As a practitioner he feels that there is an internal conflict of politics and aesthetics. Did it make sense to the listeners? Krishna’s answer was that the only equal response to music is in its enjoyment. If the kuppam and the others have to understand each other’s idiom, the kuppam offers a platform of equal exchange.

**Vinay’s** answer was that the manner in which quality is perceived, changes from person to person. He said that radicalism is fine as long as there’s a transformative purpose. The challenge is to accept the way things are to begin with.

**Shiv** asked Krishna whether he was reinventing society or reinventing the brahminical sense? Classical Carnatic music has become the hegemony of the Brahmins.

Shiv's question was actually about inequality in perception of different systems of art and its gradation. The answer depends on how the person or performer sees his own art and that of his listeners, when there is a difference. How does art become more universal when caste and class define culture? It is best to acknowledge the ugliness as well as the beauty of it.

**Sangeetha**, T.M Krishna's wife gave a feminist point of view of the challenges faced as a woman in Carnatic music, where she is expected to behave in a certain way and sing a certain type of song. This has led to an intellectual battle. The utter confusion is heightened by her marriage to T.M Krishna.

Can music be indigenous?

**Two members of the MBS choir**, questioned the definition of indigenous. They use a western form with Indian melody, taking the best of both form and music. It brought out the power of words strung in melody.

**Charul** said that content part is very important in transformative music. And to create good content there first must be a purification of oneself.

**Shankar Singh** talked about the women in the villages of Rajasthan who have many folk songs related to family, agriculture and work. They have their unique tunes and lyrics which they sing with all their daily chores. He suggested that using these songs with some alterations in the lyrics can become songs of protest and resistance.

**Shiv Visvanathan** said that culture and art forms have to be invented and re-invented to keep them vibrant.

**Tripuraj** thanked the panelists and went on to introduce the performances of the night.

## Performances

### **MBS Choir – a mingling of cultural forms, West and East, with peoples lyrics**

The MBS choir was constituted 30 years ago in the city of Trivandrum in the memory of music composer Shri M.B Srinivasan, who was very actively involved in the student movement, progressive movement and was a very accomplished film music composer. He composed a number of melodies in Malayalam and devoted all his energies in adding to the new genre of Indian choir music. It is actually a community singing movement, which began when he went to slums of Chennai, teaching songs to children, getting them together and making them sing. This later transformed itself into the Madras Youth Choir, a sister organisation.

Basically he experimented with human voices. Instruments were used minimally, just the tabla and harmonium. It is has the structural format of western choir music and is sung in six different parts. The women and men sing in three different parts, which is divided in treble and bass. He went back to very powerful words of noted Indian poets to bring out the power of the lyrics he used to set to music, a partnership between music and lyrics for change.

### THE LYRICS

They began with a Malayalam song, written by ONV Kurup. It is a protest against weapons and war, set in the wastelands of Hiroshima and Nagasaki, from the ashes rise a thousand white doves, spreading around the message of peace. And from the tip of their wings comes a brave song, which says farewell to arms, no more to weapons.

He had composed half of this song, but he passed away, so the part composed by him was sung.

The next song was written by revolutionary Tamil poet, Subramanya Bharati, about the divinity of music, of a larger force that links all human beings and everything on earth together. The poet uses the allegory of the snake charmer and his pipe.

The poet asks:

Where does this music come from?

Does it come from the mind of the snake charmer?

Does it come from the blow pipe?

Does it come from the holes of the blow pipe?

Answers come, that

It comes from the snake charmer's mind,

Through his breath into the blow pipe

and through the holes.

Seemingly unconnected but together they constitute music.

So the poet explains this music, it is nothing but a larger power.

He talks about the cries of children begging on the streets and the pathos of their cries.

What is the music in the charmer's pipe and how is it part of the cries of children who are begging on the streets. They are like lively rural market, where they all sell different things, roses, glass bangles and decoration material. It seems like noise, but from that noise comes its music. All people are connected to each other through music which is actually divine. The instruments may be different but the maker is one. The appearance must be different but the essence is one.

### **Vinay Mahajan and Charul Bharwada: Melody**

“Salam and Zindabad”

Before we sing our first song, we will go back a few years. 15 years ago the twin towers in New York were brought down by an airplane. 3000 people were killed. It was covered by the media very well. Iran and Afghanistan were attacked, media covered all of it. On 9/11 something else also happened, which was not brought to anyone's notice. 16000 Innocent lives were lost. Children died of starvation. No media covered it. It wasn't mentioned anywhere. Not only on the 11<sup>th</sup> of September, 9/11 but yesterday, today, everyday. One was an act of aggression and another one not even probably considered to be violence. One, an act by few individuals, another one that was planned and designed in Parliament and state assemblies.

Is it violence? Or is it not? All of us need to think about it....

Now a song about starvation.

Often we wonder who are these children, who are their parents, who die of starvation? The easy answer is that they are children of the parents who work with their hands, they are manual labourers.

They have given us the technology of society, wealth and also the philosophical wisdom of centuries. For eg. Kabir. Mahatma Phule, Choka Behnabai Chaudhary all of them working with their hands.

Now a song on the story of the hands. Story of the hands.

*In hathon ne ...*(lyric)

## T.M Krishna and Sangeetha

In classical music the lyric was devotional, now the content changes, the form remains.

The first piece performed questioned the structures of Carnatic music. He went against the norms and gave importance to the devidasi form. The way in which it is presented is a political and aesthetic statement.

The second piece was written by Perumal Murugan a great writer, a radical person, who questioned society through his writing. He was incarcerated for questioning tradition. A book banned, a writer who made a powerful statement on his facebook saying “Perumal Murugan, the writer is dead”. He was trolled and vilified. He presented his verses to Krishna. That was set to music and Krishna sang one song.

T.M. Krishna’s third piece was Poramboke which had an environmental context. It is originally a Tamil rock song performed by the band Korangan. This was a challenging task that was beautifully lyricised and converted into Carnatic form. It challenges the environmental, social and the aesthetic.

The fourth piece was performed on request. It is a piece called Nottuswaran by Muthuswami Dikshitar, a song composed under British influence. It was a popular Scottish tune within the Carnatic form. An interesting fact is that the same tune was heard in the pubs of Scotland, Ireland as well as in the temples in Tamil Nadu. Is it radicalism in music?

The organizers had asked friends to write their thoughts on the many happenings in the workshop. **Dr. S. Anandalakshmy**, wrote in her inimitable style, of that evening:

### **Musings on Music: Unpacking The Links Between Culture and Democracy**

Twilight had set in. People ambled quietly in groups, towards the Amphitheatre of the IMG. No tickets to be checked, no numbered seats, in fact, no seats at all except the steps leading down to the stage. I perched on a corner at the top, quite close to the tripod of the stage lights. On the stones next to me were Teesta Setalvad and Gopal Gandhi. Clearly, I had a value-added place and my invariable good luck!

In a while, about twenty women dressed in dark green and red formed an arc on the stage, and ten men in white were ranged behind them. The process of checking the amplification of the mikes on stage started, with the Conductor checking each mike with the singers concerned, and the singers ensuring that they could see the Conductor’s hands. It seemed quite elaborate for a choral group. After five minutes of this exercise, the group dissolved.

The Preamble was a discussion chaired by the indefatigable Tripurari Sharma. It was started off by Shiv Vishwanathan’s wry wit and a repartee by T M Krishna. Vinay Mahajan, Shankar Singh and some members of the MBS choir also participated. The central point that coalesced from their comments was that music as entertainment was only one of its aspects. Music, as political message for sharpening awareness of realities and as vehicle for social cohesion has assumed tremendous importance in the lives of MKSS and SFD and several other groups around the country. All the performers of the evening were personally introduced by Aruna Roy.

Shankar Singh, with his inimitable wit and acute observation, took the stage and a group of his old- time associates and friends joined him in the well- known slogans and ditties. Audience participation is an in-built part of these songs and there we all were, pumping our right fists and adding our loud voices to the medley.

**First thought: Even in dealing with the worst of corruptions in the system, humour helps to heal. The sense of the absurd is a must, to tide us over rough times.**

The members of the MBS choir formally entered the stage next and took their allotted places, grouped according to their pitch of voice. The music they chose differed from the standard religious songs and chants. The song that stands out in my mind is one by the Tamil patriot-poet, Subramanya Bharathi. The poet wonders where the source of the music is, as he describes a snake charmer, with his instrument: in the mind of the player, in his pipe or in the body of the snake. He speaks then of the pathos of children’s voices begging and of the myriad sounds of the market, as swift trading goes on, of bangles, flowers and fruits. What is the source of the sounds? The poet concludes that it is the universal power, Shakti, which informs all of them and all action on earth. This song was rendered beautifully in harmony throughout, with many variations, capturing consonantly, even the discordance of competing voices in the marketplace.

**Second thought: For any event to function efficiently, every participant must know his role and the exact timing. Once a plan is made, the leader leads and the others follow. A group is stronger than the sum of its members.**

Vinay Mahajan and Charul Bharwadatook the stage next. Their moving music reached the marrow of one’s bones. The themes were contemporary and immediate. Their songs

on the hands that work was particularly moving. Their empathy with the poor and hungry, their support for their activist friends and the unique blending of their voices cannot fail to touch the conscience of the nation. They are the wandering bards of today, creating original lyrics and tunes and capturing the sadness of inequality and injustice, yet bringing to the listeners, the prospect of hope, tenderness and caring.

**Third thought: It is possible to speak truth to power, by singing truth to power.**

T.M. Krishna and Sangeetha Sivakumar have charted a new course on the ocean of classical music. Krishna has been maintaining the loveliness and complexity of South Indian music, without being constrained by the standard structure of the “Concert” or staying with conventional Bhakti music.

He, with his team of accompanists, started the evening’s presentation with a Taanam and a Jaavali (In the set structure, the Taanam would be sandwiched between the Raga Alapana and Pallavi, as part of the RTP, and Jaavali would be sung towards the end, being considered ‘folk-based’. The next item was a song set to a poem by Perumal Murugan, the author whose book was once banned because it showed a specific Tamil community’s practices, in a bad light. (!) Then came the much-travelled (through Internet) of “Poromboke”, the environmental protest to the destruction of the fishing villages of Ennore in North Chennai. It was set to a classical Ragamaalika pattern and conveyed the message vividly and with humour. The final item was one of Muthuswami Dikshitar’s “NottuSwarams”. It was amazing to hear a Sanskrit verse in praise of the Goddess, set to an Irish military march! Krishna explained that in the early part of the 19<sup>th</sup> century, the composer had lived for a while in an area where the



Irish Military Band practised. Dikshitar just borrowed the tunes and notes and composed quite a few religious songs!

**Thought four: Art is not elitist, neither is the use of a language or a genre, exclusive. All boundaries are permeable. We share a common humanity and can set our pulses to a common beat.**

Needless to say, the evening had been magical. It had a charmed ambience, in which all of us felt closely linked to one another. A good way to go into the second day of the unique workshop.

**31 January 2017 (Day 2)**

### **Plenary 3: Planning and Local Self Government**

(The morning plenary was split into two parts. First part was scheduled, the second part was inserted to adjust to speakers whose time schedule had to be accommodated.)

#### **Part 1: People's participation in local self government**

T.M. Thomas Isaac, Minister of Finance, Kerala,

John Harriss, Professor, School for International Studies, Simon Fraser University, Vancouver, Canada

Rakesh Jain, Deputy Comptroller and Auditor General, India,

K.T. Jaleel, Minister for Local Self Government of Kerala,

CK Mathew, Former Chief Secretary, Rajasthan; currently Senior Fellow and Head, Public Policy and Research Group, Public Affairs Centre, Bengaluru,

Moderator: S. Parasuraman, Director, Tata Institute, of Social Sciences, India; Professor, School for International Studies, Simon Fraser University, Vancouver, Canada

This session was designed to discuss the importance of Kerala's efforts with local self-government, the peoples plan, and the reason why this had not spread to other states. It built on the issues raised by Patrick Hellar in Montreal, and the discussions were carried into the panchayat visits later that day.

In fact, it was the visit to the panchayat that really established the importance of the Kerala effort over decades, and gave the workshop a strong practical foundation with an experience that showed us that we were not merely engaging in academic discussions.

#### **Building a theory of Knowledge**

The need for participation is widely recognized. But the missing factor remains a link between these three concepts. Transparency, accountability and participation form three points of a triangle. It is essential to look at all three of them in context with each other, instead of being focused in isolation. Thus the pertinent questions to ask are how to make transparency accountable? How to make accountability transparent? How to make participation transparent? How to make people's participation accountable? How to make transparency participatory? How to make accountability participatory? Participants discussed the problem with participatory democracy, and felt more attention needs to be made on developing the solutions to these problems.

Participants also questioned the term 'participation' and how we can continue to use a term that has not memory. Especially, now more than ever, when we are facing erasure, how do we bring memory into movements? When people who are part of the debate disappear? If we want participation, we have to create a version of this absent memory.

The "Peoples Plan Campaign" and its institutional history was an area of focus

in many of the workshops in Trivandrum. The acquaintance with the campaign began in the workshop in November 2016, in McGill. Patrick Heller, used it as an example in his key note, and in the session he participated in as a panelist. He had already established the theoretical importance of the Peoples Plan effort for understanding the various complexities of institutionalizing 'participatory democratic governance'. The planning and local self government plenary provided an opportunity to look further into the details, fleshing out contemporary challenges, and illustrated how the "from Theory to Practice" of Montreal, could become from "practice to theory" in Kerala. The discussions were in effect an appropriate continuation of those in Montreal,

The long, and continuing journey of the Peoples Plan in Kerala, was at the heart of the workshop. The nature of engagement with democratic policy differs across sectors, and the Peoples Plan had achieved the difficult task of bringing these sectors together within a concrete framework of governance. As many participants recounted, the initial years of the campaign caught the imagination of people from different backgrounds and placed peoples' needs, their idiom and political imagination in the center of the design. The complex network of planning and implementation, followed with meticulous attention to details. The Kerala Shastra Sahitya Parishad (KSSP) provided the network of volunteers and activists to support the effort and citizens rose to the call for decentralization. The government of Kerala for its part, initiated and responded in equal measure. The coming together of these several strands made the campaign and later the programme very successful. There were however, now many second generation challenges, including the most crucial aspect of "peoples participation". The Trivandrum Conference workshop was very fortunate to have some of the founders and initial

architects as participants to share the history and their views.

This plenary session was not confined to the Peoples plan effort. It discussed the importance of Kerala's efforts of the peoples plan, and the reasons for its success within the existing framework and commitment to genuine local self-government. It built the framework for the panchayat visits later that day. The visit to the panchayat was to provide a window to the structure of Kerala's local self government, and the opportunity to interact with elected representatives and officials to understand contemporary issues. These visits would help establish the importance of the Kerala effort over decades, and the emphasis on practical realities gave the workshop a strong sense of reality. The concerns went beyond logical academic engagement to see the complexity of action.

An important concern was the understanding of the terms 'participant', and participation. Use has loaded it with multiple meanings- from the world bank to the person waiting for social welfare benefits in a village. The term is used by each group from its own understanding, and the meaning ranges from merely informing people to involving them in decision making. Can we continue to use a term as if it has no memory? Especially, now more than ever, when we are facing conscious erasure of history? How do we bring memory into movements, when people who were part of the debate disappear? If we want participation, we have to create a form including memory and history, to counter this deliberate erasure of memory, which is unethical and arbitrary. The limitations of the term "participation" – especially in the context of social movements was powerfully articulated by Shiv Vishwanathan on the last day of the workshop, but was a theme that ran through the three day proceedings.

At the beginning of this session for instance, John Harriss expressed his skepticism about

the possibilities and potential of participatory democracy and decentralization because society is marked by inequality and social exclusion. The sphere of organizations led by civil society is dominated by the middle class not unsurprisingly, but there is a danger of the middle class defining the priorities, issues and needs for the marginalized population. In Chennai, right to a living space, a right to livelihood and a right not to be subjected to domestic violence have been defined by a peoples organisations.

In what way did the Peoples Plan address this, and what are the lessons for those concerned with governance as government planners, regulatory agencies, economists, activists, campaigns and citizens?

**Rakesh Jain**, the Deputy Comptroller and Auditor General of India explained the importance of the wing called Local Fund Audit (LFA), which as per the norms of the 11<sup>th</sup> finance commission, looks after the expenditure of local fund auditing, within the C&AG - the primary auditing body of India. The CAG was asked to provide guidance and supervision to LFA to maintain systematic records. The term supervision was later replaced with technical support. The LFA was found weak in terms of man power, capacity, and audit technique. The CAG has collaborated with the MoRD to create a set of standards for social audit for the first time, which started with the project of MGNREGA. These standards are currently in circulation and will be strengthened, expanded, and reviewed in the coming two years.

**C. K. Mathew**, Former Chief Secretary, Rajasthan; currently Senior Fellow and Head, Public Policy and Research Group, Public Affairs Center, Bengaluru spoke of the constitutional and legislative history of decentralization. He felt that since the 73<sup>rd</sup> and 74<sup>th</sup> amendment are associated with the Congress, other parties were less enthusiastic

about them, and compliance was poor. In 2004 the Congress came to power, but even their Ministers still continued to undermine this constitutional mandate. The political structure has two hierarchies, which have not been properly harmonised: The Government led by Chief Minister and Members of the Legislative Assembly and 2. District, block level, and village Panchayats.

Why does devolution of planning not happen at the local level. The critical reason is that centralization of power. The structural issue is the continued resistance to sharing of power with the local bodies. Quoting a TISS study, he said there are five factors to assess the capability of Panchayats: They are: percentage of function transferred to the panchayat, the number of functionaries per thousand of population, the per capita funds available in the Panchayat, the infrastructural facilities of the Panchayat, and transparency in accounts and budget.

Kerala is ahead of other states in this respect because of the 150 year long social transformation that it has undergone, beginning with social reformers like Narayan Guru. So, he cautioned, that Kerala could not be used as a yard stick.

**K. T. Jaleel**, Minister for Local Government said that Kerala is ahead of other states in terms of decentralization because of the socio-political evolution led to integration of local bodies to reflect their needs. A Big bang approach - irreversible decentralization, was planned. The professionalization of decentralization- seamless support of various professional departments was needed for the decentralization process. He said, that this is often not provided, and then Panchayats are blamed for a lack of professional competencies.

Corruption is a threat to empowerment, equity and inclusion. Even within local Government

strong vested interests develop. There are no successful social audits because panchayats feel, and claim that auditing dampens the spirit of decentralization. People centred auditing is an even greater threat to their already fragile power structure. (This is probably because accountability as a concept is a greater leveler than even decentralized participation in planning). Integration of Kudumbashree in the panchayat structure, has strengthened decentralization. He concluded by saying that the smallest and the least powerful of panchayats should also be highly professionalized.

This plenary session concluded with a joint presentation by Rakshita Swamy and Innayat Sabhikhi on unpacking the role of disclosure of information in decentralisation:

The disclosure of information is an important part of the structure of decentralization, and like all other rights, is defined and accessible only in practice. The presentation of the MIS of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) illustrated its importance. The trajectory of the process is interesting. It shows how vital the collation of specific information is from the users of the MGNREGA to monitor its implementation. It counters the attempts to atomize information to make it impossible to access it for legitimate public action.

The presentations connected information disclosure with, local planning, budgeting, community monitoring, and decentralization and the significant role of access to information through the MGNREGA, and the unpacking of the process of disclosure of information and the use of the RTI.

Section 4 of the RTI Act that deals with proactive disclosure is the basis of the MIS of the Ministry of Rural Development (MoRD), Government of India. This web site performs the role of the public information officers

of a public authority, mandated to provide and disclose information. It ensures that all records are appropriate for computerization, and is a dynamic example and manifestation of section 4 of the RTI Act. The disclosure requirements under RTI have been explicitly and implicitly incorporated in the rules and guidelines of the MGNREGA.

A look at the quantum of information explains the reason for this presentation. The scope and quantum of expenditure is 3 lakh 70,808 crores (3 trillion 78 billion 80 million) and has been spent since its inception in February 2006. 20237 crores (202 billion 37 million) person days have been generated, and there are 69 lakh (6.9 million) workers are currently at work on 4.57 lakh (4 hundred and fifty seven thousand) work sites across the country.

The Management Information System (MIS) has to record this quantum of work and to capture and collate this information. The web site is maintained by the NIC, a government web site. The three important principles to be kept in mind for such an "MIS" are that they are in real time, they are transaction based, including all financial transactions, and that they are in the public domain. This information allows monitoring of the financial flow, important to guarantee the work and wages to people at the work site in a village. The MIS is completely in the public domain – no password – and besides the worker information, all the 180 reports, are available. What a Joint Secretary to government can access in the ministry can now be accessed on the web site, by any one.

In the MIS information the granularity of information, includes National, State, District and Panchayat level information. The official website of MGNREGA, though often labeled cumbersome, gives thorough details of individual beneficiaries right down till the panchayat and job card level. The information on the website automatically updates records

of the compensations and allowances (if any) entitled to each worker. In comparison to other social scheme websites, like Swachh Bharat which has information only on a state level, MGNREGA has a district-wise coverage. The illustration of this through screen shots of these, and other official MIS's allowed people to understand the vital role of information in facilitating a participatory democracy.

Implicit in this presentation, was the necessary conditions to be able to address the needs of the peoples plan, - a process of detailing participation in planning and implementation of policy. The current discourse on governance in India, post the RTI has brought in some conceptual clarity about its importance for addressing inequality of access and the arbitrary use of power. At the grass roots, lack of access to information threatens the right to life, liberty and livelihood. India has a large number of very progressive laws, but they fail to deliver in action. The mechanisms of governance, hold the key to the misuse of power by the actors of the state: the power elite. That is why the adage, "the devil lies in the details". This was a graphic account of how information and the details of implementation must be shared to guarantee a basic right to work. The MGNREGA was passed after a prolonged peoples' democratic struggle. The biggest challenge even after getting a good legislation passed, is to get fair and just implementation. Building a Janata (Peoples) information system (JIS) was clearly a strong prerequisite and ingredient to planning and participation at any level.

**John Harriss** commenting on the importance of the RTI said it has reformed government. Such things do not happen suddenly and spontaneously. All rights based laws, which define the new social agenda India bears the mark of the RTI, as mechanisms for protection of social rights, social audits etc. These are points of leverage that help build organizations amongst people, There has been

a lot of academic writing on decentralized, participatory governance. The two particular cases referred to are: Participatory budgeting in Brazil, and the Peoples Plan in Kerala. It seems to be that, there are 2 factors conducive to the achievement and some degree of its success. The political intent, combined with need for Civil society organizations and citizens groups with sufficient organizational capacity and operational autonomy to resist co-option by the state. The involvement and contribution of the KSSP was notable in Kerala as it sustained the decentralization process, working together, but not subservient to the State. In successful cases when organisations are sandwiched between the government and the civil society, they play the role of a crucial bridge demonstrating that neither can be effective without the other. This interplay between local government and civil society organizations are crucial. We have sometimes that is referred to sometimes as the paradox. It is a paradox, that as the bodies of local governance are strengthened, the greater the need for political will and stronger the motivation at the centre to sustain decentralization and monitor its implementation. The general secretary of the CPM (I) came to speak with the activists – a long way to go for success, but the communication is important interplay political party and civil society organizations. He pointed out that the elements of reform and decentralization were present in the left of centre parties, but not in the parties who saw solutions only in the market.

## Part 2: Discrimination and Inequality

Bezwada Wilson, Founder and National Convenor, Safai Karamchari Andolan

Anand Teltumbde, Management professional, writer, civil rights activist, and political analyst

T.M. Krishna, eminent Carnatic music vocalist and writer

Harsh Mander, Director, Centre for Equity Studies

**H**arsh Mander explained that in this session speakers would look at government accountability in ensuring justice, essential to deepen democracy. This workshop needed to spend time looking at the world from the perspective of people who were sometimes even numerically in the majority, but pushed further away from the mainstream. This is even more critical in the global context, as in election after election the triumphalism of majoritarian governments, drowns democratic principles. He cited the – examples, in India it began since 2014, in the global context the examples are: Brexit, Trump, right wing resurgence, and a devaluing of marginalization. How do we work towards making government deliver justice and be compassionate, the speakers could address some of these issues.

The previous day (30<sup>th</sup> January), the world remembered Mahatma Gandhi, assassinated by a certain ideological triumphalism. It was also Rohit Vemula's birthday yesterday, (a dalit PhD scholar) who committed suicide and left a strong comment on the betrayal by Indian democracy – showcasing India's failures in last 70 years post-independence. His last letter to the world tore our hearts apart, and was the most powerful indictment of all that we have not learnt in the last 70 years. He was 28 years old.

When we deal with justice determined by the accident of our birth, an Indian who should have been nurtured and fostered, is forced to die, is an extraordinary comment on our times. In this context: working to make government accountable from the time of the RTI, we understood that accountability was far more than it is conventionally understood, as financial probity. But accountability has to ensure justice for people who suffer discrimination and marginalization. It is at the heart of any effort we need to make.

Rohit's mother spent all her time and dreamt of sending her son to the university. After his death her message to her younger son is, "do anything but do not go to university. It is safer driving an auto rickshaw than going to university".

**Wilson Bezwada** (Safai Karamchari Andolan) Wilson represents the campaign against manual scavenging. He is an icon in India today, of the voice of the last person in the hierarchy of caste. But he is much more. He is the voice of our collective conscience. He said that everyone writes and speaks; Krishna sings as well. But, "I am a person who never writes, except my name... nothing more". He is more than literate, but his statement made a strong plea for the power and truth in the voices of the oppressed. He continued with Rohit Vemula's tragic story. He said "Harsh started with the Vemula family. Rohit's brother has a first class in MSc geology and now drives an auto rickshaw- an example of Indian democracy. When I was just a small child, my mother dreamt that if I go to school I would not have to pick up excreta from dry latrines. My mother's dream thirty years ago was - you can stop this, if you go to school. She was anxious not to let me be a scavenger. In 2016/17 Radhika says- "my son, do not go to university." One mother says you must go to school, in 1996; one other mother says, you must not go to university, in 2016.

What is it that we must look at? There is a need to focus on democratization before decentralization. "There is no decentralization for us as untouchables, but fear for the marginalized and the women. The lower we go, the more oppressed we are. Two societies- one at the district level and another at the village level." He said that decentralization without democratization would make it impossible for the most oppressed, and caste panchayats like the "Khap panchayat" would bring in another justice, unequal and arbitrary to claim their lives. There will be nothing to control them.

Decentralization does not answer the questions about who would clean the roads and pick a dead animal from the streets. We have not democratized our kitchens, women and labour in rural and urban India. There are no answers to these questions. Who will deal with your dead bodies? If the process we advocate, will not control all these forms of oppression, and truly democratize with equality, more decentralisation will only take away our life, dignity self respect and leave no voice for us. In any village level, at the block, there is no space for Dalits. The latest report of the National Human Rights Commission (NHRC) says that in 2012, 42% Dalits were not getting post-delivery subsidies, 30% dalit children cannot sit in class rooms with the upper caste kids.

The Government is interested in economic reforms and has lost the ideology of welfare. True democracy, would mean the active participation of minority groups. If you do not democratize every part of the process it does not work. For instance there is a reservation of seats for Dalits and women. They become sarpanch's. But the woman is still dominated by a creation called "sarpanch pati" (sarpanch husband). That man is allowed to attend district and other meetings, with her, and sometimes even on her behalf.

If we do not democratize, and unpack anything, we might ignore the question – decentralization/ participation and even democratization is for whom? The rich? The ruling party is only concerned with business, with the World Economic Forum, how many contracts we sign is the main preoccupation. Government is casteist. There is nothing, except to talk of the reverse way. Both the top elite and the bottom are riddled with discrimination, and are enemies for the marginalized. The word, "discrimination" has been replaced by inclusion and exclusion but social realities have not changed. Without changing social inequalities, majority

participation in governance will not be possible and it will be one sided democracy. We have to understand the ways in which the discriminated and marginalized participate in democracies.

He said he has not talked of the life threat to manual scavengers, “close to 1317 Valmiki’s have died within the last 2 years... letters to PMs and CMs and Presidents have not been answered. If they do not reply to these letters of distress, where is democracy? I should get a reply, if they cannot listen”, to a voice demanding life and liberty, “and cannot reply, it is a great danger for democracy”.

**T. M. Krishna** began with a recounting of a cultural practice, when he said, “I come from the land of Jellikattu.”<sup>1</sup> Jellikattu is a caste game sport, as practiced by the ‘thevars’ a very powerful political group. In the capturing of the bull, dalits also participate.

The claim of cultural identity and democratic and just practice is often at variance with democratic principles. The complexity of such contestations, can be resolved only if we address democracy as a ‘cultural being’. Cultural practice even amongst forward castes who discuss castes issues such as Brahmins who claim discrimination, and marginalization, of their struggles, they are deprived of an income from being prevented from operating the temple have to be countered. There is no discrimination if they would think of just work availability, why don’t they think of manual scavenging as an alternative? Their Psyche does not accommodate a possible frame of occupation, in which such an eventuality is possible. It is unacceptable and remote. Democracy must therefore appear as a cultural being, we have

to address the idea as a cultural idea and a cultural practice.

The world of music, art and tradition is intertwined. Democracy is a part of not only the marginalized voice in cultural oppression, practice and tradition, but also in the musical tradition. If we do not address it so we do not address the fundamental flaws. As humans we are divisive in nature; we will segregate ourselves. This segregation is seen as normal. This acceptance of the normal has to be questioned. What is the mechanism to break this “normalcy” and hierarchy, and democracy’s most important role is to find ways to break this pattern, it should be used as a tool to break this pattern of discrimination. The challenge is to find ways in which culture and cultural experiences make us question it. One could change the internal patterns through which cultural practice happens, and find a way to look at the ethical that exists in these cultural practice, break down the scaffolding that does not permit entry.

Another Greek word ‘aesthetics’ is an idea through which a person can look at the essence of a phenomenon by removing oneself from the discourse in terms of privilege. Observation, experience, understanding art says something important about engaging with possibilities. Moving a person away, to get a perspective in looking at an art form, to understand what really drives its engine, what drives its soul. What in fact is its essence? It is not easy to find the essence of anything including democracy. Every super structure is built around an essence. Unless constant reinventing, rediscovering and destroying of practices do not happen, conversations between the marginalized and non- marginalized will not happen.

Ethics brings in the ability to remove myself from “my community, my.. you bring in distancing, to look at the essence

of any democratic idea and the change we need. Participatory democracy is about empowerment of everybody including the empowered, to change their thinking patterns. If culture is top down, government is top down, culture needs to be removed from the processes and practices that further oppress, question privilege and “inclusion”. The important thing is to question the normal. It has to be seen for what it is - a conversation.

These conversations cannot take place through laws and systems. The essence of discriminatory practice lies in changing not what you think but what you feel. How can we change the way we feel - it can that be subverted, challenged, inverted altered. Democracy comes alive when we actually listen and actually converse. An ethical ideal of governance, must address cultural aspects, where the truth of who we are is manifested. Expressions of culture, jallikattu, dance, music and theatre must be unpacked to address its essence of all that it mean. Aesthetics means understanding practices, reinventing, destroying rediscovering a different aesthetic where we can converse as equals.

**Anand Teltumbde** began by questioning why words like exclusion/inclusion why not untouchability the best word to describe the heinous practice in India. Castes were kept alive but its effect is condemned- Why? Caste was re planted in the constitution, but untouchability was outlawed. In dividing people caste & religion they were skillfully kept alive. There was no word like secular. The Indian Constitution is not secular, the words are “Sarva dharma sambhava”. The constitution supports and creates turbulence. He said that the British were accused of divide and rule , but it would be more logical to say that they learnt to divide and rule from Indian Brahmins. Two driving factors of the ruling class are caste and religion. India is not secular. Secularity is a firewall between religion and caste.

Reservation is for untouchables. The stigma could have been addressed. Instead, policies and rights have been confused by placing the marginalized in different categories: for instance Dalits and OBCs in separate schedules. By treating untouchability and inequality as an exception – whereas it is the norm of Indian society as it is today, reservation has become a means to divide people in the post- independence era.

There is no concrete criteria to deal with inequality. In Mehboob Nagar, two dalit communities clashed. The Madigas tried to assert superiority and hierarchy, through what is called “sanskritisation”. The Sarpanch, a dalit woman could find no solution to the problem.

Educational socialism is yet another issue. A can of caste worms. Dalits fighting amongst themselves. Why cannot manual scavenging be stopped by the government? It can ‘demonetize’ with a profound impact against all Indian citizens, without any consultation. Why can’t the government address real issues of oppression? Our village society as it is organized is a cesspool of discrimination.

We need to focus on the basic formation of society, and not just rural India in the context of discrimination. The State in India came into being and created a congenial class – normally it is the other way around. Democracy needs to look at an India, where 50% of people are discriminated, not merely in villages, but also in corporate boards – in fact everywhere. In the case of students graduating from IIMs (Indian Institutes of Management), we see that Dalits pass outs get salaries with a 25% differential. Caste is a cultural issue, and we have to fight against ourselves. The “Swach Bharat mission” for instance, gives us the “mission” that we are doing someone else’s work. Cleaning is the work of the other always. Castes are artificially kept alive within a political economic rationale.

<sup>1</sup> Jellikattu is the over powering of a bull, a breed of a bull sent out and poked, prodded and men jump to hold its hump and ride. There was a huge rally in Marina Beach for days. The demand was that this practice be allowed contrary to the Supreme Court order, claiming that this bull baiting event was critical to the cultural identity of the Tamils.

## In Conclusion: Harsh Mander

As the world was outraged, by Donald Trump, it hardly noticed the building up of a paradigm of oppression in India. The hate campaigns against minorities, and narratives are building upto, a culture of intolerance inimical to democracy and the Constitution. The build up of fear is supported by unscientific and irrational narratives. The resultant fear of Muslims, the cow hype, the first lynching of Akhlaq, was to create fear and intimidation, Culturally infringements- restricted from slaughtering animals. (Ironically the bigger meat exporters are mostly Hindus, brand names do not reflect the religion of the owners. In UP, the BJP mobilises against beef eating, while in Kerala it supports it, making apparent the political intent behind these campaigns. BJP MLAs in UP, Muzzafarnagar use fear and intimidation. In Haryana the police do so to prevent people from slaughtering meat during Bakhr Eid.. Why were pellet guns used in Kashmir alone and not in other areas of protest?

The worst is that the culture of fear is producing a culture of silence, where no democracy can survive, and no justice can prevail. It is the business of people who after all define democracy, to focus our persistent attention on discriminatory practice and narratives; to unpack them and disabuse people of false histories and narratives. We must begin with an acknowledgement that the culture has to change. It is a continuing debate, with governments, people, and communities. A continuing critique of dalit lives, constitutions, castes, discrimination. We have to face the truth.

## Session 3: The Importance of Oversight in Democracy

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### Breakaway Session 3A: Transparency in the Pre-legislative Process and in Political Parties

Rakshita Swamy, Fellow, Transparency and Accountability

Himanshu Damle, Public Finance Public Accountability Collective (PFAC)

Mouleshri Vyas, Professor, Centre for Community Organisation and Development Practice, School of Social Work, Tata Institute of Social Sciences (TISS), Mumbai

Jagdeep Chhokar, Former Professor, IIM Ahmedabad and Founding Member, Association for Democratic Reforms

Moderator: Vipul Mudgal, Director of Common Cause

The language of the experts is technical. Language and idiom reflect the user. When the power elite speak or write language, it is a powerful exclusion mechanism. It reflects the power of the state – legal and bureaucratic – but the people who fight against the injustice on the streets speak a different language.

When the two epistemologies – of politics and modernity and those of an Adivasi (tribal) – clash, we must not reduce it to just technicalities. Participants argued that the word ‘participation’, it is too much of a World Bank term; it does not recognize the different ways in which people remember a way of life and talk about its death or loss of a way of life; it does not have a theory of generations or time. To break the structure of expertise, we need to bring a different idea of cognitive justice into debates on participation and democracy. Just as the term was constructed, people need to also deconstruct it.

In India, social movements have what one participant called a ‘tacit Constitution’ or a constitution around the Constitution, which they view as too Victorian or restrictive. So they try to create a passive constitution. “Epistemic brokers” such as the auditors, or nuclear scientists are translators whose aim is to standardize language into development statistics. We need translators, between different languages, translations for the nature of the language of the state, the notion of time, the grammar of expertise—to deconstruct

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“When I use a word,’ Humpty Dumpty said in rather a scornful tone, ‘it means just what I choose it to mean — neither more nor less.’ ‘The question is,’ said Alice, ‘whether you can make words mean so many different things.’ ‘The question is,’ said Humpty Dumpty, ‘which is to be master — that’s all.’”

participation. We are lacking a theory of knowledge that does not capture the “noise of democracy.” We need a theory of knowledge (and participation) with a wider kind of thought experiments – that is, plurality of knowledge as they link to livelihood and ways of live. Democratic theory needs to be clear about who participates, who represents and who speaks.

Participation of people is essential in making policies. Transparency in the pre-legislative process is needed to proactively involve people in the policy making process. It is the responsibility of the respective ministries to involve the stakeholders actively in the pre legislative process. The meaning of oversight in democracy and the pre legislative policy is that democracy is ruled by discussions and deliberations.

**Himanshu Damle, Public Finance Public Accountability Collective**, began with adding another perspective on participatory democracy with a focus on international bodies like World Bank, International Monetary Fund, Asian Development Bank etc. It does not just involve the dynamic between the parliament and people, but it also deals with the dynamics within the parliament itself. True representation is that the citizens must have access to parliamentary procedure.

While there is vertical engagement between the different tiers of the government structures, there still remains a need for horizontal engagement in the government’s dealings internally and externally. Such engagements are essential because they impact policies within democracies. For example, the World Bank’s interference in the internal affairs of the functioning of the Indian government during the economic crisis in 1991.

There are some questions that deliberations have to address: instruments disclosing

information of administrative nature are progressive but are they representative? Parliamentarians are to account for things, but are they doing it? Do they have any sort of deliberations between one another? There remains a chance of legislative oversight.

Parliamentarians come to know that their ministries are going to get funded only after the MoUs are signed. Until such time, they have no source from which they attain information. Take for instance N. Ram’s expose on the Whistle-blower’s act in 1981. The situation is such that the World Bank can interfere and comment on our internal situations. What is happening in India is shocking. The parliamentarians are kept in the dark, the people are kept in the dark. So who chooses to represent India in these institutions? There are collusions within an elite group in the parliament and the executive, and they end up making decisions for everybody.

**Mouleshri Vyas, Professor at Centre for Community Organization and Development Practice, School of Social Work, TISS**, commented on the non participation of people on the margins. There needs to a focus on particular constituencies of people who are invisible, with regard to the pre legislative processes. What would it take for them to be a part of these processes?

There is an assumption being made that these invisible populations already have a space, a voice and access to the pre-legislative processes? She cited the example of community of contractual workers who undertake cleaning of public places. These people mostly do not have trade unions or political parties to support them, as they are part of the informal sector. There is no organization in the informal sector. Representative groups may or may not exist. Why is this sweeping population getting more invisible? The reasons are i) that there

is a contract system in use where people work for non-fixed periods of time, ii). There is poor record keeping, iii). Policies brought into play in 2001 have allocated solid waste management to private parties and hence call all workers as volunteers. A proper recognition of their profession is lost.

She made some suggestions to make these people participate in legislative and pre legislative processes. They include making these workers political subjects- by giving them a social and political presence in the city. There is self-worth and dignity given to them to enable identity formation, building solidarity between the members of such community. Their contact with political parties is not very sustained. This has to be organized by activists and representatives. Establishing the fact that we are stakeholders in the administrative process and hence they have the right to participate in the governance procedure.

The larger question to be asked is where are the political parties when there are issues of these people?

**Annie Raja, General Secretary of the National Federation of Indian Women** said that with the NDA, and Modi’s visit to US, the price of drugs and essential medicines has gone up. Even after demonetization, the price of medicines is changing, because of agreements. The Prime Minister is claiming that he is going to foreign nations to collaborate with them and bring them here to provide opportunities. But who is he taking along with him? His delegation does not have any political representations except from BJP.

Indeed, how many times has he spoken in the parliament? He made the speech about Demonetization on public media and did not inform the parliament. He should have gone back to the parliament and discussed it, as the parliament has representatives who have to

answer to the public. She cited examples where the public was involved in an appropriate manner in the pre-legislative process: the BT Brinjal case, depositions in the Justice Verma committee, questionnaires to gauge civil responses on UCC.

Who will organize the pre-legislative processes? It is the responsibility of MPs n MLAs to go back to their own constituency and enquire about what the people’s needs are. But it does not end up happening with any political party. So how will the people get a chance to give their opinions or views on the pre-legislative processes which are taking place? There is little access to MPs and MLAs, and which is why wider consultations need to be made possible. We don’t even have the culture of pre-legislative consultations.

To conclude, political parties remain ignorant and authoritative, but the public also is at fault. The public does not try to engage with the political parties or establish a means of communication.

**Jagdeep Chhokar, Former Professor, IIM Ahmedabad and Founding Member, Association for Democratic Reforms**, said it is important for people to keep an oversight on democratic processes because citizens form the beneficiaries and the victims of these processes. In our legislative system, there is provision for everything already. But nothing is implemented in practice. The same applies for pre legislative processes too.

It is the role of the political parties to mobilize the masses, collect opinions and incorporate them before it goes into legislation. But no one does it. The MPs and MLAs are ignorant and they do not follow their prescribed roles. Political parties are a law unto themselves. There can be no participatory democracy unless political parties became less opaque. There is no transparency between the members and within the party itself.

**Breakaway Session 3B:  
The Power of Public Audit and Supreme Audit  
Institutions (C&AG and Social Audit)**

Sowmya Kidambi, Director of Society for Social Audit Accountability and Transparency (SSAAT), Telangana

Shohini Sengupta, Assistant Professor, Centre for Community Organisation and Development Practice, School of Social Work, Tata Institute of Social Sciences (TISS), Mumbai

Rakshita Swamy, Fellow, Transparency and Accountability

Neten Zangmo, ex Chairperson, Anti Corruption Commission, Bhutan

Rakesh Jain, Deputy Comptroller and Auditor General, India

Moderator: Amitabh Mukhopadhyay, Former Director General, C&AG of India

The session began with an agreement of the Group to move from first taking stock of the status of the organization for social audit and the tie-up with CAG to reflecting thereafter on the nature of the ‘power’ of social and CAG audits.

The Moderator explained that the reference point for the session was the Social Audit Rules framed under MGNREGA which outlined a scheme for social audit, certification of accounts by Examiner, Local Fund Audit of State Governments and audits of MGNREGA by CAG.

The scheme of auditing envisaged that apart from setting up independent State Social Audit Units (SAUs) to facilitate social auditors with access to information provided by State Governments, the findings of social audits would be taken into account by LFA and CAG in the audits they would conduct.

The status of the movement from social audit carried out hitherto by MKSS to a form of public audit after the enactment of RTI and MGNREGA in 2005 was outlined by Sowmya Kidambi, Director SSAAT), Shohini Sengupta (TISS) and Rakshita Swamy (Fellow, Transparency & Accountability). Naten Zangmo, Chairperson of the Anti-Corruption Commission of Bhutan spoke about her experiences in asserting independence of her institution and Rakesh Jain made a statement on the full support of CAG for social audit in the overall efforts to introduce probity and accountability in the implementation of anti-poverty programs by all three tiers of government. A very interesting set of questions and comments came from the floor. There was scarcely time for more questions to be allowed and for individual panelists to address the questions/comments, and the Moderator had to wind up the session with responses to only some of the questions and his comments on the ‘power’ of social audit and CAG working in tandem.

Sowmya Kidambi outlined her experience with reference to cardinal principles of social audit and the organizational issues that she had contended with to establish a credible SAU, known as SSAAT in AP and Telengana, the first of its kind in India. She mentioned that the large number of objections raised by social auditors in AP/Telengana, which were cited in 6000 complaints registered with the Vigilance Commissioner, had shown how social audits had become a means of grievance redressal as well. To build up the credibility of SAUs in other States, the guidance and support and even the oversight of the State AGs would be a critical factor.

Sowmya started the session by stating that there has been a lot that has been written about Public and social audits. She then narrated an anecdote of the first time she started working with MKSS during her studies in Tata Institute of Social Sciences.

Coming from a privileged background she had no idea about Rural Rajasthan, much less its politics. She expected it to be completely filled with sand everywhere! However, when she started working with the MKSS she learned things that she could not have even if she were travelling through, or even living in the area. This is because the MKSS had started “peoples auditing processes, and their engagement took them into the minute details of peoples trials, tribulations, and their relationship with government.

One such incident was when she was part of a team going from house to house, while preparing for a public hearing (Jan Sunwai) in a village called Janawad. An old woman who met them, asked them to eat at her house. When they went, she gave her half a roti and said I can give you half my roti - I can't give you the other half, because I have only one roti. She noticed the many dots next to the choolah and so out of curiosity Sowmya asked what these dots were for. Her host replied,

that the dots were placed with soot, to mark the number of days her husband and she had gone to help build the new school. One dot for her, and one for her husband to ensure that they got paid. This was four years ago, but she had kept it still hoping that someone who is educated and well read would be able to help her receive the money she deserved. The poverty of this woman was very bad with no children and a husband who died. She had neither resentment nor anger - but just a hope that one day she will be given her due.

When the MKSS looked into the records, they found out that everything had been paid for and the program closed. In such a context Social auditing is done with a formal structure where all the money that has been allocated is put against the expenses. These documents are then presented in front of the people who were part of the project for verification. Shocking results have been found through such auditing where there are many gaps, fictitious names written and the ones who actually worked was non – existent. Unless such kind of auditing where documents are taken to the villagers is done, one would never know about the real picture of how the government money is utilized.

Sowmya's present job in the government has given her an opportunity to include what she has learnt from MKSS to be imbibed informally into a formal setting. She went on to say that the lessons learnt from the MKSS model include: principles of information being accessible, getting information in a demystified manner, for people to be able to take their grievances to the authorities, someone to hear them on a collective platform where officials are present, a forum that listens and makes decisions based on testimonies and evidence, and Social Audit findings are followed up to ensure that things are done.

Sowmya said her learning on the ground during her time with the MKSS helped



her make sure that these principles were institutionalized in her work in Government, and therefore, these are some of the things Andhra and Telengana has attempted to do.

The Social audit unit is independent. No minister or official from the department can dictate exactly what needs to be done. As director, she has the freedom to refuse. Institutionally the Social Audit Unit comes under the government of Telengana but functionally it is very independent. Secondly it's independently funded where only 0.5% of NREGA money is utilised for social audits. Young people from MGNREGA workers families with basic education are trained independently to perform the tasks of social auditing.

There is full support from the government for the audit process and it aims to continue, as the process has acquired political legitimacy.

At a round table conference when elected representatives and officers were asked if social auditing should be continued or whether it is too much of a pain? To this most of the people answered saying yes it is difficult, but it should never be stopped. Social audit has become a protective shield from involving people in unlawful activities. For example due to the fear of social audits, pensioners name cannot just be included without sufficient documents in place to justify each name on the list.

Overall social auditing in Andhra has seen four governments come and go, but the social auditing system continues to become more powerful and create deeper roots in the state. The government has found it very difficult to compromise the process or dismantle the exercise. Over the last 10 years the State Vigilance Commission has had 6000 complaints in all department. The social audit unit in Telengana has thrown up 1 lakh issues pertaining to just one scheme- the MGNREGA.

Based on the statistics she noted that our country is unable to take in grievances or deal properly with the number of complaints that are issues to be addressed. In such a context the social auditing process gives a ray of hope and becomes a potential centre of power for citizens, and of civil society to create space within structures of democratic transparency and accountability.

**Shohini Sengupta, a Professor from TISS** stated that TISS had undertaken an ongoing exercise to gather information from the field to design and continuously refine its training programs for facilitators from SAUs. She talked about the training program organised by the Ministry of Rural Development that was held in Mumbai. The professors were asked to devise a training program for village resource persons where they learn not only to tick all the right boxes but also to understand the principles of accountability, how it relates to the law, and constitution. They had to explore how public consultation is necessary, and how can community members participate effectively. They are trained not just to become merely social auditors, but people who feel and understand the importance of doing it.

She raised some salient issues discussed at the trainings. She said the challenge faced was training people from different parts of the country at a village level. The implementation is in progress at present, in different states. Due to the great diversity of the country, it was difficult to create a standardized uniform system. Though diversity can be seen as a hindrance in standardization, it could also be seen as a strength where the community participation can be increased by the inclusion of traditional factors which works best in the auditing process.

The second problem that arose was among the people who were trained for the auditing process. They faced the challenge of belongingness where they were neither fully a

part of the government or completely part of the community, when working as an auditor. This raised issues where they were threatened in some places and sometimes made to feel like they were not part of the community. These are challenges encountered raising questions of neutrality versus objectivity, the existential dilemmas of social auditors who wanted to stay loyal to their village-folk while called upon to be critical in their auditing

The third challenge faced was using regional languages in different states to carry out this training program. Fortunately TISS Mumbai had faculty from different parts of the country which gave room for valuable inputs from them in the designing of each regional programs. This was again an issue of standardization vs diversity. There was also the issue of the loss of information/ expression in moving from the narrative form of respondents to the formatted forms facilitators had to deal with in the field

One of the other factors was to plan the manner in which civil society was also to become a part of the teaching and training. This was a good thing where both the government and the civil society could work together. Differences cropped up between SIRD and civil society groups in their cultural mind sets such as of how to start a class? - By evoking the Gods and Goddesses through devotional songs, or by playing revolutionary songs?

There was backlash due to some issues that could not be answered by them, such as on the status of NREGA where the funds were not coming in time, or of differences in demand from place to place where some wanted to work while others refused. An example was given of NREGA in Bengal where the demand for jobs fluctuates and varies in seasonal circles. Some people lease their job card out to people who may put their names on the muster roll, but not actually work. This is outright

corruption, and is a major problem constantly faced.

**Rakshita Swamy** talked about the challenge of translating Democratic principles into actions. The importance of social audits has been established, and it has become a mandatory part of the MGNREGA and National Food Security Act and other programs where it is being monitored. The details of its protocol, has helped establish an auditing standard. She informed participants about the headway made in framing the Social Audit Standards in a consultative process between Ministry of Rural Development, civil society groups and the CAG. These had recently been issued by the Ministry of RD as guidelines to State Governments and SAUs. CAG had also agreed to the recommendations of the joint committees to introduce social audit in other anti-poverty programs substantially financed by the Union Government. These ought to be notified rather than remain mere guidelines of the Ministry.

Similar to the MKSS there are many other organizations that are doing work in social auditing in their own varied ways. Maintaining a detailed structure of auditing is important with the whole process from writing down the grievances, prioritizing the issues, deciding the panchayats that will be involved, maintaining a code of conduct, and introducing the public platform – where there can be differences in style and approach, but there needs to be a method in the way things are done. There has been reluctant acceptance within the agencies that have to implement programmes, that social audit is here to stay. It is not a guideline, but an introduction to a new concept with its own minimum standards. Therefore, to maintain the sanctity of the process these standards should be modified, and applied so that the principles are not compromised.

Another aspect Rakshita explained, is the nature of the process being established through social audits. The government may

have policies and have officers set in place for auditing, but the heart of the process that produces a result true to social auditing, is where the general public is effectively involved. Social Audit is not an altruistic exercise, but a necessary and inevitable part of governance.

**Neten Zangmo**, ex- Chairperson, Anti-Corruption Commission, Bhutan stated that before the anti-corruption Commission was set up in Bhutan, of which she was the Chairperson, nobody ever mentioned the word 'corruption'. But once it started functioning, everyone realized how much of a conspiracy of silence governed Bhutan. She said that to maintain the independence of her organization, engagement with the State was needed rather than a confrontationist attitude. She had to be skillfully creative in remaining assertive vis-à-vis political authority. Being meticulous, open, transparent, and conscientiousness at work and treating media as an ally had helped immensely.

She identified the participation of civil society groups in the process of participatory democracy as crucial and necessary. Within the context of Bhutan, she threw light upon the cynicism of higher officials and even public ridicule, which pose as challenges to the Right To Information (RTI), anti corruption, and also social auditing. Indifference from the side of people is also a threat. Independence of the government bodies does not have to result in isolation. According to her, there should be an effective communication established between the government bodies with citizens groups based on transparency and accountability.

Skillfulness, humility, work fullness and engagement are some of the desired qualities of a good officer of the information system. Working with the commission in Bhutan, she was asked not to engage with media, but she realised that media is a big ally of the Civil society and honest government officials. She said communicating ones commitment also

helped. Phrases like ' Nation's conscience' ' dare if you care' reflect the philosophy in every letterhead which continue to inspire even a person like her, who has worked under 4 different governments.

Isolation from power has been one of the major strengths of the commission. Engagement with political parties can be done through questions asked by the people and getting the involvement of the rest of the stakeholders. Trustworthiness and credibility of the system depends on the transparent functioning, and non partisan independence, of the entire commission. She said that social audits were a big breakthrough in the transparency and accountability lexicon. Institutionalization and sustainability of social audit can begin from Grass root level as real change occurs from there.

**Rakesh Jain**, Deputy CAG stated that he had already spoken at the plenary and therefore, he only wanted to underline the fact that the findings of social audit which State Governments were required to report to CAG were not reported by the States. Social audit reports from the various state governments has not yet been received. Sharing his experience while drafting a report for Parliament, he said while there was a sum of 54 Crore of recoveries in Andhra Pradesh, based on social audits, he wondered how the State of UP had negligible findings, even when the UP government got a high amount.

Social auditing is as important and unique as some other forms formal procedures. A report is made while keeping cause in mind. A report created by the CAG cannot present wrong facts and figures in the parliament. As social auditing is based on verification of fact, the findings may be crucial for risk assessment an audit planning. The expansion of social audit is one of the key recommendations. Another key player in social auditing is the fund utilization by Civil Society organizations from

the government. The utilization certificate issued by the panchayat makes it into an expenditure to be audited. DLF or the director of local fund Audit is responsible for Accounts.

He strongly felt that social auditing should not be confined to MGNREGA alone but should be applicable to all the panchayat related activities. Every project has a design of planning budgeting and implementation. Social auditing helps in establishing links between the three stages. Justice must be delivered to all the spheres of the society equally. This is something that only social audit can effectively examine and help ensure.

The questions/comments from the floor were:

- Social Auditing should span all programs and start from the planning stage itself;
- Whether social audit should look only at the accounts of works undertaken or also dwell on issues like women's empowerment etc.
- What is the role of panchayats in social audit?
- Which level of government was held responsible for what?
- Could SA be a tool to overcome the lack of enforcement capacity of CAG – for eg. by investigating the partisan influences involved in enforcement of a 200 pgs. Report presented to Govt of TN on which action had not been taken?
- In Kerala, no punitive action is taken on a SA report; hardly anyone turns up at gram sabhas because they are not interested and ultimately all misdeeds are condoned as an act of goodwill.
- Are there any examples of systemic changes introduced or corrective action being taken at local levels?

The Moderator stated that after the RTI and NREG Acts were passed in 2005, saddled with a colossal challenge, MKSS launched on a rapid process of disciplined experimentation, first at Durgapur where padyatras of teams from a mobilization of persons from many spirited NGOs were started, and then in AP, where a work-study of labour rates was conducted and, a consortium of NGOs came forward to help the government to establish SSAAT. This transformation from 'social' audit to public audit had proved successful and became the model for setting up SAUs in other States. This was only possible due to the strength provided by the RTI Act.

Social audit involved a composite exercise in financial, compliance and performance auditing and therefore, issues like whether empowerment of women, care for physically challenged or works on SC/ST lands was being supported by MGNREGA processes or not, were very much within the scope of SAs. It depended on the SAU in its planning of particular audits to stress whatever aspect – financial, compliance or performance – it regarded as important for that year.

The Moderator emphasized the need to replace the Local Fund Audit Acts of the States with a less archaic legislation.

Turning to the question of the power of the SA-CAG combine, the Moderator stated that this 'power' should not be viewed only in a narrow frame of punitive power in particular cases and the strengths that CAG would provide for social audit. Rather, the 'power' of an SA - CAG combine should be envisioned with reference to the ability of social audit to enable redressal of grievances and strengthen CAG's ability to be effective in securing accountability at all levels and fields of government. Secondly, the greatest enemy of democratic development is propagandist modes of public education where the learner is rendered captive to the designs of the 'educator' agency (church mantras and

development mantras). The power of social audit lies in its potency to further public education without being propagandist, by triggering a path of learning by individual manual workers with reference to their individual memories, experience, interest and values and relating that to collective concerns.

### Key Challenges

- Standardization of norms V/S Diversity of population
- Coordination between different allies and stakeholders
- Presenting reports to the Government and providing the information to the people
- Institutions created for SA can themselves fall prey to corruption. They need to be audited too.
- The training program (TISS), the diversity across country affects attempts to standardize/ set uniform norms.
- Conflicts in the minds of the audit resource pool: who are we loyal to? Govt or community?
- Conflict between institutions (SIRD vs CSO)

### Key takeaways

- Social auditing should include the participation of all the citizens
- It is different from other accounting practices i.e. includes the participation of civil society organizations
- Social audit brings in accountability and gives the citizens a chance to voice their opinion.
- In a democratic structure, it connects the third- tier of governance to the first one. (Gram Sabha to Parliament)
- It is a very practical way of establishing and institutionalizing participatory democracy
- It can be an effective platform for grievance redress and planning

### Breakaway Session 3C: Judicial Accountability

Cheryl D'Souza, CJAR

Ragini Ahuja, Lawyer and Legal Activist

Shailesh Gandhi, Former Information Commissioner, CIC

Vijayan MJ, Programme for Social Action

Pankti Jog, Mahiti Adhikar Gujarat Pahal (MAGP)

Moderator: Babu Mathew, Faculty at NLSIU, Bangalore, Former Country Director of Action Aid, India

**B**abu Mathew introduced and outlined the issues as he saw them. This was a discussion in which the following points were made: ironically, there are tremendous expectations from the people in the country to procure justice from the judicial system. Even today, the judiciary enjoys a high level of credibility. Is this credibility because of failure of other institutions like the legislature and the executive? If their credibility is on the wane, there are more expectations from the judiciary. In this context, the question of judicial accountability, increases; finding accountable judges, or a system in which judges can be held accountable. He said, we need to spend a little time thinking about the appointment of the judges of the higher judiciary. Where and how do you find suitable people for appointment.

The mechanism that defines suitability, includes the need to represent all segments of Indian society in the occupation of such posts, so that their voices are heard. In the judiciary itself, how do you make sure how they function properly as judges, and how do they conduct themselves with competence and integrity. Sadly there is evidence, of the corruption across the gamut of judicial bodies including

high courts. The question that follows is, if we do find judges who are not appropriate and are incompetent, how can they be removed. Removal of judges of the higher judiciary constitutionally has only one process and that is of impeachment. The history of impeachment shows it has not worked. Whenever there is a corrupt judge, and he knows that he is going to be impeached, he chooses to resign, and the President of India also accepts the resignation.

The social structure and economic development in India has been impacted by neo liberalism, and consequently there has also been an impact on the judiciary. A well known statement of the American school of sociology says that in every judge's mind there is a major inarticulate premise. It is anybody's guess as to what this premise maybe, as it affects his pronouncements.

1. For the judiciary to be independent, there must be a full time appointments commission. Appointment of judges is crucial for reducing pendency and as per data provided by the law commission, the number of judicial posts in the country is sufficient to deal with pendency but the problem is that in the tussle between the judiciary and executives, appointments have been stalled. The commission can also entertain complaints against judges as presently there is no clear complaint mechanism and impeachment has been a failure. A full time commission can also devote its time to other key areas such as studying disposal rates and pendency etc. Why are there only 7% of the cases in SC relating to constitutional issues.

2. Transparency - there should be audio transcripts or video recordings of Court proceedings for it to be a truly transparent system. In Gujarat, the High Court rules say that any information not on the website will not be open for disclosure under RTI. Judiciary is most unwilling to disclose information.

Information about appointments whether under a commission or collegium should be transparent and subject to disclosure under RTI.

3. Diversity - only 3 or 4 SC judges since independence were Dalit which is an appalling number. Judges must not only include women and judges from minority castes and communities but also legal academics, legal activists for the court to be truly committed to a constitutional worldview.

**Cheryl D'souza** of the campaign of judicial accountability and reform, said that appointments made in the supreme court and high court are governed by articles 124 and 217 of the constitution. In order to avoid any political interference, judges believed they are best placed to assess the potential of a judge. The supreme court in 1993 accorded to itself all matters of judicial appointment through its pronouncement that is known as the second judges case. Subsequent to this, there is also a presidential reference. It created a collegium which comprised of the chief justice and the next 4 judges in order of seniority. In an attempt to address the various flaws, the collegium system of appointment of judges has been critiqued. The critique is that there is a lack of transparency in functioning, inefficiency, failure to control the increasing vacancy in both the High Courts and the lower courts. And most importantly there is total lack of accountability. It is true, that the current system is better than the previous system of government decided appointments. In order to overcome these flaws, parliament passed the National Judicial Appointment Commissions Act 2014 which was the 99<sup>th</sup> amendment to establish the National Judicial Appointment Commission. This commission comprised of the Chief Justice and the next two senior most judges, the law minister, two members of civil society whose suggestions regarding appointment would be binding on the President.

This has however been challenged for its constitutional validity by the Supreme Court by advocates and the records association. A constitution bench of the Supreme Court struck down both the amendment and the act. This has brought back the Collegium system of appointment. In a separate order the Supreme Court also recommended incorporating several factors into the memorandum of procedures for appointment of High Court and Supreme Court judges, which was traditionally done by the government. The control of appointments is in the hands of the government as of today.

There is back and forth between judiciary and government on several clauses of the memorandum of procedure. The judiciary went ahead and revised the collegium system of appointment and started recommending names to fill up the vacancies in the court. Government has been deliberately stalling these appointments. Government has recommended 4 broad categories that should be in the new memorandum of appointment. They are eligibility criteria for judges, and accountability by the provision of transparency criteria in the appointment process, and by making the eligibility criteria, procedure, minutes available online along with provisions to ensure confidentiality.

An establishment of a secretariat for each High Court and Supreme Court and the prescription of its functions, duties and responsibility also helps accountability. Appropriate mechanisms and procedures have been laid out to deal with complaints against anyone who is considered for appointment as a judge. A group of employees from Punjab and Haryana have been protesting about the condition of Class 3 and class 4 employees in the subordinate roots across Punjab and Haryana. Several notifications have been issued about the abuse and exploitation by the judges staff for domestic work.

Ragini, a lawyer working on the issue of the death penalty said there is a need to work in three parts if there is a demand to be made for an accountable, transparent and Independent judiciary.

1. The independence of the judiciary from the govt. During appointment there should be little/no interference from the govt.

2. Post appointment, there is a need of an independent commission other than the chief justice and a committee that comes together once every few months as and when they feel it is important. This is not enough. Therefore it is need of an independent full time commission that can look into the issues and problems that are being faced.

3. Accountability and transparency to the people. This can be done in two ways. The court has a judicial side and an administrative side.

- Judicial side – audio transcripts of proceedings in the court. This will help not only on the transparency issue but also help academics to flourish.

- Administrative side – disclosing of information under the RTI

- Diversity in the judges – Not only diversity like having women judges or SC/ST judges. But other ways, like legal activists or law professors who are respected all over the world to become judges.

Shailesh Gandhi explained that when we talk about Indian judiciary, we think and reflect when someone is in prison, the common assumption is that he is a convict. The truth is that only 30 % of our prisoners are convicts, whereas 70% are undertrials because they are poor. This is never talked about. The Judiciary is responsible for enforcing that People who

are poor continue to be there. Article 14 and 21 are completely ignored there.

Secondly, 34% of members of parliaments are criminals. Are they really criminals, or do they merely have criminal charges against them. The concept of judicial system was that a person is innocent until proven guilty. But the nation as a whole has decided that politicians and MP's are assumed to be guilty until proved innocent.

We should reflect on what is happening to our nation. We have made judiciary into a god and one conclusion is that fast disposals are not possible.

Details of statistics from the supreme court, high court and lower court taken from Supreme Court website were shown.

The earlier chief justice said that there is a need of 700,000 judges. This report discusses pending cases, new cases, instituted case, disposed cases in 5 years, balance pending, percentage of vacancy in judicial positions. The current chief justice says right now pendency is due to the govt. The truth is pendency is always been there and everyone is responsible for this.

If the vacancy is filled up, the balance would have been different. Vacancy is the main cause of pendency. Data from law commission was also presented which gives details of the number of cases and number of vacancies.

If the vacancies were filled from 2007 onward, we would have -negative pendency in the court.

We are living in a myth that we do not have enough judges and can't deliver justice, but the truth is vacancies are not filled and Government and the courts are responsible for this.

Everything the court says is considered as a gospel truth. It is time to stop having blind faith and start questioning the court

There is conspiracy not to fill vacancies. In an RTI we asked this 3 weeks ago. They sent a letter to supreme court and 25 high court across nation. Letter from SC transferring it back to law and justice department. We have enough sanction judges to be able to meet our needs.

### **Field Visit to see Local Self Government/ Peoples plan/ Kudumbashree – some forms of institutionalized participatory democracy**

**Place of visit:** Nellanadu Gram Panchayat of Vamanpuram block of Nedumangad Taluk of Thiruvananthapuram district of Kerala was visited by a group of 19 participants including 2 Research Associates from TISS.

- We looked into functioning, infrastructure, budgets, governance, planning and implementation mechanism. They have decentralization of power to the Panchayat to hold education, health institutes accountable. There is proper budget provision, maintenance grants, development fund and welfare budget, which gives huge scope for the participation. However there are certain observations that would like to share.

#### **Key pointers**

- The infrastructure facilities with the Gram Panchayat are adequate along with Financial and Human Resources. The mechanisms that provide the scope for participations of people in General and women, weaker sections are available & accepted through provisions like 50% reservation for women, and also by programmes like Kudumbashree.

- However, during our focus group discussion with women group (Panchayat staff, Women Elected members, and MGNREGA workers on site) it is revealed that these mechanism will be more effective in bringing women participation in real sense if we can emphasize on

- Training and Capacity building of Women on Panchayati Raj, RTI, Prevention of Domestic Violence Act.

- Enhancing participation in advance planning of the

- Programmes upto “Neighbourhood groups” level as equal to the implementation. It is revealed that women plan what they need for the ward, once budgets are given to the panchayat, which may have many limitations.

- Standing committee on Finance, Welfare and Development should actually be looked as powerful mechanism to enhance the scope of participation of members in most informed manner.

- Disclosures are one of the best tools to enhance participation of people. It was found that Panchayat body was totally unaware of “Pro-active disclosures” though they were answering more than 50 RTI applications on welfare schemes, development budgets and all. There is large scope of working on this area. There are ready to use templates in the proactive disclosure guidelines.

- Decentralized and accountable grievance redressal mechanism will also enhance participation and will bring out issue. Today, mechanism at ward level is vague. There is also little accountability and transparency in the mechanism.

- The elected body has upper voice as expected, but Grievance redressal is entirely left of the employees, which looks like a great mismatch.

### **Key Challenges**

- Democratic process are expected be or rather they may be looked indisciplined. The mechanized/standardisation of these process will not only reduce the scope for creativity, but also it will harm the participation of marginalized. The biggest challenge is that how can we avoid mechanization in the approach and processes. For example, implementation of various programmes designed at higher level like “Plastic free Panchayat” or implementation of a project is left on kutumbashree women entirely. This it limits their scope of creative participation.

- Decentralized power distribution is the key strength of Panchayati Raj institutes. However when it is transforming into functional democracy it might pose a challenge of excluding the most needed and the doors for them to raise their grievance are shut down in the name of decentralization. Or when the same decentralization gives positive nod to the projects and programmes without actual consulting people in effective manner but using the same tools and twisting it on their side.

**Place of the visit:** Vembayam Gramapanchayat

The team visited the Gram Panchayat office where we interacted with the Panchayat President and the Ward members. Post that, we visited a Government Upper Primary School in the same Panchayat.

**Key Pointers**

1. Local participation appears to be strong. The presence of Kudumshree strengthens representation of the women. It also helps in the implementation of schemes but whether it enhances the efficacy of its implementation, could not be explored during the short visit.
2. Local participation appears strong.
3. The Panchayat President, who is running her second term shared that she has never faced any challenge by virtue of her gender
4. However, she said that it is difficult to handle various political party interests in the Panchayat. Various ward members belong to different political parties and may represent conflicting interests.
5. She also hinted at difficulty in handling individuals especially in the context of alcoholism and treatment of children.

**Other Mechanisms which strengthen Participation**

1. The Gram Panchayat consists of 21 wards. The President, Vice President and the Chairpersons of 3 standing committees are elected from these representatives.
2. There is 60% reservation for women in this Panchayat
3. 25 official staff strengthen the functioning of the panchayat unlike any other part of the country

4. The Panchayat President and all Ward representatives are paid monthly salaries
5. There are 3 Standing Committees in the Panchayat:
  - a. Development Standing Committee which looks at the areas of housing, water and electricity
  - b. Welfare Standing Committee that looks at social security
  - c. Health and Education that is in charge of the functioning of the schools and hospitals
6. The Panchayat's jurisdiction extends to all schools in the Panchayat (even those unaided by the Government) in all areas except academics.
7. It also oversees functioning of the hospitals, even private.
8. With respect to the Primary Health Centers, it oversees availability of medicines and existing support etc.
9. The Kudumshree project seemed to aid the functioning of the Panchayat mainly through:
  - a. Helping with the implementation of Asraya, the largest project in the Panchayat. Kudumshree members choose the beneficiaries eligible for the project by undertaking a survey
  - b. The Kudumshree Project has Area Development Societies in every ward, representatives of which make up the Community Development Society at the Panchayat member. A number of members of Kudumshree are also Ward members and are elected as MLAs. The exact linkages between the Kudumshree project and the Panchayat in terms of funds, roles, responsibilities and accountability could not be explored.

**Impressions regarding the School**

1. We were told that the Parents Teachers Association is very strong and monitors the functioning of the school.
2. It was commendable that the school has permanent teachers to teach 5 languages including Malayalam, Sanskrit and Arabic.
3. It also has a "teachers' bank", a list of eligible teachers from where candidates can be sourced in case any of the permanent teachers can be sourced.

## Details of Panchayats Visited for the Field Trip



### Aruvikkara Gramapanchayat

Aruvikkara, belongs to Nedumangad taluk, is a village in Thiruvananthapuram district in the State of Kerala, India. It is located on the banks of the Karamana River 15 km from Thiruvananthapuram. The headquarters of the Wellington Water Distribution project is located here. The mini Aruvikkara dam which provides water to the state capital Thiruvananthapuram is also located in Aruvikkara.

Population	28661 (Males: 14155; Females: 14506)
Sex Ratio	1065
Population Density	1311
Literacy Rate	90.09
No. of Wards	20
Name of Wards	Velloorkkonam, Kokkothamangalam, Kalathara, Mundela, Mailamoodu, Aruvikkara, Vembannoor, Kadambanadu, Manambooru, Bhagavathypuram, CheriyaKonni, Irayamkode, Kachani, Kalathukal, Mailam, Pandiyode, Irumba, Vattakulam, Azhikkode, Karumarakkode

[www.lsgkerala.in/aruvikkarapanchayat](http://www.lsgkerala.in/aruvikkarapanchayat)



### Karakulam Gramapanchayat

Karakulam is a village in Thiruvananthapuram district in the State of Kerala, and is located 10 km to the north-east of Thiruvananthapuram City. It comes under Nedumangad Taluk.

Population	40503 (Males: 20184; Females: 20319)
Sex Ratio	1007
Population Density	1619
Literacy Rate	91.86
No. of Wards	23
Name of Wards	Vattappara West, Vattappara East, Karayalathukonam, Plathara, Vencode, Kizhakkela, Chekkakonam, Ayanikkad, Tharatta, Kachani, Mudisasthamcode, Vazhayila, Aaramkallu, Karakulam, Mukkola, Eanikkara, Nedumpara, Kallayam, Plavuvila, Nedumon, Maruthoor, Kazhunadu, Chittazha

[www.lsgkerala.in/karakulampanchayat](http://www.lsgkerala.in/karakulampanchayat)

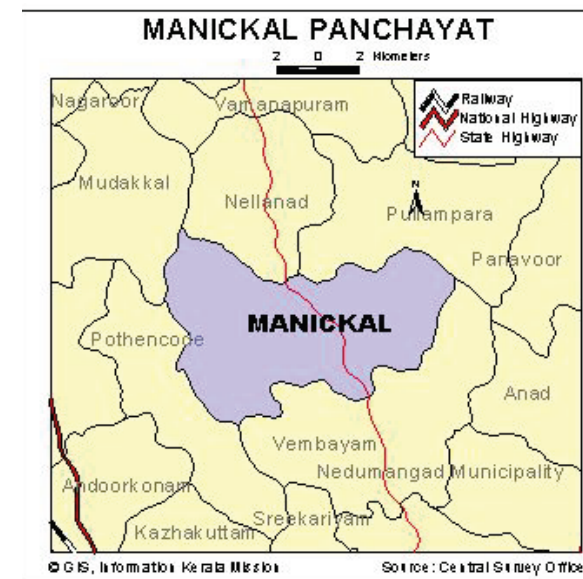


**Vembayam Gramapanchayat**

Vembayam is a village in Thiruvananthapuram district in the state of Kerala, India. Vembayam is located on Main Central Road, at a distance of 18 km from Thiruvananthapuram. It comes under Nedumangad Taluk.

Population	32637 (Males: 16067; Females: 16570)
Sex Ratio	1031
Population Density	1067
Literacy Rate	88.09
No. of Wards	21
Name of Wards	Vattappara West, Vattappara East, Karayalathukonam, Plathara, Vencode, Kizhakkela, Chekkakonam, Ayanikkad, Tharatta, Kachani, Mudisasthamcode, Vazhayila, Aaramkallu, Karakulam, Mukkola, Eanikkara, Nedumpara, Kallayam, Plavuvila, Nedumon, Maruthoor, Kazhunadu, Chittazha

<http://lsgkerala.in/vembayampanchayat>



**Manickal Gramapanchayat**

Manickal is a village in Thiruvananthapuram district in the State of Kerala, India. It belongs to Vamanapuram block and is the first Geo Infomatic Panchayat in Kerala making use of the GIS technology in micro level planning and quality service delivery.

Population	32065 (Males: 15747; Females: 16318)
Sex Ratio	1036
Population Density	961
Literacy Rate	88.07
No. of Wards	21
Name of Wards	Manickal, Aliyadu, Moolayam, Thycadu, Pirappancode, Kuthirakulam, Thalalay, Edathara, Chirathalackal, Vembayam, Kattackal, Koppam, Annal, Plakeezhu, Velavoor, Koliyakode, Kallikkadu, Poolanthara, Santhigiri, Theppukal, Kunnida

<http://lsgkerala.in/manickalpanchayat>





**Nellanad Gramapanchayat**  
 Nellanad is a village in Thiruvananthapuram district in the State of Kerala, India. It belongs to Vamanapuram block under Nedumangad taluk.

Population	21768 (Males: 10611; Females: 11157)
Sex Ratio	1051
Population Density	1179
Literacy Rate	91.17
No. of Wards	16
Name of Wards	Kottukunnam, Nellanad, Kanthalakonam, Keezhayikonam, Thottumpuram, Mailackal, Venjaramood, Manickamangalam, Puthoor, Valiyakattackal, Kavara, Mukkunoor, Muroorkonam, Alanthara, Mandapakunnu, Parameswaram

<http://lsgkerala.in/nellanadpanchayat>

1 February 2017 (Day 3)

### Plenary 4: Examining the Role of People's Movements and Campaigns and the Threat to Constitutional Principles

Shiv Visvanathan, Professor at O.P. Jindal University, Sonapat

Annie Raja, General Secretary, NFIW

Kamayani, Jan Jagran Shakti Sangathan, Bihar

S.P. Udayakumar, Convenor, Peoples' Movement against Nuclear Energy

Fredrik Galtung, President, Integrity Action, London, UK

Jagdeep Chhokar, Association for Democratic Reforms

Moderator: Aruna Roy

Shiv Visvanathan, Professor at O.P. Jindal University, munshi of social movements said that building a theory of knowledge is important. He said: "We need a theory of knowledge with wider thought experiments."

We are not just unpacking but also unfolding democracy, unravelling it. You cannot participate when you speak another language. You cannot participate, when we forget and unless we understand where our memory fits into history. How do we bring memory into the moment, when the majority of us face amnesia of our collective memories? We talk about debates taking place, but many of the participants disappear before the debate is over. The memory of those people and the movement is lost. If you want participation you have to create a version of this absent memory. Participation does not capture all of this. When we construct the word participation, we must also deconstruct it.

Local healers must converse with psychiatrists, keeping their linguistic ease. Voice is a subaltern notion. Participation is an English word. We need to create another folklore. Take Koodankulam, for instance. The language of experts, the language of power is technical. The language of people who struggle is sensorial. How and why is one seen as scientific and the other as unscientific? Participation is not a simple word. It is a co-opted word. There must be a democratic theory created to support participation. The current theory is too prim and proper, too English, and is in a linear time frame. It has no theory of generation or of time.

Movements have a tacit constitution, but the constitution is too Victorian. The directive principles of state policy is the future. The category of suffering is not included in the rational. Participation does not have a hearing aid. Take for instance the KSSP translation of Brecht's Galileo. There have been more shows of the Malayalam version than of the German.

Participation needs two languages. We need to have a nature of language, questioning of time, the logic of experience and the grammar of listening. The word participation does not reflect the visual, which is part of the sensorial of people.

That is why the people's experience of Kudankulam cannot be a technical instrument without translation. We need a theory of knowledge. That is why we look to movements for another theoretical frame. It was C V Seshadri, a great mind, who said another grammar must be created and understood. A different concept of time. Take for instance, the Brundtland report, which has only linear time. There are 21 concepts of time!

We need a new kind of social contract, a new kind of responsibility beyond audit. We need translators, and a new epistemology. Take for instance the concept of soil from a tribal word. The question is who speaks for these people, speak in their language, translated with integrity, a democracy only in English cannot do. As A R Ananthamurthi said, an illiterate person speaks 5 languages, the convent- educated person speaks one! The word participation does not capture the noise and the silences. It is a bad example of storytelling.

Cognitive justice and the right for different forms of knowledge need to co-exist. Participation is too English a word. The language of the experts is technical, but the people who fight against injustice on the streets speak a different language. You tend to start favouring a certain language in time. We need to add epistemology in these conversations. There is a need to have a theory of knowledge. Participation is not captured in the noise of democracy.

**S. P. Uday Kumar**, Convenor, People's Movement against Nuclear Energy said that in this nation, Nationalism, Scientism

and Developmentalism are three essential facets to be considered. The nation state has become macho, soul-less and cruel. Science has become anti people. "Developmentalism" has taken place in various areas like nuclear development and so on. Nuclear plants and thermal plants are now coming up across the country. Science is getting out of hand.

Science has been overtaken by technology. The Kudankulam campaign is not merely against the supply of electricity or development. If atomic energy has to be brought in, let us make it democratic. Dissent is not against the nuclear plant, but the way it came about which was undemocratic. There has been no social impact assessment, no safety analysis, no 'site on' report, no disaster management report. The documents are all in English, there are none in the local language. MPCPI stated that public hearing has to happen in a democratic manner as compared to hearings where no public opinion is taken.

The documents were not shared. In the UK and the USA, these reports are on line. RTIs filed in *Nuclear Power Corporation of India Limited (NPCIL)* proved of no avail. The request for information went up in appeal to the Commission, which ordered its disclosure. But now the matter has been stayed by an injunction of the Delhi High Court. True democracy mandates the furnishing of information, which is the basis of the exercise of sovereignty. The state in the absence of such a relationship is nothing more than a dictatorship. India's long coast line of 7,500 kilometres, has fisher folk, who while working for their own livelihood, ensure their substantive contribution to India's food security, foreign exchange earnings and protective ecology. They are being displaced by a whole range of encroachments on the coast line: hotels, resorts, shipping, ports, pipe lines, and waterways, resulting in massive displacement.

Farmers in this country are committing suicide and the government suggests that they shift to the service industry. According to them we don't need fishing or farming, as we can just get everything imported by paying extra. India has a tradition of non-violent protests and the violent reaction by the state is a denial of democracy. In Kudankulam a huge number of cases (380) are now pending against the protestors, of which 21 are of sedition, of waging war on the state. What do we say of the State waging war on the people?

Where is the dream? Demonetisation: Rupees, credit cards are given to illiterate farmers who do not use them. India is not one, India is many. India can only be federal. We are all different and we all want our sovereignty. We are not separatists, we want to be one, but not by making compromises of our culture. India is a federal state and must be seen as a multiplicity of cultures, even nations. Planning elections to all the institutions of democratic governance together from the local bodies to parliament is a ruse to standardize choice, to enable autocratic dictatorship. Transparency and accountability assume great importance if we are to resist authoritarianism.

Even Jellikattu is not a Spanish bull fight, the bull is not killed, only overpowered. It is not a violent game. What do the Delhiwallahs know of Tamil culture? There is a huge democracy deficit. In 2009, students in Tamil Nadu protested, referred to as the Tamil Spring. The centre did not support the Tamils in Sri Lanka; on the contrary, they supported the Sinhala and the Srilankan State. Why is the Indian state the handmaiden of imperialism? We have to be democratic; we are not Putin's Russia or Trump's America.

**Annie Raja**, General Secretary, NFIW said that people's movements are a platform for the voiceless and the faceless. Participatory democracy can be achieved through different means.

The perverted nationalism debate, and the forcing of the concept of the theocratic state by Hindutva remain huge challenges. Nationalism and its concepts, apart from being irrational, are also fake. She cautioned the movements to use language carefully. The state of India is in a constitutional crisis where the values and mandates are being set aside. This is a time for progressive forces and the left to come together, to combine the zest of movements with progressive politics and the left. We need co-ordinated campaigning and there may be creative ways to do so.

**Kamayani**, Jan Jagran Shakti Sangathan, Bihar said that there is a dire need to deal with issues in the theoretical and abstract sense, before connecting them to practice. There are many movements that come up and mobilize people's participations, but where is the way forward?

She said that the country became independent because of a national campaign for independence. It remains the most significant and the most successful of our peoples' campaigns. It was a great example of a large population getting together to make democracy work.

At a time like this critiques of the Constitution are badly handled. We need to see that without that basic set of guarantees we, as a people, cannot define ourselves. At moments in history movements have to understand the relevance and significance of theory and engage it to practice. Theory without a connection to ground reality will become meaningless. She said, "So far we have only interpreted theory, we now have to change it". Whatever we believe in has to be related to ground reality, like Marx, whose principles are still relevant, but whose context will now be different. Cases like Ramadevi's, a landless dalit fighting for land Mohd Ayub's fight to get work, S Khatoon's who gets Rs.50/- a day for serving midday meals, have to be woven into a political theory.

There needs to be a transformation from interpretation of the problem to the possibility of change. Hence, our way forward would include trying to get good laws formulated, ensuring the proper implementation of these laws and using the laws to build collectives and mobilize people's support. In these stages, we need to transcend geographical boundaries. This ensures the increased participation of people, and incorporation of varied perspectives and critiques at every stage of the process. Most importantly, people's ideologies should be used as a guide to paving the way forward.

*"Jiska muddha, uski ladai  
Jiski ladai, uski agvai"*

Zindabad, Jai Bhim and Lal Salaam.

Underscoring these points, **Aruna** stressed the need for local leadership. She said that the rights-based laws were defined by people and the campaigns (RTI, NAPM and others) have a mix of leadership. Movements provide a broad-based constructive critique to take democracy further. The argument that this is a post truth /ideological era does not stand the test of scrutiny. However ideologies will have to build in a continual process of self-examination and revision. The theories that derive from practice are built organically, thereby fashioning a more comprehensive and inclusive debate. If we take part in discussions of an issue, we tend to understand it better and it takes the shape of theory-policy or legislation. We own it and we use it. The tools are practical because the designing was done by the users. Information in its many forms: publicity, debates and discussions, leads to the acceptance of tools (as RTI is owned by the people).

Comment by **John Harriss**: a pertinent comment that leadership of communities still remains largely with the middle class, dedicated and committed, but still not from

the mass of people. Ensuring that laws get in place and are implemented, and ensuring entitlements means building collective, organic leadership. Collective leadership for its part, can recognize injustice, fight against it and then stand up, create organizations and campaigns transcending local organisations.

**Fredrik Galtung**, President, Integrity Action, London, began by acknowledging the incredible chemistry of the two workshops in Montreal and Kerala, in bringing multifaceted concerns and sectors and countries together. The framework addresses a mid-life crisis of transparency campaigns which set out decades ago. It hones in on the fact that the essentials are participation, transparency and accountability. He said recalling Shiv Visvanathan's words that history in the shape of older debates cannot be discarded, but needs to be critically evaluated. He recounted his evolving concerns from Transparency International and its crusade against global corruption, to his present concern with governance in Integrity Action.

The need for participation is widely recognized. But the missing factor remains a link between these three concepts. Transparency, accountability and participation form three points of a triangle. It is essential to look at all three of them in context with each other, instead of being focused in isolation. Thus the pertinent questions to ask are how to make transparency accountable? How to make accountability transparent? How to make participation transparent? How to make people's participation accountable? How to make transparency participatory? How to make accountability participatory? Participants discussed the problem with participatory democracy, and felt more attention needs to be made on developing the solutions to these problems.

The people join campaigns for struggling for absolute and tangible gains. Transformatory

laws need to be fashioned and implemented, but functionality cannot be ignored. It is the understanding of achievement that re-energizes the campaigns and draw in new members.

**Jagdeep Chhokar**, from the Association for Democratic Reforms said, "As somebody said 'war is too serious a business to be left to the generals alone', in the same way, 'politics is too serious a business to be left to the politicians alone.' We as citizens are expected beneficiaries of politics. So we must take a stand to keep the politics on our side. But how do we do it? Pre-legislative processes is one of such processes. These processes do exist like everything else in our country but are largely side-stepped."

The pre-legislative processes exist in the form of political parties, whose function is to mobilise public opinion and consolidate it, so that it can be represented in the state parliament. But political parties fail to do that.

Transparency in the political parties is of the utmost importance. Political parties must not be allowed to say "We are not under the RTI, we don't have to respond to that". Political parties must be involved in the RTI Act.

We have not fundamentally addressed the issues of electoral probity. It has been wonderful to listen to Uday Kumar, and hear of the heart-warming RTI process. Our people are still fighting and trying to make a fundamental difference. The ADR began as fun. Constitutional principles have been violated during the last 25 years- for instance Article 19 is violated, the separation of powers, etc to go by everyday reports. For instance, once again there is no difference between party and the government.

Two questions have been raised by **Aruna** about the decision making process. How do we ensure participation? A series of issues,

electoral patterns depend on the nature of every voter. There are more issues, which go beyond participation.

**Jagdeep Chhokar** then detailed the process through which ADR had finally got the Supreme Court to order that all candidates standing for election must declare their assets, educational qualifications and criminal cases against them, along with nomination papers. The law was passed through an ordinance. The ADR won the final appeal and the ADR ordinance was upheld.

Uday Kumar said the RTI parallel is heartening. ADR too has had a serious issue with the transparency of political parties in India. There is a proviso to Election Commission, that only donations over Rs.20,000 would be taxed. The rest is non-transparent income. The ADR filed an RTI application and the CIC ruled that political parties fall under the definition of public bodies and must disclose information on income.

It became necessary to know about donations to political parties and following the decision of the CIC, the ADR filed RTIs with the six national parties. The parties did not go up in appeal and they continue to deny disclosure of information. The difference between party and the issue now stands in limbo. There is a difference between the party and the government. Parties come and go, but governments remain. When we elect a government, we believe that the process of election begins with the candidates standing for election.

We as voters have limited choices, pre-constrained by poll choices by the parties. The ADR process has enabled us to send red alerts against candidates who have criminal cases pending against them.

Is India a vibrant democracy? This is determined by whether our political parties are truly democratic. Democracy cannot survive without debates and movements.

**Aruna** in summing up the session, said that people express their political viewpoints through slogans and practice. The theory that evolves express themselves through entitlements which address the issues directly. As members of movements and campaigns, we walk across from theory to practice, adapting language, idiom and yet keeping to the non-negotiable principles. Fixed categories help us shape the theory and are important, to work out the arguments of what we may think is apt and will deliver. This session has unpacked practice, leading us to one conclusion: that the acceptance of participatory leadership and decision making are vital, if we are to protect the rights of the marginalized and struggle against majoritarian dictatorship. This process will lead us to some answers.

She concluded the session with an emphasis on the freedom of expression being fundamental to democracy. In the recent past, difference, dissent of ideas in writing, has had to face state repression. The challenges for keeping democracy alive are critical and urgent. Participatory democracy as a means of such expression has therefore to be seen as the deepening of democracy.

### **An interjection**

A contemporary issue was raised by **Anjali Bharadwaj** citing the example of Bela Bhatia where there was a violation of human rights. There was a brazen attack on Bela Bhatia. Activists, scholars, journalists and judicial activists have been threatened and harassed: Soni Sori, Nandini Sundar, Prof of Sociology, and large numbers of local people were victims of abuse of rights by private vigilantes and Salwa Judum and action group for national integration (AGNI). Ordinary people have no defence. State institutes must work within law.

## **Session 4: Accountability to the People/ Making Power Truthful**

### **Breakaway Session 4A: Bureaucratic Accountability**

Yashomati Ghosh, Senior Assistant Professor,  
National Law School

Anjali Bhardwaj, Satark Nagarik Sangathan,  
Delhi

Shaheen Anam, Manusher Jonno Foundation.  
MJF is a big network of organisations working  
on human rights, entitlements and governance  
issues. They led the campaign for RTI law,  
Bangladesh

Harsh Mander, Director, Centre for Equity  
Studies

T.K. Jose, IAS, Kerala

C.K Mathew, Former Chief Secretary,  
Rajasthan. Currently Senior Fellow and Head,  
Public Policy and Research Group, Public  
Affairs Centre

Moderator: Satyajeet Rajan, IAS, Kerala

**Yashomati Ghosh**, Senior Professor at NLS, Bengaluru said that at faculties of law we are constantly told that Constitution values are supreme, and the constitution is sovereign. A bulk of the problems in implementation is between administrative autonomy vis-à-vis administrative accountability. Our primary emphasis should be – to whom is the government accountable? It should be the citizens in a democracy rather than political establishments. The understanding of value has to be from citizen's perspective; the governance is for the people. There are two forms of accountability: judicial accountability and the accountability to the people. Judicial Accountability: Supreme Court helped creating and understanding fundamental rights. The question isn't of substantive right but how those rights apply to us.

A hallmark case in this is *Maneka Gandhi v. the Union*, for various reasons, primarily discussing the role of an administrative office and how a right should be exercised in a proper manner. The procedure should be just, fair, and reasonably applied. It discusses the inherent duty to act fairly. What could the possible recourse be? Should one go to court? Judicial remedies are limited when it comes to rights of citizens.

Enforcement then becomes the major question. 2010 onwards has seen a new trend of right-based legislation. There is also a right to timely delivery of services. If the person does not get service on time, he can file and get administrative grievance redressal on time, due to their Right to timely services. This is a good opportunity to start looking into legislations and see how we can make the process more accountable and enforceable from the perspective of government officials.

### **Amrita, Satark Nagarik Sanghatan, Delhi**

To hold someone accountable, there are two things we need to know: what are their roles and responsibilities and what are they doing in

terms of performance? RTI has been essential to access details of bureaucratic structure, who holds what post, what are their roles and responsibilities, who to go to when faced with certain problems- which is reflected in the kinds of RTI applications that are coming out. The First set of RTI in Delhi was to food departments, as it was found that people were not getting their rations from the government and nobody was taking responsibility for it. To enable people to get to know what somebody is supposed to be doing has been the power of RTI. The RTI is not meant for delivery of services, it is just to give information.

What is accountability of supervisory structure? There is no way of ensuring officers' accountability and no way to hold any of them accountable from a citizen's views. In 2011, a good law on grievance redressal made the rounds in the parliament: Any service you are due for, file a grievance, get a response in 15 days with automatic escalation for appeals, mandatory penalizations, and payment of mandatory compensation. But the law never saw the day of light.

Now the new government is no longer looking at the law but bringing it as a in a scheme-diluting the law, which is at the charity of government. In reality no such scheme has been prepared.

At least we are able to get information now, but where do you go with information? We need to have forums that are independent, empowered and that can look at the information and do the necessary with it.

Why do we need a Lokpal? To have an agency that is both empowered and independent, and to remove the notion of "sanctions by the government". Protecting those who blow the whistle on corruption and wrong-doing. An important part of bureaucracy is encouraging whistle-blowing, also from people within the system who know. In Delhi there has been

a push for state level grievance redress law, but out of 2000 complaints, none has been redressed or acknowledged by the govern

**Shaheen Anam**, Manusher Jonno Foundations, Bangladesh

The unwritten premise in bureaucracy is that governments will come and go but the bureaucracy will remain neutral. Unfortunately this does not happen in Bangladesh, where the bureaucracy has become highly politicized. Government officials live in perpetual fear of what they're going to say and what they're going to do and the impact of it on their careers. This has a huge impact on grassroots level for delivery of services to the, common people. It is always very hard to work with bureaucracy, but it's like a large round stone that will move only if pushed long and hard enough.

Even if the existing legislations were made to work, we would have to go quite far in attaining goals. In so far as the delivery of services is concerned: there is a lack of accountability, at every level something that is endemic over many places in South Asia. The only recourse has been citizens' groups formations coming together to demand better services. Bureaucrats can't be called public servants anymore; they have become distant and inaccessible. Among the problems of accountability, once again the question is, to whom? Generally it is the supervisor. Roles have become very confused.

In Bangladesh, RTI has just stuck to social safety net issues and not gone beyond to demand transparency and accountability of public servants. This maintains the culture of fear, which needs to be broken.

At the end of the day, there's no political will towards accountability and transparency. There is absolute concentration of power in a few hands, arrogance of the majority, which

won't percolate down without political will and bureaucratic accountability.

### **Harsh Mander**

As a civil servant, who am I primarily accountable to? Complex situations like restoring land to tribal people, being fair during communal riots, crush a movement during big dams or facing corrupt officials. Each time I felt I had a public duty to disobey my superiors. I was principally a servant of the nation's citizens. Primary accountability is to the people. Secondly, obligation towards the Constitution. Thirdly, it is to the Government.

The duty of a civil servant lies in the first or else there is no point in having an independent civil service. During its early years, the, RTI had a potential to become a national movement because it was an instrument for ordinary people to ask questions. It could alter the relationship between who governs us and who is being governed.

When you are the client, RTI is great because you have access to information about your representatives. The longest journey for a civil servant is – that side of the table to this side. They need to put themselves on the side on the people to understand the importance of RTI.

One unsuccessful story - in the case of communal riots - no riots can go on unless the state allows it. For instance in Gujarat (2002) and even now we do not have a system to hold the people in higher authority, like the current PM, responsible. We need to consider 'culpable inaction of public servants' as central to the lack of performance.

### **C.K. Mathew**

Out of the 6000 civil servants appointed, there is a need to focus on those individuals who actively work towards the betterment of people without seeking rewards. We need a Citizen

Report Card – a social accountability tool to assess the quality of governance. Why not look at the problem from the demand side rather than the supply side? Is it possible for the citizen to evaluate the quality of governance based purely on statistics in the public domain?

The Public Affairs Index – sees the structure of governments as a pyramid. 10 themes include – infrastructure and communication, human development, social protection, children and women, law and order, delivery of justice, transparency, environment, financial management and economic freedom. There is a new report to be published in March, 2018 which will have 82 indicators. Evaluations of government have to be constructed from the objective database provided by the State. The NHRC now wants to collaborate and to devise a Human Rights Index.

One needs also to see what the state Lokayukt is like. It is not only outcomes but also the process. Top performing states are the ones which do well in the social sector a) education, health, nutrition and women's empowerment. The State which has really moved forward in progress is Himachal Pradesh. Women have been empowered in the last forty years. They speak out and they agitate. Much of accountability depends upon the design of the legislature. There are many drafting styles, the argument should be for a design of drafting, wherein the base unit should become the prime mover for the implementation. It is now the opposite. It is the top unit that is held accountable. Style of drafting should be reversed, in other words people should participate in the design of policy and legislation.

**In conclusion**, Judicial accountability is a critical concern, as the judicial process is a final remedy against injustice, but has itself become a partial victim of the ills that assail the body politic. Bureaucratic accountability

is a continual matter of concern and an issue for administrative reform. But the increasing pressure is to make platforms for people concerned to be informed, consulted and made part of the remedies to the dysfunctioning, non functioning and malfunctioning system.

A question raised in the Lokpal debate was that there is no complete remedy in a structure. What we need to supplement along with the demand for structural changes, is the process of consultation in a democracy. For example we could not have created a Lokpal to sit in judgement on all wings of government, we need independent functioning but transparent oversight, including citizens rights. The Lokpal, Judicial Accountability and Grievance Redressal law haven't been passed or implemented. Underlying the entire process and a non negotiable factor is transparency, a key to demanding all accountability.

## **Breakaway Session 4B: Digital Technology/ Demystifying Technology**

Rakesh Dubbudu, National Campaign for People's Right to Information

Rosamma Thomas, Journalist, Rajasthan

Usha Ramanathan, Expert on Law and Poverty, Fellow at the Centre for the Study of Developing Societies

Gautam Bhan, Indian Institute of Human Settlements

Anita Gurumurthy, Founding Member and Executive Director of IT for Change

Moderator: Nikhil Dey, Member of MKSS, NCPRI, and CJAR

**G**autam Bhan gave the introductory guidelines for the speakers:

- Technology includes different themes, so speakers need to take a stand on what technology means to all.

- What do we talk about when we talk about technology?

- What does technology have to do with participatory democracy?

- Think about technology as a language. How do we read it, speak it, write it?

**Rakesh** spoke about technology from the perspective of the government. The capacity to handle technology in the government is very low. The quality of work is sub-standard when it comes to government. These inherent weaknesses - Capability, (Data is not safe), Structural weakness, unpredictability -the government has launched various policies, completely out of the blue and not really in the interest of the masses, but stating it as "in the interest of the public". With this kind of unpredictability, building solutions depending on technology to solve problems becomes difficult.

Now from the perspective of the people:

We need to figure out if technology is an enabler or a barrier. Unless we look at digital literacy, the whole question of digitization and technology will not make much sense. We say that government is incompetent and ask what kind of data should be maintained, where it should be maintained, why it should be maintained. There are no answers to these questions, and unless we get the answers, the whole issue of technology and digitization does not make much sense.

Question raised on the floor:

If the digital divide is the problem, are there other modes that can be used to compile data that is more enabling?

**Rosamma:**

The speaker broadens digital technology into all sorts of technology.

How laptops are distributed to students highlights how technology is seen as a point of faith. Everyone starts to have faith that technology is for betterment, but there is no study to check it. Is there any need for continuation of this policy? Is this beneficial?

Similarly the case of windmills was discussed. Windmills were introduced in 2000 in the desert parts of India. They survive on the strength of subsidies rather than on much power generation. It has impacted the ecology of the local community. They have no electricity, no water and a high level of psychiatric ailments is also identified there. As the windmills go on through day and night people cannot sleep and are disturbed as well. No study shows that their location should be such that they don't disturb wildlife. They are located in the area of the Indian national park and where the great Indian bustard flies. It is destroying the natural habitat and has also affected tourism. Earlier foreign tourists used to come and camp at night as desert skies are very clear, with bright stars, nothing disturbs the atmosphere. Because of technological advancement (putting windmills there) it has changed everything and badly affected tourism. Now it has glowing lights like being out in a disco in a desert. Traditional water conservation techniques and culture are also affected.

So the question arises whether it is doing good or bad. Are windmills always beneficial?

**Anita:**

What does it mean to be digital? For the first time in this civilization the means and construct of media and production have come together. The new expression is "Data is the new oil". Social media is defined as a place for social relationships also expands the roots of constructive society. So it is important to understand it as a social and a structural paradigm and not as tools and artefacts out there, which can be deployed.

Imagine the network age as a global condition, how it weaves together a social fabric of power and social exclusion. The public sphere is not any more a multiplicity of public with the possibility of trans-local engagement in politics. On the administrative end, there are significant changes. The state is losing its territorial basis. This can mean different things in different contexts. One set of contexts was explained by discussing the example of Spanish municipal movement in which in 2015, two major Spanish parties lost three million votes to citizen platforms. Another idea of changing geography in governance is that a state that attempts to centralize power, a state where the network is powerful, it releases forces which erode the fabric of democracy. Thus emerges Neo-liberal authoritarianism.

Some contradictions and examples in the context of India:

- Facts like Aadhaar data base marks the architecture of governance in which bodies are marked and watched, as it is made available to multinational companies, in violation of the law.
- Transactions are to be made cashless for the poor to make payments, but who will take the responsibility for cyber frauds? Each online transfer is a transfer of

commission to Paytm, a Chinese corporation. It is far from visibility and tangibility. Who will keep a record of that?

The starting point of demystification is to know that the model we have for digital technology is not the Modi model. It is not a singular fact of compliance. Decentralization and control to the local government will decide our future. The myth is that the national elite, who want to be a part of the global elite, think that the digital technology cannot be challenged. Governance of the digital must include the architecture of data, the information. How should a website work? How should data be stored? How should the grievance system work? How to make people accountable? Who will be in charge of the data being uploaded and who can we consult, before changing the data or removing something from the website.

**Osama Manzar:**

In the last 15 to 20 years we are getting into a different medium rather than the written medium. Everybody who thought they were writing or reading are literate and educated and those who did it better declared the other illiterate and uneducated.

People who can't read or write but are subject to those who can, even though the so-called illiterate and uneducated know better, have more knowledge, remember lots of data, but are oral. The poor and illiterate are subject to the digital world and their entitlements are subject to digitization. We have to see digital to be very inclusive where the illiterate can also be included. More adaptability of digital medium is the need. No one has to be literate to produce and consume content.

Government has adapted technology in a very selective manner. More administrative and less elective. The Elected government's constituency should be available online in

the form of a website. It will give us rich information online and direct connectivity and linkage with the citizen. "Digital inclusion" creates digital exclusion!

From demystification we are taking a cultural shift. How long will it take to be digitized? Digitization is more from the side of the governance. It is one-sided. Social media is taking digitization from the perspective of citizenship.

**Himanshu Damle:**

It is going back to skilled craftsmanship. How I implement technology is up to me. The problem with social movements is that we do require a technological up-gradation, the most robust, decentralization tool. The kind of politics in technology is on the lines with liberal politics, which takes a shift from the left to the centre and to the extreme right. Most of the technology that has been provided to us has made us mere end-users. The most relevant point of technique is that nobody seems to like to share his or skills. We are basically selling our ignorance without knowing it.

Liberalization is the political philosophy, the driver behind the technology that is enslaving us. Technologically we are living in dark times, it is just that we do not know it.

**Breakaway Session 4C:  
Weapons of the Weak – Facilitation,  
Techniques and Methods for Accountability**

Fredrick Galtung, Integrity Action, UK

Mashqura Fareedi, Amnesty International

Inayat Sabhikhi, NCPRI

Mouleshri Vyas, Professor, Centre for  
Community Organization and Development  
Practice, School of Social Work, TISS, Mumbai

Abey George, TISS Kerala

Poornima Chikarmane, SNTD Women's  
University at Pune; KagadKach Patra  
Kashtakari Panchayat

Moderator: Prabhat Patnaik, Professor  
Emeritus, JNU, Delhi

**Fredrik Galtung** (gave example of Uber): open consumer feedback is a revolution where the rating of the consumers affects the service quality directly. The feedback is independent of the service provider and thus allows for autonomy. This positive feedback loop created within a system needs to be transposed to work for the weak. Can it be done by capturing the rate at which suggestions are made and recorded (if complaints are increasing - is this good or bad news, that more people are participating, or that more are negative) The other indicator could be the rate at which problems are resolved.

**Mushqura Fareedi** presented the work in Majhi, where information on finances, not just of government schemes but from grants of other institutions is shared with the community. She also said that we don't listen to rural citizens directly, but only when they have been validated from a source that is familiar to us. The role of technology can be empowering,

**Mouleshri Vyas** spoke of the difficulties of street sweepers to receive the benefits that they are entitled to in their contracts. Policy processes are long drawn out and it is not clear who is responsible for what in terms of service delivery from the government, the role of elected representatives is also not clear. There are also instances of projects breaking the solidarities between communities depending on who managed to access benefits and who didn't. Certain broad changes that have a bearing on these aspects of accountability. Privatisation of services is shifting focus to non-government entities. Project based development; large projects such as for urban infrastructure development that bring in multiple organisations to perform various roles. For those directly affected by such projects, it is difficult to identify who is responsible for what component of the project. For example the initial phase of infrastructure projects in Mumbai that resulted in large scale

relocation and resettlement of households along roadsides and railway tracks. Increase in resource base from Corporate Social Responsibility initiatives for social development. CSR works with a sense of accountability to the company, and not to beneficiaries.

In such contexts, the role of elected representatives of people is depleted. Social, economic and political changes that fragment communities therefore pose a challenge to mobilising and organising them, particularly in urban areas. People's organisations/voluntary organisations may not find it simple to find a foothold to intervene. As practitioners/researchers, we must respond to these new situations, and find spaces to intervene, rather than distancing ourselves from them. With government as much as with all institutions accountability cannot only lie within an internal structure or mechanism. The NGO can organise grievance redressal, from a perspective of public accountability.

Government organization may have moved out and the task shifted to NGOs but where is the accountability of NGO's? The contours are shifting and weapons for demanding justice have to continually address the structural changes within and outside government.

**Abey George:** who works with Kerala Institute of Local Government (KILA) in TISS Kerala, is on deputation with the Field Action project for community organization TISS.

According to the speaker, the progress rates and figures presented in the documents and reports pertaining to Kerala, do not reveal the ground realities. He used the example of how infant mortality rate is disguised and the numbers get lost in the process of development in the state of Kerala.

Three Panchayats covering 172 tribal hamlets, were covered by the TISS action project.

During the intervention, it was learnt that there was a conflict of roles and an overlapping of the functions of various government community workers, such as the anganwadi workers, Aasha, kudumbashree animators, forest mobilisers, SC/ST promoters. TISS workers therefore provided clarity on the specific roles of each cadre and also set the boundaries of each professional.

According to a recent list obtained from government sources 1986, senior citizens are eligible for pension, but are not receiving any. The contractors and the middle men who are in charge of the pension schemes, often take the money from the system and fill their own purses.

Another case was the intervention of Karimadam Colony's slum where SC women who have been running waste collection centres for 20 years were suddenly denied the right to practice their vocation. The institutional delivery of services, in this case, turned out against the women and resulted in the genesis of conflict of interest between the state and the pursuit of a vocation by individual citizens.

Abey George said that while the earlier panellists have spoken with specific examples, there hasn't been an attempt to theorise overall. He felt participatory forums can and are used for rival groups to undercut each other and for the "voice of the tribals" to be appropriated. We have inherited the culture of "divide and rule" which is reflected in the functioning of field functionaries. There are over 600 community members who are empowered and trained to work for people, instead they get politicised and quarrel with each other. Too many field functionaries complicate rather than enhance access.

**Poornima Chhikarmane** who teaches at SNTD Womens University at Pune, and works with Kagad Kach Patra Kashtakari looked at the



concept of urbanisation and cleaning the city and how it directly impacts the lives of the poor. Her organisation which works with waste pickers collective (who provide the service) has a tripartite agreement with the municipal corporation (who pay the workers benefits) and the residents (who pay for the services). This has been arrived at as a practical solution based on experiences. Although accountability among bureaucrats is fixed, their accountability towards people is missing. The Bhagwati judgment has said that if anyone is carrying out the function of the state, then it is a public body (thus linking definition with the purpose of the body). Then the PPP model is also obligated and thus there is scope to hold quasi-public bodies accountable as well. The bureaucratic system will not defacto implement laws but take their cue from the political systems. This will only happen if there is internal democracy within political parties.

**Inayat Sabhikhi** spoke of the Bihar Lok Shikayat Nivaran Guarantee law which is a promising legal mechanism for grievance redressal. It is a near universal law wherein complaints can be filed against all the departments of the state government. Facilitation centres have also been set up to assist people in filing complaints, which are then digitised and need to be responded to, in a time bound manner. Public Grievance Redressal Officers have quasi-judicial powers for hearings, summoning and so on. The take away is to have active facilitation of citizen grievances till it is resolved in a time bound manner. In parallel, citizens in Jharkhand have been helping each other access MGNREGA entitlements through “sahaytakendras” set up at the block level. This concept has emerged organically and is possible because of the rights based framework that the employment guarantee provides.

**Prabhat Patnaik** in summarising the discussion as the moderator said democracy has always been in threat for the marginalised but now it is also in peril for those who aren't marginalised. The state can be extremely responsive at a local level even if it becomes more autocratic at a central level. Such contradictions must be used if democracy has to be made to work.

In the discussions that followed Kathyayani said that there are enough systems of accountability that exist within government but they need to be activated. The test for democracy is how the weakest view its functioning, and the more “strong” must then engage with “powerful”. Jyothi, Faculty member at TISS Mumbai, cited the weakness in implementation and the implicit strength of the weak lies in protest.

Weapons of the weak are non violent protest and peaceful agitation, when all else fails there is armed conflict. The right to do so is enshrined in the constitutional guarantees.

#### **Breakaway Session 4D: Looking Back on 10 Years of RTI in India**

Pradeep Kumar Pradhan, NCPRI,

Kamal Tank, RTI Manch,

Joykumar, NCPRI,

Shaikh Ghulam Rasool, NCPRI,

Balvinder Singh, NCPRI,

Pankti Jog, MahitiAdhikar Gujarat Patel,

Anjali Bhardwaj, NCPRI,

Anil Galgali, RTI Activist, Maharashtra,

Moderator: Shailesh Gandhi, Former Information Commissioner, CIC.

**I**n international rankings the Indian RTI Act is considered one of the stronger and better used legislations for openness and transparency. One indication of its strength is the repeated attempts at diluting the law by different branches of the government. Apart from tinkering with the mechanizations of providing information - another tactic to frustrate the RTI is benign neglect.

Participants also discussed the attempt by Parliament to weaken the RTI Act, to keep political parties outside its purview. As citizens, participants viewed themselves as beneficiaries of politics, and therefore, take a stand to keep politics on their side. But how do we do it? While the pre-legislative process is one way to influence the distribution of power in favour of ordinary citizens, these processes lack the proper institutional channel to be used on an ongoing basis by citizens. In India, the pre-legislative processes exists in the form of political parties. One of the functions of political parties is to mobilise public opinion and to consolidate it, so that it can be represented in the state parliament. But political parties do not do so. Members of parliament and state legislative assemblies are supposed to tell their constituents about upcoming issues to be discussed in the parliament and the assemblies, respectively. But the truth is that the elected representatives are themselves unaware of the order of business in the legislative bodies. But lack of awareness alone is not the reason why elected representatives don't share information about programs and policies, often the discharge of their public functions is influenced by the campaign donors. Thus, transparency within the political parties is of the utmost importance. Political parties since 2009, have resisted putting their parties under the purview of the RTI. They must not be allowed to say “We are not under the RTI, we don't have to respond to that.”

According to one national RTI assessment study, close to 67 % of the information sought under the RTI law should be made available proactively by officials under their Section 4 obligations. Unlike the first round of amendments which were visible, the Information Commissioners at the Kerala workshop warned of a pernicious' and ongoing attack on RTI' from the judiciary and other constitutional bodies. Since its enactment in 2005, the Indian judicial establishment has tried to dilute the applicability of RTI to courts and the judicial system. In contrast to proactive judicial pronouncement of the 1970's on expanding the citizen's right to know, since 2006 the courts have tried to insulate themselves from the RTI – through exorbitant application fees. In 2009, the Supreme Court rejected an RTI request on how many judges had declared their assets, and set a rather incredulous precedent by violating basic principles of natural justice, nobody can be a judge in his own case – by staying the lower court's decisions, in a writ petition before itself.

**Pradeep** talked about some key issues that hindered the smooth implementation of the RTI Act in Orissa. The first one was an eleven-point form that is unique to Orissa that needs to be filled. It is a very impractical form to be filled and failure to comply would result in rejection of the application through RTI. Proof of citizenship is also a requirement where a separate certificate must be produced. This issue has been contested by many activists.

BPL card holders are not required to pay a fee but in Orissa it was the norm. This issue was taken to court and after 10 years it was made free for people in BPL in Orissa. However there were other rules such as compulsory court fee, which could only be paid by cash. Now it allows the fee to be paid through cash, money order or chalan. Orissa has had an 8-year- long campaign for the disclosure of Section 4. But there are no updates on the websites with the

last upload from public authorities being 3 years ago.

Among other issues that have been addressed through the RTI one is exposing corrupt practices such as illegal mining. This is now a case that is still pending in the high court. Another flaw in the system is the online submission of an RTI appeal which upon completion asks to print out the form and submit a hard copy.

**Kamal Tank's** main theme in his presentation was about the need for complete transparency in departments, officers and anyone who comes under the RTI regime. People are using the RTI as a method of grievance redressal of sectoral issues. But a temporary change in one department is not enough, there must be complete transformation through transparency.

**Joy** gave an introduction to Manipur and talked about the differences in people living in the hills and those in the valley. The valley has mainly Hindus and Muslims, while the hills have a majority of Christians. A case regarding the issue of corruption was raised against the hill- side governors. However the case has been pending and there has been no progress seen due to the presence of corrupt officials in the Redressal Committee itself. To many of the RTIs filed the reply is that information is unavailable.

**Shaikh** said that Jammu and Kashmir has had many difficulties in its RTI regime. They were accused of weakening of Article 470 because of the RTI. There are no Commissioners at present in Kashmir. Nobody is being appointed to address the grievances and give information for the RTIs filed. There is a rule in Jammu that the complaints will be accepted only if they are done on green paper or submitted online. BPL people who file an RTI were asked to show verification of their BPL status. Many faced threats saying

their card would be taken away if they filed a complaint.

Shaikh ended his talk with calling out to people to come to Kashmir and to support and see the dire situation themselves. RTI which is an advocacy of human rights is difficult to implement in a place where there is not even a guarantee of right to life. He then gave a moving example of a girl who when asked what she wants as compensation, and who said "I want a place where I don't see my brother being tortured, where I can walk around without being stopped to check for ID card every few meters, where I'm not surrounded by khakhi-clad men with guns, where I won't get hit by batons and a place I don't live in fear of arrest."

**Balvinder Singh** talked about the issue of non- appointment as there is a dearth in the number of staff who are appointed to address grievances. The matter of a percentage of only 8% women filing RTI reports was also highlighted. In a study in MP it was revealed that it takes up to 16 years to get the application filed and processed.

**Pankti Jog** stated how through the RTI people who didn't talk before are now voicing their grievances. This can be seen in the plight of commercial sex workers who are now filing complaints on issues faced. She highlighted the need of a system that is hassle- free, where the application can be done in a simple manner and the information received too will be in an understandable format which can be easily interpreted. A challenge is posed when fake data is given. It kills transparency.

**Anjali** said that RTI has empowered the common people with information, but people ask what can be done with this information when they still continue to face issues relating to ration, pension and wages. Implementation is the key to tackling this problem where the data received is used to later fight for their rights.

Challenges faced begin with backlash from the government itself by trying to make amendments to weaken the Act. The gender issue of only 8% women filing RTIs was also discussed.

The function of the Chief Information Commissioner is to be the protector of law. So if information is denied, the Commissioner is to fight on behalf of the petitioner. The issue of pendencies was also discussed where there is a large number of cases that are still to be addressed. For example, in Assam, only five grievances are addressed per year. This delays justice and there are cases of pensioners who die before they receive a verdict.

Other cases have happened where people have filed an RTI and they are made to wait for three years only to find that the information was denied. In most cases there are no concrete reasons given for denial.

**Anil Galgali** focused on looking at things in a positive light. Issues must be faced in a dignified manner and not that of crass protests. RTI is always seen as a tool to reveal the negative issues but instead it could be used to highlight some positive factors. The fear of RTI that people have in their minds must change. Work must be done towards how best to implement the law based on the information received. Use of social media such as twitter, facebook and blogs are also channels of protest and awareness.

#### **A special session:**

In Montreal, Trump's advent into politics interrupted the discussion and proceedings, raising the crisis in practice. In Kerala it took the form of an announcement through the news of another diktat of the US government i.e. "Executive Order 13769", titled as Protecting the Nation from Foreign Terrorist Entry into the United States, commonly known as the Muslim ban or

the travel ban.<sup>1</sup> The 30<sup>th</sup> of January brought news from Canada: “The Quebec City mosque shooting was a mass shooting that occurred on the evening of January 29, 2017, at the Islamic Cultural Centre of Quebec City. “Six people have been killed and 18 wounded after a gunman opened fire at a mosque in Québec City, in an act condemned as a “terrorist attack”. More than 50 people were at the Québec City Islamic cultural centre, also known as the Grande Mosquée de Québec, for evening prayers on Sunday when shooting erupted in the two-storey building.

In an emotionally charged and politically concerned atmosphere, Ira Anjali Anwar, Aruna’s research assistant, was invited, to share her evocative poem on her mixed parentage and a comment on discrimination. Ira reflects on some of India’s contradictions and angst in her poem with her full name – Anwar – she cannot live without being discriminated against.

### **Ira’s poem/story**

#### **Baba, yeh ache din kab aiyenge (Father, when will the good days come?)**

Ira Anjali Anwar

*Often, perched on impossible thoughts amidst  
unflinching nights*

*I (try) and weigh these advertised crimes of Islam*

*Against my name*

*(You see) there is always this shame*

*of the blood running through his veins*

*As he delivered his boyhood soul*

*To take up arms instead, to rip and behead, they say*

*Look, his oil soaked hand, he must’ve been born  
a terror.*

*So when you ask me who I am;*

*I cannot lose myself in the paradoxes of identity and  
wonder how one ever knows such things*

*Instead*

*I offer you that half of me yet untainted*

*By my woeful Allah*

*Dissolve into the poster child for a Western Hindu  
democracy.*

*(Only) Ira Anjali*

*As Baba hangs like a phantom limb, his legacy*

*Buried in the graveyard of shamed memories.*

*Abba jaan, my gently aging old man*

*You held my hopeless palm*

*When I could hardly stand*

*Now I only stumble-*

*Surrendering you name.*

*In our country of borders (arbitrarily set in that  
invisible stone*

*That held the forgotten blood of our history), all of  
your men*

*Hung, baba - they said - for killing too much.*

*And so I shed your name*

*I cannot tell them, look*

*My grandfather spent his nostalgia in jail*

*Fighting for this freedom to live without blame;*

*It must’ve been a lie baba-*

*It must’ve been our mistake*

*For all those voices ripped*

*From hungry throats, all 277 killed in Bombay*

*Bodies burnt like cigarettes in our fanatical game*

*So I hide you in the folds of my mind; your*

*Tired eyes reciting Iqbal and Faiz*

*I cannot listen anymore baba*

*(This Urdu is my poison, I must lay you to rest)*

*And the women and men;*

*Gujarat baba, butchered and torn from their  
Muslim children’s embrace*

*Righteously deserving – that too must’ve been our  
mistake –*

*We cannot blame that man,*

*Our national God with his 56-inch chest;*

*With their blood he coloured justice, baba*

*Developing dams like our borders,*

*He asked for their name.*

*From me, today, he just takes yours.*

The swell of intolerance has come as a shock to many. There was an assumption till the early 90s, that India would continue to live in comparative harmony, the memories of a blood- drenched partition (of India and Pakistan), and the assassination of Gandhi by a Hindu extremist, would be a deterrent. The Nehruvian era did much to allay the fears of minority communities. Ira’s poem brings in contemporary India and looks at the bleak future, with irony and pathos.

CK Matthew commented that the poem expresses her views and feelings that goes beyond borders.

<sup>1</sup> Unless blocked by various courts, it was in effect from 27 January 2017, until 16 March 2017, when it was superseded by Executive Order 13780. Executive Order 13769 lowered the number of refugees to be admitted into the United States in 2017 to 50,000, suspended the U.S. Refugee Admissions Program (USRAP) for 120 days, suspended the entry of Syrian refugees indefinitely, directed some cabinet secretariesto suspend entry of those whose countries do not meet adjudication standards under U.S. Immigration law for 90 days, and included exceptions on a case-by-case basis. Homeland Security lists these countries as Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen.

## Plenary 5: Perspectives of Asian and other South Asian countries on participatory democracy

**Sayed Ikram Afzali (Afghanistan):** Executive Director of Integrity Watch & Chairman of the Oversight Commission on Access to Information

**Shaheen Anam (Bangladesh) Manosher Janno** played a key role in the enactment of the Right to Information Act, Domestic Violence Act and the review of labour law

**Tarak Bahadur K.C. (Nepal)** is a civil servant of Nepal in 1980. He has been working at the NASC (Nepal Administrative Staff College) since its inception in 1982

**Rechie Tugawin (Phillipines)** represented G-Watch

**Moderator: John Harriss,** Professor, Simon Fraser University, Vancouver, Canada

**S**ayed Ikram Ali said that after 2001, things have changed. Though the common person continues to suffer, there are opportunities to develop as well. Democracy in Afghanistan has a problem in that it is not owned by people, as they feel it is an imported form of governance. Democracy should come from the roots of the people. Western concepts are imposed on people trying to change their culture, and their way of life. Vernacular words are used instead of the word democracy, as people relate to them better. Western concepts and language bring back resistance to foreign ideas. To adapt to local culture, we must use the local language.

Afghanistan tried to unpack democracy in its own way and tried to make democracy work for people. By trying to understand daily problems and fixing their daily lives, to enable them to be agents of change in their own way, not only by complaining about the system and doing nothing about it. This means we have to be with the people and work from within to solve their problems. We need to find roots and traditions in our own culture that would promote values of democracy, not just bringing in a western concept and forcing it down the throats of our people. Afghanistan learnt it the hard way.

One of the problems faced was access to information and lack of information. Tried to learn from India and adapted the access to information law, fought for it for 5 to 6 years and got the law, although it is not as strong as people wanted it to be. There have been no complaints/demands filed in the access to information law. People still don't believe that the law would work and that the mechanism would respond. A lot of work needs to be done in this aspect.

**Bangladesh: Shaheen Anam** began with an acknowledgment of the enormous amount of cross sectional learning this workshop had promoted. She called it "mannomaddho"

(lost in the thoughts) in Bangla. She said, that power of Ira's poem, had moved her.

Reflecting on the complementing theory and practice, how they impact each other, she said the challenge is to empower people and make them aware of exercising their democratic rights as citizens. How we can take our work forward? Participatory democracy needs to be brought into the system. The importance of regional solidarity plays a role in all the issues we have been facing. We need to establish closer bonds across borders, across regions to learn, teach, experience and engage. There is need for a better life for all- not a part of the euphoria of becoming a middle income country, which is going to leave behind a huge number of marginalised people.

**Bhutan – Cheku Dorji** from one of the youngest democracies said that democracy is all about voting. The trust that they have in government is remarkable. Bhutan is a very small country, not even 1 million people in the country, with 20 districts, 205 blocks. Everything is given free by the government - education, health service. Bhutan has a total of 47 CSOs, and the government is suspicious about CSO. There seems to be a general impression that if there is no CSO, there is no problem. The Government recently recognized 20 CSOs and they received medals from the king. Democracy, has evolved new standards in Bhutan, like gross national happiness, Guided by these principles, indicators of principles have been defined. Education does not mean fancy certificates from colleges but etiquette or Sanskar to have, to be responsible citizens and take decisions. For democracy, culture, ethics, values, and traditions are very important. Not only growth rate, but also other factors like Gross National Happiness (GNH) should be given value.

It is also important to see who is allowed to participate and how they are allowed to participate. He questioned the eligibility

criteria. He saw limitations there. Individuals have no choice, they are limited within the choice of political party. Due to non-participation in election, mere talking about change will not do. Culture and behaviour matter. When it comes to implementation, it is poor. The service providers lack attitude and behaviour with high integrity. There is need to build and develop integrity of the service providers. This is very important. Building integrity within ourselves - this is the great challenge, but possible.

**Rechie Tugawin (Phillipines)** recalled that it was 31 years since democracy was brought back to the Philippines. Since then, the only change is that of leaders, and nothing else. Democracy has been hegemonised by the elite and that is the very thing that needs to be changed. It is a very liberal economy, and the political leaders are from ancestral dynasties. Economic power is concentrated in the hands of the few. Philippines has enjoyed economic growth in the past seven years. The rich are getting richer still, with an expanding middle class, but people still want more. For each electoral campaign, the cost has been billions.

In the latest survey, 86% are very satisfied in terms of how democracy is working and 62% will always speak for democracy. How do we communicate with rest of the people, and appreciate the spirit of true democracy? How in fact can we breakdown power structures, and bring about change in the system without having to wait for the next 6 years?

**John Harriss (United Kingdom)** said that the UK as the benighted kingdom of Great Britain and Northern Ireland has the most shockingly illiberal govt. And there is a crisis of democracy. There has been an increase of hate crimes and social crises. There are perhaps silver linings, as there are in the US. Political trends have encouraged people to become politically involved. There are ways of being political: letters to MPs and signing petitions,

virtual political participation. 38%, note some assault on the health services in the UK.

In Montreal and in Kerala, in the last three days, we have heard a tremendous demand for participatory democracy. What is inspiring is that the experience of the struggles in India for the RTI which are associated with it, are in some ways an inspiration of how to go about supplying the demand. There has been a tremendous wave of protest over the last 4 to 5 years over the world: protests in Greece (stopped with a murder) the campaign in Spain, the protest in Brazil, protests in Turkey in 2013, the Occupy Movements - beginning with Wall Street. There have been differences in the nature of protests, but running through them all, is a rejection of politics as usual and of the political elite, and a desire for participation in decision making. There is mistrust of the political elite, posing tremendous challenges. There is a very wide range of politics, but perhaps there is a common demand for participatory politics.

What is happening in these very difficult times and the possibilities we have seen in these three days are an inspiration to us about how we may set out to address our problems.

**Nikhil Dey** presented the Accountability Bill prepared by the Suchna Evam Rozgar Abhiyan (the information and Employment Campaign), Rajasthan. In brief the Accountability Bill looks at the accountability of parliament, bureaucracy, civil society and the judiciary. It can be viewed from two perspectives. One is based on experiences of the people. To quote a group of Dalit students' definition of accountability and its non-negotiable: the government must guarantee

- Suchna: Transparency :

- Sunwai: Platforms for Hearing (about the facts revealed by the use of transparency)

- Karvai: Recorded proceedings with dated receipts of hearings. Within a specified time period, with a speaking order - If yes, by when? If not, why not?

- Bhagidari: Participation (in front of the complainant and participation is important in investigations which usually occur in closed government spaces

- Jawabdehi: Accountability

- Suraksha: Protection must be given to complainant.

Apart from a citizens' charter, there must be a job chart of a public professional. There must be a Janta (people's) Information System (JIS), rather than just management information system (MIS). The Pre-legislative process of consultation is necessary for parliamentary accountability. Helping of marginalized groups by individual agencies is essential. Social audit should cover all aspects of the Government and finally every citizen's complaint must be given an acknowledgement. If an answer is not given on time or given in an unsatisfactory manner, it should be followed by compensation.

## Plenary 6: Valedictory Session

Sridhar Acharyalu, Information Commissioner, CIC,

Shailesh Gandhi, former Information Commissioner, CIC

Prabhat Patnaik, Professor Emeritus of Economics, Jawaharlal Nehru University

WajahatHabibullah, First Chief Information Commissioner of India and Former Chairman, National Commission of Minorities

Thomas Isaac, Minister of Finance, Govt. of Kerala

Vote of thanks: Sonia Lazlo, ISID, McGill University

Way Forward: Aruna Roy, Member MKSS, NCPRI

The final plenary began with Amitabh Mukhopadhyay – former Accountant General, read out the message from Comptroller and Auditor General (CAG) of India, who could not come to the workshop.

In his message, he said that the issue of equitable participation must be addressed and the CAG plays an important role in promoting transparency and accountability. CAG reports are sent to the Legislative Assembly and Parliament, which forms the basis for discussions and holding the executive accountable. There are several measures to promote people's participation, raising awareness about audit to special issues which influence citizens' rights.

Audit reports give citizens evidence-based, objective assessment of the govt. to evaluate its functioning. They have empowered people to participate in the democratic process and audit plans are concentrated on citizen-centric services, equity and justice. The direct participation of the people in the governance process has been ensured with the active support of activists and NGOs. At the field level, social audit has not taken root in most of the States. Participation, transparency and accountability are the three pillars of democracy.

The valedictory session began with the release of Shailesh Gandhi's book on RTI called 'RTI Act'.

**Prabhat Patnaik**, Professor of Economics and currently Professor Emeritus at the Jawahar Lal Nehru University, Delhi (JNU), one of the Architects of Kerala's Peoples Plan, said that aspects important to deepen democracy go beyond existence of laws. It requires, people's empowerment, a degree of people's inclusion in struggles for better lifestyle and, degree to which they are informed about their struggle and the extent to which the people are informed about their rights.

Implementation should not rely on benevolent individuals but on the will of the people. It is important to include subjects of the process, through struggles. The 1931 Karachi Congress session – adult franchise was assured for free India. This was achieved through struggle. Democratic decentralization – reduces the distance between the leaders and the people. The vision of decentralization amongst people is what makes the system work. If people are disintegrated and approach the Gram Sabha as mere recipients of benefits rather than subjects of the process, decentralization will not work. Also if a community is not egalitarian and there is a power structure, it is more difficult to break this consolidation. Ambedkar was against decentralization because he felt that the caste system would get consolidated.

Inclusive movements are undermined because of the neo-liberal dispensation, within which we function. The implications of such dispensation are – economic stress caused by globalization. Wages in advanced country vs. wages in developing countries, dissemination of peasant agriculture and petty production; for example, if every traditional fisherman in Kerala were paid the minimum wage, the sector would be in deficit. Job growth is not fast enough as compared to the growing level of the workforce. Massive increase in inequality – Top 1% owns 50% of the country's wealth – this is a threat to democracy.

Closure of politics – what this economic paradigm threatens is the steady undermining of the politics of democracy. Any political formation with an alternative agenda which de-links itself from globalization becomes financially insolvent. People do not have the choice when it comes to basic materialistic conditions of life. Inclusive mass movements are difficult to sustain. There is atomization of the people.

**Chief Minister, Kerala's** written message:

“My privilege to greet you all, leading activists from around our country. Let me take this opportunity to offer my thanks. Our government believes that good governance calls for people's participation in all aspects of governance. We realize a government becomes relevant to the people it governs, only when it makes positive contribution in the day to day lives of its citizens. A government becomes dependable only when people realize that they will not falter on any promise made. Our determination to fulfil every promise made is evident in our actions till date: welfare pensions, women's security, catering to the needs of the oppressed and marginalized, strengthening public sector units, implementing debt relief measures, providing comprehensive assistance to Endocil victims, protecting the environment, developing public education and housing and so on.”

**S.M. Vijayanand, Chief Secretary of Kerala**, said that the critical last mile is still to be traversed – eg Attapady and Wyanad. Specifics of doing participatory implementation are important. Development is a function of governance. The 4<sup>th</sup> Finance Commission of Kerala had one chapter to include a chapter on accountability, approved by the previous Governor.

Kudumbashree – has included the excluded - the bottom 5 % revival – up to the last self-help group of aged people coming together. People with disabilities need universal access and palliative care. The PWD minister announced social auditing and mandatory disclosures as necessary for his department. Service delivery must be accompanied by accountability. He said that legislation supports SC/ ST development programme for total inclusion – about 20% of the population.

A new mission called Life, a house for everyone, including all landless first and then the others, Health mission converting PHCs into Family Health Centres, 100 government schools will be upgraded. Organic agriculture is being implemented through massive participatory programmes. Through social audit, service delivery will be ensured. There are no other acceptable alternatives. This time we are focusing on the specifics of doing participatory implementation, focusing on strengthening governance. Voluntary experts are required for the technical core, people willing to help villages. None of the volunteers are left now. Bringing them back remains a challenge.

Our next agenda is a difficult one. It has to deal with the most dis-enfranchised groups, of which 90% would be tribals in Kudumbashree. We have done a lot of work for the excluded which takes care of the bottom 1.5%. We are planning self-help groups of the aged. A kind of a social coming together of senior citizens. People with disabilities are also going to be looked after.

Most of the programmes are revitalised and some remain fresh. We are embarrassed that we do not operate social audits in this state in our country, although we are committed on mandated disclosures and expanding the service delivery act.

The government has agreed to the legislation for development programs for Kerala based on the Grievance Redressal, to reach out to the least powerful people. For our participatory exercise, we can facilitate teams of persons, who would like to help out.

The discussions of these three days has been fruitful, in coming together we have looked at making participatory democracy work; we will continue to look at participation.

**Shailesh Gandhi, former Information Commissioner, CIC**

The democracy I was taught, 'by, of and for the people' is not enough: participatory democracy is required, but democracy is not adequate by itself. What is participatory democracy? What is the legitimacy of these movements? Better to define democracy in terms of the respect it gives to individuals. Just elections do not define a democracy, by for and of in Kerala, the right to information is not one of its strong points. It does not perform better than Maharashtra, for instance. Sovereignty and its exercise is participatory democracy. Response is a minimum in a democratic governance in India. Without respect for every human being we cannot talk of democracy. Lokshahi is frustrated, humiliated and angry when face to face with governments. RTI empowers every individual.

There is stagnation at the moment but the potential and promise are still there. The RTI cannot become like the consumer act. Statement: terrorists must not be allowed to obstruct national development implementation, peace tranquillity and harmony and must not be oppressive or intimidate officials trying to do their duty. SC has denied the RTI and we have kept quiet. No uproar, we stopped the government from amendments twice. But now the courts and commissions are amending the law, amending it in a far more critical manner: the law will not exist. I urge you, that for participatory democracy, to be real... we must look at interpretations of the law and hold Commissions accountable. What is the legitimacy of these movements? We believe we derive legitimacy from our beliefs. Just elections do not constitute democracy. Sovereignty of the individual is the key for democracy. People don't believe they'll be able to get response from the government, which is why they have stopped waiting for responses and started using undemocratic means to get their work done.

**Wajahat Habibullah**, First Chief Information Commissioner of India and Former Chairman, National Commission of Minorities said that Globalisation and participatory democracy as defined by Prabhat Patnaik, could be perhaps be addressed by mitigating legislations and circumstances like the MGNREGA. It does not exclude India from being pushed towards more extremist stances. What is the role of participatory democracy in the larger context?

From Plato's elitist democracy to Abraham Lincoln, and his definition "for the people, by the people, of the people" democracy has been defined by people in many ways. We have an opportunity to take it further to define participatory democracy. India's notion of participation is people's participation in governance.

The concept of having Panchayat Raj as part of the Constitution was put forth by Mahatma Gandhi. This however was strongly opposed by Ambedkar, who feared that discrimination would be at its worst in a small traditional society. Rajiv Gandhi, passed the 73<sup>rd</sup> amendment to realise some of its potential. People's participation in democracy increased from before when it was limited to just voting. The Gram Sabha becomes the legislature of the village and it functions as an authority of self-governance. The gram sabha was seen as enabling participation in the process of governance, but gram sabhas meet seldom and often sarpanches exercise full control over decision making. These are some of the consequences of corruption.

The concept of the gram sabha is the final congruence to Right to Information and this is filler for the gap that is not being talked about. The Gram Sabha gives voice and weightage – or should - to the ignored minorities in society. Women are encouraged to speak out and voice their opinions and

become an active part of the democracy. When women stand up for themselves, they win and are greatly empowered.

NGOs too can play a role. The constitutional structure of the Gram Sabha empowers individual voices. The person at the village understands their power and authority, they ask good questions which are far more intelligent than those of the members of the Assembly. "this conference has been a place we can master the art of antithesis to the growing thesis of globalisation."

#### **Sridhar Acharyulu, Information Commissioner, CIC**

The theory is the rule of law and practice is what we have been discussing the last three days. In participation, the authorities are afraid of questions. RTI has provided the reality and is a tool for achieving other guaranteed rights. Therefore the practice is to deny RTI and thus to deny all rights.

Maybe there are still some confusions - RTI is the distribution of sovereignty guaranteed by the Constitution, citizens are not subjects. The State's response to requests is a serious issue of democratic rights, one simple question does not need 30 days to answer.

Constitutional authorities dealing with disclosure mechanisms are met with stone walling. Take for instance the case of Judges' assets. How many have given it? When the CIC directs disclosure, SC goes against CIC divisional bench Judgement in the Delhi High Court. And the Supreme Court goes to itself in appeal! There is strong reaction from authorities who were never questioned, and who are now being questioned

All power centres have to be questioned. Lawyers are powerful. Who will question them? Bar Councils are also not transparent. Questioning the misconduct of advocates

and the Bar Council is not consistent with their profession. Diluting standards of legal education must be monitored by the Bar Council of India. Questioning of the condition in jails: One educated person was jailed because he could not pay the fine. There were 36 RTI applications from the jail about the implementation of the Jail Manual. Exhausting all the options, it was seen that Tihar Jail had no mechanism for compensation, except through the courts. Redressal requires rational explanations and mechanisms. We seem to fight our own institutions.

Citing the last critical example of power influencing rulings and judgements he compared two applications which revealed that in the electoral affidavit relating to education incorrect statements were made about degrees. In a Manipur case in 2016, a legislator who claimed to have an MBA was challenged by the opponent, and it was found that he did not have the degree. His election was invalidated. The SC upheld HC order, declared the election invalid and ordered re-election, The principle of the education degree of a public servant is important. Why are we not disclosing the same information elsewhere? The Lt Governor disclosed information in 19 cases but not in the 20<sup>th</sup>. He claimed he was not a public authority! There are double standards. The HC upheld another university degree related information order released. Delhi University did not disclose the information, but Gujarat disclosed it, as per the order. He files a writ petition and the Additional Solicitor General goes to appraise the judges.<sup>1</sup>

**Aruna Roy** said that fear is an enemy of participatory democracy. In J&K, and in Manipur the RTI has helped people living under the pall of the AFSPA to question government, it has been very often a

<sup>1</sup> The application requesting to access the MA certificate of Narendra Modi PM is under reference. It was not disclosed and the Information Commissioner who passed the order was transferred to another desk.

protection against reprisal. RTI has given us legitimacy to question. J&K removed a firing range, managed to create small spaces in the most difficult situations.

#### **Babu Mathew: NLS Bangalore**

Upendra Baxi's fascinating statement that the constitution of India is a footnote to the Preamble of India. The Preamble is a unique document as unique as the UN declaration of civil and political rights along with cultural and eco-social rights. The Preamble to the Indian constitution does likewise. Ambedkar speaks of the strength of the Constitution. Baxi refers to the unique transformatory potential and compares it with South Africa's struggle against apartheid. Brazilian – struggle against military. India, the long struggle for Independence. They who have done nothing for the struggle for independence, their values are not part of it.

It is an inclusive constitution - Nehru, Ambedkar and Gandhi did not share the same opinion. Nehru and Ambedkar were Fabian socialists. Ambedkar said that all land should be nationalized. Gandhi's focus was on the village community. Nehru wanted land reforms and allowed private ownership. Yet they all worked together. This is something to remember. Ambedkar's contribution was extraordinary. He was a member not because of reservation, but as one of the most qualified members, having studied in LSE, Columbia and bringing his learning to the constituent assembly

Every article was thoroughly debated. Ambedkar resolved arguments and conflicts and carried the day and brought in the social transformatory dimension into the constitution. Prabhat Patnaik talked of exclusion through development and neo-liberalism. Every excluded group in India – dalits, tribals, muslims and other sections

of backward classes must be included. There is special provisions for each one of these groups in the constitution. It is an inclusive transformatory document.

The political economy of law: on the one hand followed western liberal democracy with civil and political rights. French, American and Russian revolutions\were brought into the chapter on fundamental rights. Since 1991 and neo-liberalism, constitutional scholarship is now talking of new constitutionalism, ridiculing old constitutionalism. Washington consensus, World bank, WTO, IMF and the USA put together want should be done.

That is not what the constitution of India wants. The directive principles of state policy guide us. Neo-constitutionalism is based on neo-liberalism. The Constitution depends upon what the judges say and why are they under new pressure? Judges interpret the constitution of India. The judiciary is compromised and the SC will be even more compromised. Judicial review is the basic structure of the constitution. Amendments are possible, and they are preparing grounds to make India a Hindu Rashtra. What are our priorities? RTI was popular in an unprecedented manner. No other legislation is so widely known or used. The same expertise is needed to popularize the Constitution of India. There will be attacks against the constitution, then people will fight if they understand its transformatory nature.

**Sonia Laszlo, Director, ISID, McGill University** said that to win the larger battles we need to focus on the theory. We need to ask more questions. She thanked the Workshop for giving her hope that we can fight current regimes which use democratic dictatorship, where the public feels disenfranchised. One important comment she made was that, “We do not speak up, as people do here in India”. She had two requests: “Do not end here. This has been a long process. Please continue this

conversation with everyone. Communicate with us as well. Participatory democracy needs more and more participants. Try to share the tangible and intangible results of this workshop with us.”

She concluded with a vote of thanks to the Chief Secretary, to the Finance Minister, to TISS and Dr. S. Parasuraman, to IMG. Thanks to all the volunteers and especially to MKSS, Shankar Singh and ArunaRoy. Hoping to be back soon.

**Aruna Roy** said that the get together to “Unpack Participatory Democracy” has been a very rich experience. The three days in Thiruvananthapuram have brought together not only theory and practice, action and reflection, but interwoven into the debate, the varied concerns for Asia, South Asia, and the world. Ideas have been expressed over a range of issues, and there has been questioning of complacency, in word, language, thought and a political critique. The populist world view pushes emerging polarity, leaving little space for expression of nuanced differences. People do not live in polarities, but in the areas between. The debate is unquestioned by vested interests - the powerful ruling elite. Some dissent, disagree and differ, protesting that manufacturing black and white, irreconcilable polarities damage the spirit and ethics of democratic polity and that is dangerous. In the course of the 5 days in Montreal and Thiruvananthapuram, this assumption has been questioned. Some ways to deal with it have been put forward, slim as they are, they are slivers of hope.

Words have been examined and its political connotations peeled, as the same word carries many meanings. The same jargon is used by the WB, GOI, progressive and non – progressive intellectuals; with different and even contradictory intent and meaning. For many years, we assumed that a democracy, would guarantee justice and equality, and that

our ideas will find free expression and more liberty. In India and now in USA, political rhetoric has managed to confuse people- where rhetoric belies both intent and action, capped by evoking prejudice, hatred and dislike. People are caught in a predicament, when a democratically elected representative turns dictator, using the mechanics of a market economy- advertisement, buying opinion, allowing the power elite to influence policy with money, manipulating social media and finally devastating and undermining the spirit of democracy- equality, fraternity and liberty; the universal values we thought were enshrined in every fibre of democratic intent, if not action.

In the Indian election in 2014 and the US election in 2016, the concerns were about democracy itself. The leaders win elections but they are not national leaders. This is true of Philippines and of Hungary.

We have to rethink many things including the more fundamental changes fast depleting the earth. Climate change is no longer a science fiction story, it is tsunami, tangible, real, devastating and could lead to the destruction. The infiltration of legal systems, set up to protect our rights, frightens us. We sang, “Hum log kanoon se darte na honge yahan”, is a hope that we cling to. When the law lets us down and fear starts operating to destroy every system of protection, we have come full circle. We have come back to ask the same fundamental questions – what is freedom? Where is my liberty and why when I ask for equality and the right to fraternity, am I jailed, maimed and killed?

We have to find spaces to act, protect and build upon as well as struggle against oppression. Without basic democratic freedoms there can be no participation. The question is not whether it is modern or traditional, but whether it is just or unjust, equal or unequal, what will make us stronger and what will make us weaker.

What are our challenges? What are the choices we can make? We have had five days of excellent deliberation, in Montreal and in Thiruvananthapuram. To some extent action is the way forward, to enable build a new theory to combat injustice and inequality.

We must ask for constitutional values in reality. One simple thing that the RTI has taught us is that we must speak truth to power and make truth powerful. We must speak, write, sing or dance. We must express ourselves, the most vital thing we have to protect is the right to freedom of expression, the right to protest, dissent, disagree with an opinion on literature, politics, whether it is cultural expression of Jellikattu, or a Perumal Murugan, the political critique of Nandini Sundar, Bela Bhatia, Teesta Setalwad or Indira Jai Singh. Article 19 is the source of freedom and the RTI, the Constitution and its values must be protected.

The enemies of democracy will first plant fear in every individual, through the state and social groupings they can control. We have to fight this fear. If fear rules India, there is no freedom in political choice, the external fear and our internal hesitation or fear of public action. These theoretical discussions should give us the clarity to go ahead with public action. Public action is a dialectic relationship with theory and reflection, for promoting the values of “liberty, equality and fraternity”. That is why this deliberation is important. It has been a great opportunity to rethink and reformulate our assumptions.

**Satyajeet Rajan, Director General, Institute of Management and Governance, Kerala** gave his vote of thanks and said this has been a great learning experience. The journey is difficult, and power tends to be concentrated in a few hands. Equality does not exist in nature, the struggle after the 2<sup>nd</sup> World War has been to ensure that power is not misused.



The RTI has addressed some of this condition. Never before do the disenfranchised feel better than now. People must continue to agitate. There is no reason to be bitter. He stated that never before have people who have felt to be unequal feel so equal. People who agitate must continue to agitate. But as this agitation takes place people must not blame each other. If there are differences, they should be dealt in a dignified manner.

Satyajit Rajan thanked the various people who made the Conference possible, the ISID the MKSS team, TISS Parasuraman and most importantly the delegates, the rapportuers, and the people who managed the logistics.

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## List of Participants

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5. Anita Gurumurthy, Founding Member and Executive Director of IT for Change
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74. T.M. Thomas Isaac, Minister of Finance, Kerala, Government of Kerala
75. Tarak Bahadur K.C., Deputy Executive Director, Staff Administrative College, Nepal
76. Teesta Setalvad, Secretary of Citizens for Justice and Peace
77. Trilochan Sastry, Professor of Quantitative Methods and Information Systems at the Indian Institute of Management , Bangalore
78. Tripurari Sharma, Professor at the National School of Drama and Founding member of Alarippu, will introduce the topic and coordinate the session
79. V. K. Baby, Indian Administrative Service (IAS), Kerala cadre
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