Evidence-Based Research Mobilising Action for Policy-Influencing in Two Provinces

Policy Changes under the Right to Information Act in India

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This case study was prepared by Vikas Jha of Society for Participatory Research in Asia in India as part of the South Asia Evidence-Based Policy in Development Network’s (SA_ebpdn) “Using Social Research to Inform and Influence Public Policy and Practice: Case Studies Documenting Good Practices and Lessons Learnt in South Asia” initiative. These case studies document the experiences of using research to influence policy and practice in the South Asian region. The case studies;

- consolidate new regionally relevant knowledge on the knowledge–practice interface.
- critically assess the relevance of existing theories or approaches to understand the knowledge-practice interface in the South Asian context
- assess and explain issues relating to the capacity or lack of capacity to incorporate research into public policy.
- identify and analyse the factors that influence actors to play a key role in the success or failure of the process of influencing.
- identify and analyse the factors within the context that the actors are operating within that affected the success or failure of using research evidence on policy and practice.

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**Acronyms**

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<tbody>
<tr>
<td>AGRI</td>
<td>Action Group for Right to Information</td>
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<td>ARV</td>
<td>Action Research Villages</td>
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<td>BDO</td>
<td>Block Development Officer</td>
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<td>CEPA</td>
<td>Centre for Poverty Analysis</td>
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<td>CIC</td>
<td>Central Information Commission</td>
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<td>CPI</td>
<td>Corruption Perception Index</td>
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<td>CSO</td>
<td>Civil Society Organization</td>
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<td>FOI</td>
<td>Freedom of Information</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>GNP</td>
<td>Gross National Product</td>
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<td>HDI</td>
<td>Human Development Index</td>
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<td>IC</td>
<td>Information Commissioner</td>
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<td>MKSS</td>
<td>Mazdoor Kisan Shakti Sangathan</td>
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<td>NAPM</td>
<td>National Alliance of People's Movements</td>
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<td>NCPRI</td>
<td>National Campaign on People's Right to Information</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>NREGS</td>
<td>National Rural Employment Guarantee Scheme</td>
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<td>ODI</td>
<td>Overseas Development Institution</td>
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<td>PACS</td>
<td>Poorest Area Civil Society Project</td>
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<td>PIO</td>
<td>Public Information Officer</td>
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<td>PRIA</td>
<td>Society for Participatory Research in Asia</td>
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<td>RAPID</td>
<td>Research and Policy in Development Programmes</td>
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<td>ROMA</td>
<td>Rapid Outcome Mapping Approach</td>
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<td>Right to Information</td>
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<td>SSA</td>
<td>Shahbhagi Shikshan Kendra</td>
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<td>UP</td>
<td>Uttar Pradesh</td>
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<td>UPVAN</td>
<td>Uttar Pradesh Voluntary Action Network</td>
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Executive Summary

All the countries of South Asia have a long history of colonial rule, which has deeply influenced political-bureaucratic institutions in these countries. These institutions are marred by a culture of secrecy, non-transparency and non-accountability. The public institutions in these countries have not evolved and matures as due to political instability of the South Asian countries. Most of the South Asian countries have been democratically fragile and they have had fairly long terms of monarchy, military dictatorship and democracy in post World War II period. Colonial history and existent political systems has established upwards accountability mechanisms without being responsive to the people. India has initiated some measures for making public institutions accountable to the people. It has mandated by law that people have the power to monitor and inspect the functioning of political-bureaucratic institutions on regular basis, which is also known as ‘social accountability’ in the present times. Social audit, community monitoring, Right to Information are some of well-known tools of social accountability. In recent times, the Right to Information has been successful in ensuring entitlements to the citizens. We have taken up two case studies of evidence-based research in making RTI effective.

The case studies describes and analyzes the efforts of civil society in India, which has not only been instrumental in drafting the Right to Information (RTI) Act but also taken up the role of watchdog agency as far as implementation of the Act is concerned. This role has enabled them to suggest some policy changes on the basis of research, which far-reaching impact on the implementation of RTI in India. The two case studies discussed here amply demonstrate how research based advocacy had led to mobilization which created pressure on the government on bring policy level changes.

The two case studies are located in Bihar and Uttar Pradesh, extremely poor regions (in terms of Human Development Index) in India. Advocating and bringing policy level changes in these two state is a daunting task as governance institutions are caught in web of procedures and they simply are not concerned about the needs of people. The initial years of implementation of RTI in India showed that it had hit the roadblock and bureaucracy had created several bottlenecks for proper implementation of the Act. It made civil society organizations to get together and design strategies for policy level changes. The start was made in form of community-based research in selected locations of India. Social Activists, NGOs, community bases organizations got to together with the community and collected data about implementation of RTI Act in their regions.

Community based research combined with mobilization drives in both the provinces put up the demand for policy level changes in the RTI Act.
However, the scale on mobilization in both the states was different. In Uttar Pradesh province, NGOs, networks of civil society and researchers came together to launch advocacy campaign; in contrast, Bihar agencies advocating policy level changes focused on influencing pro-change actors in bureaucracy and elected representatives. The pro-reform political atmosphere in Bihar also created right environment for policy changes. It is interesting to find out that focused strategy worked in one province while huge campaign failed in another province. It underlines the importance of identification of key actors in policy changes. For example influencing of international aid provider or powerful country can result in policy changes in South Asian countries. It should not make us conclude that focused policy based strategy would work in all the political- economical-cultural context. However, it give us the lesson that evidenced- based advocacy should be designed keeping in mind political-economical-cultural context. In the context of South Asia, focus on comprehensive governance reforms, as can be seen in the case study, might yield better results than sectoral reforms.

Another important finding of the study is that evidence based advocacy should be taken up together by the research organizations and community based organizations. The collaboration helps in combining grass roots data collection exercise with robust methodology and policy briefs. It ultimately results in credible research, which is trusted by the government agencies. It should also be understood that evidence based research alone cannot bring policy changes in South Asia; it must be combined with community mobilization, communication strategies, advocacy strategies and partnership with key stakeholders for being successful.
1 Introduction

All the countries of South Asia have a long history of colonial rule which has greatly
influenced political-bureaucratic institutions in these countries. These institutions have
developed a culture of secrecy, non-transparency and non-accountability. The laws and
regulations designed in the colonial era are still the basis of the functioning of public
institutions in South Asian countries. As a result, despite the establishment and evolution
of democracy in South Asia, representative or elected institutions have not been
accountable to the people. This non-accountability has forced people to think of other
mechanisms of accountability where institutions are directly accountable to people. They
have aspirations of responsive and accountable political-bureaucratic institutions which
are ‘permanently accountable’ to people. By this term, we mean that the power to
monitor and inspect the functioning of political-bureaucratic institutions on a regular
basis will lie with people, which is also known as ‘social accountability’ in the present
times. South Asian countries have been trying to experiment with various social
accountability tools in the last two decades and these models have been quite successful
in some regions. It is an appropriate time to integrate these models into the governance
framework in these countries.

This case study on “Policy Changes under the Right to Information Act in India” has
been located in this context. It describes and analyzes the efforts of civil society in India,
which has not only been instrumental in drafting the Right to Information (RTI) Act, but
has also taken up the role of a watchdog agency as far as implementation of the Act is
concerned. This role has enabled them to suggest some policy changes which have had
a far-reaching impact on the implementation of RTI in India. Further, through
comparative analysis of citizens’ action in two provinces, an attempt has been made to
unravel the dynamics of civil society collaboration and the mix of ingredients which bring
about policy change. This paper has been divided into twelve sections: Sections 1
introduces the background to the study, section 2 deals with the political context of
India and the importance of transparency and accountability in democracy, Section 3
describes the purpose of the research, Section 4 discusses the conceptual framework,
Section 5 details out the objectives and methodology, Section 6 traces the history of the
Right to Information in India and discusses the main features of the RTI Act, Section 7
discusses the political-socio-economic scenario of Uttar Pradesh and Bihar, Section 8
discusses the research undertaken to highlight the problems related to RTI, Section 9
undertakes a critical analysis of Right to Information laws, Section 10 analyses civic
actions which use research to advocate for policy change, Section 11 identifies and
analyses the factors within the context that affect the success or failure of using
research evidence to inform policy and practice and the last Section, the conclusion,
tries to derive key learning points for South Asia.
2 Context

India's growth rate continues in spite of the economic crises in the world and has continued to grow at 5-8% per annum in the last six years with a promise of yet more growth. In 2003, Goldman Sachs’ paper, “Dreaming with BRICs (Brazil, Russia, India and China): The Path to 2050”, predicted that India's Gross Domestic Product (GDP) growth rate between 2015 and 2050 would exceed that of all the major countries of the world including China and that its total income would reach almost 80% of that of the United States in 2050 (Panagariya 2008:xvii).

Yet, high growth rate, a few pockets of affluence and glittering cities cannot hide the poverty in India. The majority of Indians, i.e. 836 million, live on less than Rs.20 per day (Arjun Sengupta Committee, as cited by Aiyar, 2009). India is placed at 132 in the latest UN Human Development Index (HDI) and Transparency International relegates India to 85th place in the list of least corrupt countries in the world. The high level of corruption is also quite evident from various international and national reports and citizen’s perceptions about governance in India. It makes one wonder whether the strong correlation between poverty and corruption is also true for India. Several studies which have examined this link have quite clearly established that good governance associated with higher Gross National Product (GNP) per capita, higher adult illiteracy, higher infant mortality and bad governance is largely associated with lack of accountability and transparency, poverty, crime and corruption. Almost three quarters of the countries in the Corruption Perception Index (CPI) score below five (including all low-income countries and all but two African states), indicating that there is a strong correlation between corruption and poverty. It leaves no doubt that corruption hurts the poor and diverts public services from those who need them most. In India, in the last 15 years, there has been a fifteen-fold increase in Central Government Budget spending on anti-poverty programmes from around Rs.7,5000 million in 1993-94 to well over Rs.1,20,0000 million in 2008-09 (Aiyar: 2009). Yet, inefficient and leaky delivery mechanisms have resulted in the diversion of resources, and merely marginal improvements in the condition of the poor.

Citizens in India have gradually started losing trust in elected representatives and bureaucracy and begun searching for tools of social accountability. Several such tools, viz. social audit, citizen’s report card, community monitoring of health, public hearing, citizen’s charter etc. have been tried in the last two decades in India and these tools have been successful in checking corruption and ensuring the timely delivery of services to the poor. Their success has even convinced the government to integrate them in the social welfare programmes in India; social accountability tools like social audit and community monitoring have been integrated in to large-scale social welfare programmes such as the National Rural Employment Guarantee Scheme and National Rural Health Mission.
However, authentic information is required for the appropriate use of these tools which involve the examination of functions, procedures and outputs of governance institutions to avoid these processes becoming forums for mud-slinging, allegations or false charges. It is here that the RTI Act enacted in 2005 becomes useful, as it can facilitate public access to authentic information from governance institutions.

3 Purpose of the Research

The RTI Act, 2005 is a revolutionary legislation in the history of democratic India. The Act has the unprecedented potential to transform governance and bring in accountability and transparency in the government’s functioning. It is also an instrument to herald participatory governance where citizens can become active participants in the governance process rather than being mute spectators with little or no potential of demanding accountability from public institutions.

The RTI Act has the clear mandate of creating a climate of all-round transparency and accountability in the functioning of public authorities. The crux of the Act is to create an information dispensation regime in which any citizen can access information in an affordable and convenient manner. It is however true that in spite of the legislation itself being so progressive, state governments have framed rules which, instead of enabling information access, have made access to information unaffordable and difficult.

The Society of Participatory Research in Asia supported by the Centre for Poverty Analysis (CEPA) has taken up the synthesis of research in the provinces of Bihar and Uttar Pradesh in India in this context. These two provinces have been selected as they have similar socio-economic-political contexts and incidentally are placed at the bottom of the HDI in India. Any socio-economic-institutional change is extremely difficult to execute in the conservative and caste-based societies of the two states.

The trajectory of policy changes in RTI has been quite different in the two states. The government of Bihar has moved ahead and created mechanisms which have had tremendous influence on compliance with RTI in India, while the government of Uttar Pradesh has not responded to evidence-based research and community mobilisation. Civil society in both the provinces has been quite active in demanding amendments in the state rules which are against the letter and spirit of the RTI Act of 2005. Demands for creating mechanisms and amendments in the rules for facilitating easy access to information have also been made in both the provinces, but they have responded differently. Our endeavour would be to investigate comprehensively the capacity or lack of capacity of various actors to undertake research into how research spurs various actors into action, how much importance should be given to research communication,
processes of networking and partnerships for influencing policies and into factors that lead to the success or failure of the influence of research evidence on policy and practice.

4 Conceptual Framework

In spite of the substantial literature on positive linkages between evidence-based research (start point) and policy-level changes (end result), the number of complexities that exist between the two levels are often neglected. That is why we often find that high quality evidence-based research simply fails to reach the tables of policy makers and influencing policy changes remain a distant dream. It is therefore important that all the complexities and processes between the starting point and the end point must be understood and given due attention. All these issues have been dealt with comprehensively by the Overseas Development Institute (ODI) in the United Kingdom in Research and Policy in Development Programmes (RAPID). RAPID makes an attempt for the “intersection of research, policy and practice to ensure better outcomes for the poor”.¹ It helps the researcher understand the linkages between context, evidence, actors and external influence. This framework has proven to be constructive for improving the impact of research on policy and practice in different contexts.

Policy engagement strategies and communicating research is as important as the research itself. In this context, ODI has developed the Rapid Outcome Mapping Approach (ROMA) for formulating policy influencing strategies.² The ROMA approach helps researchers and advocates of policy change to understand the context, approach the audience in a systematic way, approach them with appropriate messages and understand the dynamics of interaction between various actors. These processes help in making policy-influencing effective.

Another important dimension of RAPID is research communication, which is a “sustained process of dialogue between spheres of research, policy and practice”³ Research communication can be in the form of advocacy, education, persuasion, consultations, workshops and so forth. Communication can only be effective if the “right mix of products deliver appropriate messages to appropriate audiences.”⁴ Partnerships and networking are other important components which help in making a greater impact in policy influencing. They not only help in conducting research, but also

² Ibid
³ Ibid
⁴ Ibid
add weight to research and create ownership of the process of developing research and influencing policy.\(^5\)

In the context of South Asia, especially India, RAPID can be very useful in policy-influencing. However, an effort should be made by the researcher to engage the community and ensure their participation in all the stages of research, such as through community-based research. Evidence-based research could also be the basis of community mobilisation, if the researcher goes to the community to share the findings and mobilise them for policy-influencing. These initiatives of basing the research in the community add weight and amplify the voice of the researcher. In India, policy-makers listen more to the community's voice than that of the researcher. There have been several instances in India of research and models based in communities being successful in influencing policy-makers. One such example is the formulation of a policy on the disclosure of records related to the distribution of food grains by the Government of Delhi. Parivartan\(^6\) conducted community-based research, which showed a massive leakage of food grains in the government scheme. It mobilised the community on the basis of the research and presented memorandums about the problem to the Government of Delhi. Partivartan, after a lengthy struggle, was successful in pressurising the government to making a law for the disclosure of records related to the food distribution system to the public. So research, which involves communities and move with them in partnership, networking, sharing findings, and research communication is more likely to influence policy-makers in India. Let us now analyse the processes, dynamics and results of evidence-based research influencing policies in two provinces of India.

5 Objectives and Methodology

5.1 Objectives of research

To describe and analyze the factors that affect the incorporation of evidence-based research into policies and practices in the RTI in two provinces of India.

5.2 Methodology

1. Secondary literature review of struggles, implementation and experiences of citizens with respect to RTI in India.
2. Analysis of research studies on State Rules framed under the RTI Act with a focus on Uttar Pradesh and Bihar.

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\(^5\) Ibid
\(^6\) Parivartan (Change) is a community-based organisation in Delhi, India.
3. Critical review of reports of community-based organisations and non-governmental organisations based on community meetings/dialogue at the village, district and state-level where the difficulties faced by citizens as a result of the anti-citizen rules framed in the two provinces were exhaustively discussed and action plans for policy advocacy were made.


5. Semi-structured interviews with civil society organisation actors who were involved in the struggle for changes in the rules and policies in the two states.

5.3 Research Questions

1. What are the problems with rules and policies with respect to RTI in the two provinces and what changes are being demanded by citizens, community-based organisations and non-governmental organisations?

2. Do various actors have the capacity or do they lack capacity to undertake research and incorporate research into policy?

3. What are the factors that influence actors to play a key role in the success or failure of the process of influencing?

4. To what extent has the demand for changes and policy advocacy been successful? What implications did it have on the use of RTI in these states?

5. What factors within the context affect the success or failure of using research evidence to advocate for changes in policy and practice?

6. What lessons can be drawn from the two case studies for the countries of South Asia, which are struggling for policy change at different levels and enhancing participatory spaces in democratic institutions?

Before moving on to discuss the core research theme, it would be pertinent here to discuss the history and main features of the RTI Act, which shall help in the comprehensive understanding of policy changes in the RTI Act in India.

6 The Movement of Right to Information in India

The movement for the RTI was begun in the early 1990s by the Mazdoor Kisan Shakti Sangathan (MKSS), which literally means ‘organisation for the empowerment of workers and peasants’, in a remote village called Devdungri (Rajsamand district, Rajasthan). It was a movement initiated to expose corruption in famine-relief work by demanding information related to copies of bills, vouchers and muster rolls for workers recorded in government files. Following a period of struggle, MKSS succeeded in acquiring photocopies of the relevant documents in which the siphoning of funds was clearly
The success of MKSS's struggle led to the genesis of a broader discourse on the RTI in India and RTI laws were enacted in some provinces in the country. The demand for a national law started under the leadership of the National Campaign on People's Right to Information (NCPRI). In 1996, the Press Council of India headed by Justice P. B. Sawant presented a draft model law on the RTI to the Government of India. A working group under the chairmanship of Mr. H. D. Shourie was set up by the central government and given the mandate to prepare draft legislation on the freedom of information. The Shourie Committee's report and draft law were published in 1997. Eventually, the Committee’s draft law was reworked into the Freedom of Information Bill (FOI) 2000, which was passed in Parliament in 2002, but was not notified. However, civil society raised several objections to the FOI Bill and suggested amendments to the National Advisory Council. As a result of civil society's long-drawn struggle, the RTI Act was enacted in 2005.

The basic idea behind the Act's enactment was to create informed citizens and to promote transparency of information. The RTI Act which came into force on 12th October 2005, is one of the most significant legislations enacted by the Parliament of India. The Act recognises that in a democracy like India, all information held by the government ultimately belongs to the people. Making information available to citizens is simply a part of normal government functioning, because the public has a right to know what public officials do with their money. The Act seeks to establish that transparency is the norm and secrecy is an exception in the working of governance institutions.

### 6.1 Main Features of the Act

#### Meaning of Right to Information [Section 2(J)]

The Right to Information means the right to information accessible under the RTI Act, which is held by or under the control of any Public Authority.

#### Definition of Information

Section 2(f) defines information as “any material in any form including records, papers, logbooks, opinions, documents, samples, contracts, advices, memos, models, reports, orders, e-mails, data material in electronic form, circulars and press releases”.

#### Exempted Information
Section 8 of the Act mentions a list of ten categories of information [Section 8 (1) (a) to 8(1) (j)], which can be denied to the citizens, as there shall be no obligation to give any citizen such information. The exempted information is mainly related to the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the state, trade secrets or intellectual property, private information, and information forbidden by courts. If the information is related to corruption and human rights violations, the exempted clause does not apply.

**How to File an Application**

Section 3 of the RTI Act gives all Indian citizens the right to access information from Public Authorities. A citizen shall submit the application for obtaining information to the Public Information Officer (PIO) or Assistant Public Information Officer of the Public Authority. The PIOs are the designated officers in all administrative units or offices of Public Authorities who have been given the responsibility of providing information to persons requesting information under this Act. In addition, the PIOs must provide all kinds of help to citizens, including helping the illiterate or blind in writing applications for obtaining information.

The application procedure for seeking information is very simple and citizen-friendly (Section 6 of the RTI Act). The application can be written in English or Hindi or the official language of the state. It should be accompanied by the necessary application fees as prescribed under the respective state rules. The Act clearly sets the time limit of 30 days for disposal of requests by the PIOs, so that citizens do not have to run around the Public Authorities for information endlessly.

**How to File an Appeal**

Section 19 of the RTI Act provides two steps of appeals against the decision of the PIOs on the request for information by an applicant. An applicant who does not receive the information within the stipulated time or is aggrieved by the PIO’s decision, can then file an Appeal to the First Appellate Authority, who is usually a designated senior officer of a government department (Public Authority where the request for application had been submitted).

If the applicant is not satisfied with the decision of the First Appellate Authority, then s/he can file a Second Appeal to the Central Information Commission (CIC) or the State Information Commission (SIC), as the case may be.

**Powers and Functions of Information Commissions**

The Central/State Information Commission is the apex Appellate Authority at the centre/state level for hearing appeals or complaints from citizens who have not been able to access information due to some reason. The power of enforcement and
compliance of the RTI Act has been given to the CIC or SIC. The CIC/SIC can summon and enforce attendance of persons or documents, discovery and inspection of documents, etc. While hearing the Appeal, if the CIC/SIC finds that the PIO has deliberately denied information or provided incorrect information, then it can impose a penalty of a maximum of Rs.25,000 and can also recommend disciplinary action against the PIO.

**Role of Central/State Government**

The central/state government has a critical role to play in the implementation of the Act. Section 26 of the Act mentions that the government should take steps to develop and organise educational programmes to advance the understanding of the public on RTI, particularly of disadvantaged communities, and to train PIOs and produce relevant training material for use by public institutions. They can make rules related to fees and costs for accessing information. The ministries and departments of the government have the responsibility of preparing the annual report and maintaining records for such purposes. Thus, the central/state government has been allocated the role of taking the message of RTI to the masses through various means.

The RTI Act has been created by the state under pressure from civil society organisations, but it has not been able to ensure its implementation in letter and spirit. Various actors such as community-based organisations, activists, and NGOs have responded to this failure to implement by undertaking research and building pressure on the governments to adhere to the legislative spirit of the law, to frame rules and plan for the proper implementation of the law.

Before discussing the experiences of citizens in Uttar Pradesh and Bihar, it would be useful to discuss the political-socio-economic context of these provinces as it would help in comprehensively understanding the difficulties in undertaking policy changes in RTI in these locations.

### 7 Political-Socio-Economic Scenario of Uttar Pradesh and Bihar

Uttar Pradesh (UP) and Bihar, the hotbed of political activities since the 1920s, have failed to live up to their potential. Political mobilisation and awareness have not resulted in building responsive and accountable public institutions. As a result, these two provinces are placed at the bottom of the Human Development Index (HDI) in India, while other provinces have taken substantial strides ahead. Some indicators mentioned below give a good comparative picture of the two states (National Human Development Report: 2001).
• Uttar Pradesh is the most populous state of India with a population of over 190 million people (2008). If it were a separate country, Uttar Pradesh would be the world's fifth most populous nation, next only to China, India, the United States of America and Indonesia. Bihar is the third most populous state of India with a total population of 82 million (2001).
• In the HDI (1991), Bihar is ranked 32 in India with a value of 0.308, Uttar Pradesh is ranked 31 with a value of 0.314.
• In the Human Poverty Index (1991), Bihar is ranked 31 in India with a value of 29.70, Uttar Pradesh is ranked 32 with a value of 31.62.
• The per capita net state domestic product (1997-98) in Bihar is Rs.1,126 per annum and in Uttar Pradesh is Rs.1,725 per annum.
• The per capita consumption expenditure (1999-2000) in Bihar is Rs.417 per month and in Uttar Pradesh is Rs.517 per month.
• The percentage of people below the poverty line (1999-2000) in Bihar is 43% and in Uttar Pradesh is 31%.
• Access to toilet facilities (1991) in Bihar is 58% and in Uttar Pradesh is 33%.
• Access to safe drinking water (1991) is available for 59% of the population in Bihar and 62% in Uttar Pradesh.
• The per capita electricity consumption (1996-97) in Bihar is 138 Kilo Watt Hours (kwh) and in Uttar Pradesh is 197 kwh.
• Infant Mortality Rate (1991) in Bihar is 75 and in Uttar Pradesh it is 99.
• Births delivered in medical institutions (NFHS 1998-99) is 15% in Bihar and 16% in Uttar Pradesh.
• Sex ratio (2001) in Bihar is 921 and in Uttar Pradesh, it is 898.

These indicators amply demonstrate that the socio-economic indicators in Bihar and Uttar Pradesh are more or less similar, predominantly due to the crisis of governance in the two states. Public institutions have largely become non-accountable and non-responsive to citizens. A study by Transparency International India and the Centre of Media Studies, 2007, covering 11 services with a focus on Below Poverty Line families demonstrates that Bihar and Uttar Pradesh have alarming levels of corruption. These studies substantiate the citizens’ perception that elected representatives and public officials work for themselves and not for citizens. This scenario necessitates social accountability tools to be strengthened in these locations. Only then will the needs and

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8 The Human Development Index is a composite of variables capturing attainments in three dimensions of human development viz., economic, educational and health. These have been captured by per capita monthly expenditure adjusted for inequality; a combination of literacy rate and intensity of formal education; and a combination of life expectancy at age one and infant mortality rate.
9 The Human Poverty Index is a composite of variables capturing deprivation in three dimensions of human development viz. economic, educational and health. These have been captured by proportion of population below poverty line, proportion of population without access to safe drinking water/sanitation/electricity, medical attention at birth/vaccination and proportion living in kutcha houses; proportion of illiterate population and children not enrolled in schools; and proportion of population not accepted to survive beyond age 40.
aspirations of citizens be realised. The RTI Act can be an important mechanism through which social accountability tools can work effectively.

8 Evidence-Based Research on Right to Information in Uttar Pradesh and Bihar

In 2006, after nearly a year of the RTI Act coming into effect, people started complaining about the poor formulation of RTI laws\textsuperscript{10} in provinces and the poor response of government authorities in providing information. Several NGOs and community-based organisations began conducting research on RTI in order to systematically collect data for putting up demands to policy-makers. This research can be divided into two categories; the first research probed into the implementation of the RTI Act (qualitative) and the second research related to a critical analysis of the RTI laws of the provinces.

8.1 Implementation of the RTI Act

An all-India study with a focus on twelve provinces was conducted by Participatory Research in Asia between April to September 2006 in order to gauge people’s opinion on accessing information under RTI. The respondents of the qualitative study were 40 NGOs, community-based organisations, activists, media person etc. who had been educating people on RTI for one year. They were posed questions on the difficulties in accessing information, behaviour of government officers, role of Information Commissions and the government’s role in educating people. The findings of the study demonstrated that a large majority was facing several difficulties in accessing information from government offices. Most of the government officers who provide information at the state and district levels were not cooperative and they sometimes threatened applicants in to withdrawing applications. In Uttar Pradesh and Bihar, there are several instances of PIOs refusing to accept applications. Government officers are frequently absent from office and nobody accepts the application in his absence. In Uttar Pradesh’s Bahraich district, PIOs refused to accept the fee by postal order saying that they do not have a Government Order for the same, whereas the government has already passed the order that the fee can be paid by postal order. Most of the time, information provided was partial or half-baked.

Regarding the role of the Information Commissions, the findings pointed out that the SICs are very reluctant to penalize PIOs for dereliction of duty i.e., denial of information to the public. In some provinces like Bihar, Jharkhand, Uttar Pradesh, Himachal Pradesh,

\textsuperscript{10} In the Indian Federal system, the National Act is followed by the formulation of RTI laws in the provinces. Provinces have been given the flexibility to frame laws under the framework of the National Act as their context.
Haryana and Rajasthan, the constitution of the SIC was delayed by several months. It was also found that SICs were not provided adequate infrastructure, e.g. office space, computers, staff, funds and so on. For example, the Uttar Pradesh SIC has a very heavy workload, but only two Information Commissioners have been appointed (Box No. 1). The Bihar CIC has recently taken oaths and the official address is still not available even on the website. People in rural areas also felt that the appeal process was very expensive. There is a provision for sending the appeal by post but people feel that in their absence, their case would not be presented properly.

Box 1

**RTI Fiasco: SIC plagued with complaints in the face of poor redressal at local levels (Uttar Pradesh)**

The monthly records of the State Information Commission (SIC) show a bleak picture on the RTI’s health in the state. Every single commissioner at SIC receives not less than 2,000 complaints a month against Public Authorities for not providing information. The figures for May this year show that each of the nine Information Commissioners (ICs) received between 1,500 and 3,000 complaints under Section (18) of the RTI Act. In a single month alone, there have been a total of 18,068 complaints received by the Commission.

When the applicant feels that the information provided by the First Appellate Authority is not the one that s/he had asked for, s/he files a Second Appeal with the SIC. It suggests that the machinery for receiving information and the First Appellate Authority is non-functional.

Despite an elaborate order issued by the Chief Secretary an year ago in July 2008 to start taking the RTI Act seriously, government officers are still not taking the order seriously.¹¹

On the government’s role in educating people, the study pointed out that a large percentage of people (nearly 90%) are not aware of the Act which becomes a hindrance in the filing of applications. In all the states utilisation of the RTI is far less in rural areas as compared to urban areas. The government has not undertaken any campaign, either in the electronic or print media, for making RTI popular among people, while it regularly launches campaigns on the achievements of the railways, health programmes and birthdays of politicians. So far, only one large-scale campaign has been launched on RTI, which was organized by NGOs and the media. Governments, both

central and state level, have neither allocated adequate funds to nodal agencies for organising campaigns on RTI nor supported such activities in any other way.

This study was also shared with the national and state media and in the conferences organised by the government and civil society organisations. This sharing resulted in the government’s recognition of the findings in the Sub Committee of the Central Information Commission, India. It was an important achievement for policy advocacy as the problems faced by the community were noticed by the government who highlighted the findings in one of their reports.

Similarly, community-based research was undertaken by a group of RTI activists in Bihar. They collected the qualitative data by conducting several meetings in the districts of Gopalganj, Siwan, Khagadia, Begusarai, Samastipur, Patna, Muzaffarpur and Madhubani. A research study was carried out by Sahbhagi Shikshan Kendra (SSK) in Uttar Pradesh in the districts of Sitapur, Bahraich, Varanasi, and Mirzapur. Kabir (an NGO from New Delhi) and Poorest Area Civil Society Project (PACS) partners Akhil Bharatiya Samaj Sangha had also taken up an initiative named Action Research Villages (ARV) in four districts (Banda, Chitrakoot, Allahabad, and Bahraich) of Uttar Pradesh in December 2006. The initiative began with the training of villagers on RTI so that they could participate in the research. The research and advocacy initiative was conducted over a period of one year to find out peoples’ opinion on RTI and its use, and how it affected the day-to-day lives of the villagers, changed overall village conditions and affected the reform of existing governance mechanisms.

The research in both the provinces demonstrated that the people in rural areas faced tremendous difficulties in accessing information (Box No.2). The role of the Information Commission and the state government was found to be grossly inadequate. Regarding the role of the apex body of RTI, the UP State Information Commission, the research pointed out that poor disposal rate of appeals, citizens not being called for hearings, sympathy for bureaucracy and a wait of four to six months for appeals were common complaints of citizens. Such a state of affairs at the RTI’s apex body worried people, as it would lead to long waits where justice was indefinitely delayed.  

However, the research also demonstrated that people were able to solve small service delivery problems in housing, unemployment, roads etc. through RTI and expose cases of corruption in some districts (Bihar and Uttar Pradesh). The findings from the community-based research were shared regularly with the media through regular press briefs. Some of the research findings in Uttar Pradesh, such as corruption in the National Rural Employment Guarantee Scheme (NREGS), mid-day meals, scholarships and school uniforms were highlighted in newspapers, which built pressure on the government to take corrective action. Some cases of harassment of the common citizens (mentioned

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12 Based on an interview with Akhilesh Saxena, RTI activist working with the State Information Commission.
below) were also highlighted in the media. These community-based research studies prompted all stakeholders in RTI to come together in order to launch a campaign for the implementation of the law in letter and spirit.

**Box 2**

**Two Villagers in Jail - RTI filing leads to harassment**

A bid by two villagers to bring about accountability in their local administration through RTI resulted in their arrest on forgery charges by the Azamgarh police. Their crime? The society formed by them for the purpose is not registered.

According to RTI activist Vimal Kumar, who approached the National Human Rights Commission on behalf of the arrested duo, the villagers of Dehduar Kathauli decided to keep track of the funds allotted to their 'gram sabha' through the RTI Act and formed a society called Vikas Gram Sabha for the purpose. They soon filed a plea seeking information from the Block Development Officer (BDO) and district panchayat officer about the allocation of funds.

This organised quest for transparency apparently caught the local block level officials by surprise, who quickly had Indrasen Singh and Asudhar Singh arrested on forgery charges. Calling it an act of defiance, panchayat officials also lodged a complaint against them, claiming that the two were working for an unregistered organisation and "creating obstacles in the development of the panchayat."

Predictably, the police promptly obliged by foisting a case under non-bailable sections and took signed statements from them saying that the newly formed society was not yet registered. Using that as an excuse, the police then alleged that Indrasen and Asudhar were running a fake society. Worse still, a local court refused to grant bail to the two who have been behind bars since their arrest on December 26th last year and they have now moved the Allahabad High Court for relief.13

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9 **Critical Analysis of Right to Information Laws**

The second part of the research was the critical analysis of RTI laws in two provinces by the national NGO the Society for Participatory Research in Asia (PRIA). Before sharing the research findings, it is necessary to briefly discuss the provincial government’s power in making laws in India. In the Indian federal system, the central government makes Acts on central subjects and provincial governments have been delegated powers to

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frame rules for implementing the Act. Often, state governments frame rules contrary to the provisions of the central Act. As a result, most of the revolutionary Acts made by the central government fail at the implementation stage. The reason for such action can be attributed to the state government’s lack of political will for undertaking radical reforms in governance. This is precisely what has happened to the RTI Act in India. State governments have framed rules which are arbitrary and against the provisions of the RTI Act. Hence, it was quite important to critically review the RTI rules in order to build the case for implementing the RTI Act in letter and spirit.

For this purpose, PRIA in 2008 took up a study entitled “Review of Right to Information Rules in Seven States”. The study pointed out that the RTI rules go against the letter and spirit of the RTI Act, 2005, in many states. It is a well-settled principle of delegated legislation in the federal structure of India that the rules made to enable legislation cannot go against the provisions of the parent Act they seek to enforce. However, the study finds that in many instances the rules were framed violating the provisions of the RTI Act. It would be appropriate to discuss this with a focus on Uttar Pradesh and Bihar.

9.1 Uttar Pradesh

- The RTI rules concerning format of application, application fees, and cost of information and inspection fees are in conformity with the Central Act, but the rule relating to mode of payments was restrictive as fees could only be paid through cash, demand draft and banker’s cheque. Common citizens were finding this rule a big hindrance in filing applications as they had to personally visit government officers to pay in cash, as they found payment through demand drafts to be too expensive. In order to formalize more affordable payment modes, citizens began demanding inclusion of easily available postal orders as the mode of payment. The issue was also taken up by the media and civil society organisations who sent their demands to the government (PRIA 2008).

- The Uttar Pradesh Government did not seem very comfortable with the widespread use of the RTI Act by common citizens. It tried to expand the list of exemptions by excluding 14 items from the purview of the RTI Act. These items were the appointment of the Advocate General; notifications related to the Uttar Pradesh Rules of Business 1975; the Government of India’s Allocation of Rules of Business; matters related to the other states’ rules of business; probe against ministers and Members of Parliament; all matters related to the Padma awards, appointment of the Governor; the appointment of ministers, ministers of state and deputy ministers; the code of conduct for the ministers and the Chief Minister’s instructions to them; the appointment of judges and the Governor’s monthly report that is sent to the President of India.  

14 http://www.indopia.in/India-usa-uk-news/latest-news/593035/UttarPradesh/1/20/1
9.2 Bihar

- The RTI rules concerning procedure and format of application, application fees, and cost of information and mode of payments of fees were largely in conformity with the mandate of the RTI Act. However, the Bihar Rules provide for fees of Rs.50 for the First Appeal made to the Appellate Authority, but it does not lay down any particular mode of payment for the First Appeals made to the Appellate Authority (PRIA 2008). As the central government does not provide for fees for the First Appeal, it was therefore demanded that the rules be suitably amended to exclude any appeal fees, a point that was taken up by the media and civil society organisations.

Box 3

State government rules mar spirit of RTI Act: study

New Delhi, May 15 (IANS). The Right to Information (RTI) Act has become a complicated tool for the common man to use because of different rules framed by various state governments, a study by a voluntary organisation says. On the basis of research in seven provinces - Bihar, Chhattisgarh, Madhya Pradesh, Haryana, Orissa, Punjab and Uttar Pradesh - this year, the Participatory Research in Asia (PRIA) study concludes that the state RTI rules going against the spirit of the RTI Act would create doubts in the citizens’ minds instead of facilitating access to information.

The study notes: “The Delhi High Court and Allahabad High Court have fixed Rs.500 as the application fee for seeking information while the Karnataka government has framed RTI rules which require the request for information to be related to one subject and not exceeding 150 words.” In contrast to the mandate of the RTI Act that access to information should be affordable, the rate of application in Haryana is Rs.50, not a small amount for a common man, it says.

Such observations led to the conclusion that “such state government rules coming within three years of the drafting of the RTI Act create doubts in the minds of the citizens about the intention of the state governments and competent authorities to facilitate citizens’ access to information”.

The research on RTI law was shared with the media (Box No. 3), which resulted in coverage in a number of online news agencies and some print media.15 Both these

15 On line new agencies which picked up the news:
www.rtiindia.org/

researches, critical analysis of the rules and research studies on the status of implementation by civil society groups led to the demand for policy level changes in the RTI operational structure. Yet, as we know that the mere voicing of concerns may not lead to policy level changes, hence research needs to be combined with communication strategies, partnership and networking.

10 Action for Policy Change

**Action in Uttar Pradesh**

A large number civil society organisations already involved in spreading awareness on RTI, namely Asha Parivar (network of civil society groups in Uttar Pradesh), Uttar Pradesh Voluntary Action Network, National Alliance of People’s Movements (NAPM) and Sahbhagi Shikshan Kendra (NGO), backed by research findings, came together to put forward their demands to policy-makers. They were demanding that the RTI Act should be followed in letter and spirit, a single window system should be created to facilitate access to information and RTI laws should be citizen-friendly. A demand for RTI call centres on the lines of Bihar was also made in Lucknow, the capital of Uttar Pradesh by Action Group for Right to Information (AGRI, a partnership and network group of RTI activists in the state) and national-level activists Arvind Kejriwal and Manish Sisodia. AGRI, was created to lead the struggle for advocacy and a coalition was formed with national actors like NAPM and RTI activists in order to add weight to policy-level changes. Intensive mobilisation campaigns in several districts backed by media publications in vernacular and English dailies created pressure on the information dispensation system to work, but policy-level changes could not be effected.

The Provincial Government’s reactions to these demands were very negative. Seemingly uncomfortable with the widespread use of the RTI Act by common citizens, they tried to expand the list of exemptions by excluding 14 items from the purview of the RTI Act. This action of the Uttar Pradesh government was a blow to the RTI campaign in the state as it put restrictions on access to all details related to the appointment of key functionaries of the state, probes and the code of conduct for ministers. The state government, instead of going in for full transparency in a poorly-governed state, has taken a retrograde step and tried to limit access to information. It generated widespread

http://www.karmayog.org/rti/


http://www.nyayabhoomi.org/treatise/two_year_journey_rti_india/twoyear_journey_rti_india.htm

16 The establishing of a RTI call centre in Bihar has been discussed in detail later in the paper.

protests by citizens and civil society groups. AGRI and NAPM vehemently resisted the government’s move through press briefings, web campaigns and memorandums to the government. The media, both vernacular and English, proactively took up the issue and demanded complete transparency in government functioning.

The Uttar Pradesh government yielded to peoples’ demands, though not completely. It amended the notification on RTI by reducing the number of subjects from 14 to five, thereby dropping nine subjects from the earlier list. Hence, quick mobilisation by the various actors prevented the government from framing anti-citizen policies. Another important amendment carried out by the provincial government which facilitated access to information was enlarging the mode of payment of fees. People could now pay the fee through postal orders, which are easily available in post offices in the villages.

Criticisms of the SIC in the media forced the Commission to set up a five-member committee for looking into the Commission’s work and give recommendations for improvement. The committee held consultations with experts and RTI activists and gave a set of recommendations also known as “Rules-2008”. This was a substantial achievement as the Commission had taken steps to create a system which is citizen-friendly. However, the Commission did not take any action to implement the recommendations for nearly eight months; so civil society organisations need to wage another battle for its implementation.18

**Action in Bihar**

Research had already highlighted that people were facing tremendous difficulty in accessing information. Sharing the research findings with the media brought these problems to the knowledge of policy-makers, but they did not take any action. In fact, they did not know what needed be done to correct the situation. It provided the activists and civil society organisations an opportunity to influence the provincial government in making citizen-centric policies.

RTI activists (Parveen Amanullah and others) from Bihar and Arvind Kejriwal and Manish Sisodia from Delhi came together and decided to suggest a systemic change for the province’s bureaucracy. They advocated that innovative use of information technology (an RTI call centre) could provide a way out of these problems. Any suggestion for pilot-testing of an e-governance model would have drawn derisive remarks, as the province was extremely backward and poor. Yet, they had the courage and enthusiasm to take the idea to policy-makers. This idea was appreciated by the activists, who felt that it should be discussed with the Chief Minister of Bihar, Nitish Kumar.

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18 Committee to finalise rules for speeding up RTI working, *The Times of India*, August 19, 2009 Lucknow, Uttar Pradesh
Nitish Kumar had just won the state elections on the promise of “good governance” and he seemed eager to implement any such reforms which could lead to good governance. The political context, therefore, provided the right environment for policy changes. The appointment with the chief minister was finally fixed for November 2006. The meeting was attended by national and state level activists and top-level officers from the government. Nitish Kumar liked the idea of a RTI call centre and asked Mr. Arvind Kejriwal to make plans to make the call centre operational. Top government officers were asked to study the financial feasibility of the project.

Arvind presented the plan in December 2006, and it was accepted by the Bihar Government. The Chief Minister said that the RTI call centre would be inaugurated on 29th January 2007; this announcement forced the bureaucracy to put all their efforts in to starting the RTI call centre. The task of training the personnel of the call centre and guiding them for two months was given to Parivartan (Citizens’ Group in Delhi). After all these preparations, the RTI call centre was finally inaugurated on January 29, 2007.\footnote{Based on an interview withf RTI activist Bibhav Kumar from Parivartan.}

The RTI call centre was an innovative model adopted by a poorly-governed state desperately trying to make governance accessible to all. It tried to tackle the primary problems faced by common citizens in filing applications, namely difficulties in locating the offices where RTI applications can be filed, unavailability of convenient modes of payment and apathetic government officers who refused to take applications. The RTI call centre (Box No. 4) supported by information technology tried to resolve all these problems, as applications were accepted on the telephone and RTI fees were deducted from the caller’s bill. It also resolved a reduction in the appeal fees, which was one of the main issues raised by various actors.\footnote{The software made for the call center’s operation could only accept fees up to a certain amount hence the fees being made uniform.}

\section*{Box 4 How does the RTI Call Centre function?}

The Bihar Government established the ‘Jankari’ call centre on 29 January 2007. The centre records the voices of the citizens over the phone and drafts the application in a manner that can be put before the Public Information Officers in the Public Authorities. Since a large chunk of the rural population is unable to read and write, the call centre is proving to be beneficial as it writes applications on behalf of the complainants. A sum of Rs.10 is charged as fees (under the RTI provisions) and is automatically charged in the caller’s telephone bill.

It is a user-friendly ICT (Information and Communications Technology)-based facilitation

\footnote{Interview with Manish Sisodia}
centre to help the citizens of Bihar in getting governance related information from PIOs under the Right to Information Act, 2005 within the stipulated time frame. The use of ICT tools has been widely appreciated by the media and the people because of its user-friendly format and accessibility without visits to offices.21

Bihar is the first state in India to accept RTI applications on the phone with the objective of ensuring transparency in the functioning of public institutions and that of expanding the reach of RTI to the villages.

The RTI call centre had a slow start (Table 1) but it has gradually picked up. The analysis of data of two years (2007 –2009) of the RTI call centre’s working shows that it has facilitated in the filing of applications and Appeals in a big way. A comparison of the data of six months in Table 1 (2007) and Table 2 (2009) on details of calls received at the call centre shows that the number of applications filed has jumped nearly three times from 2007 to 2009. The number of First Appeals and Second Appeals has seen a huge increase over these two years. Further, the analysis of call details helps us find out the government departments which are getting the maximum number of RTI applications. Table 3 shows that the maximum number of RTI applications was filed in the Personal and Administrative Reforms Department and Rural Development Department. Interaction with community and civil society organisations in Bihar brought out the reasons for RTI usage in these two departments; community members said malpractices in huge recruitment drives for primary school teachers and in rural employment drives under the National Rural Employment Guarantee Scheme were the reason they wanted to find out whether entitlements were granted in a fair manner.

One important facet of this call centre is that it is able to answer different queries of citizens on RTI. The three- to four-fold increase in the number of queries over these two years substantiates the conclusion that the call centre has been able to educate and guide a number of citizens. Though the number of 12,628 (2009) seems to be quite small compared to the huge population of Bihar, this method of responding to RTI applications, appeals and queries assumes importance, as no such method exists in other states. It could possibly provide a solution for making information accessible to all and dealing with huge pending RTI applications and appeals in government departments. Information technology then, if used innovatively, can provide solutions for poor grievance redressal, poor transparency and non-accountability of government institutions.
Table 10.1 Call details for the RTI call centre – Bihar (01st January- 30th June 2007)

<table>
<thead>
<tr>
<th>Months</th>
<th>Application</th>
<th>1st Appeal</th>
<th>2nd Appeal</th>
<th>Query</th>
<th>Others</th>
<th>Total Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan 2009</td>
<td>24</td>
<td>0</td>
<td>0</td>
<td>81</td>
<td>18</td>
<td>123</td>
</tr>
<tr>
<td>Feb 2009</td>
<td>367</td>
<td>2</td>
<td>2</td>
<td>480</td>
<td>131</td>
<td>982</td>
</tr>
<tr>
<td>March 2009</td>
<td>246</td>
<td>69</td>
<td>0</td>
<td>360</td>
<td>54</td>
<td>729</td>
</tr>
<tr>
<td>April 2009</td>
<td>163</td>
<td>71</td>
<td>9</td>
<td>218</td>
<td>44</td>
<td>505</td>
</tr>
<tr>
<td>May 2009</td>
<td>172</td>
<td>79</td>
<td>37</td>
<td>441</td>
<td>52</td>
<td>781</td>
</tr>
<tr>
<td>June 2009</td>
<td>200</td>
<td>64</td>
<td>41</td>
<td>265</td>
<td>38</td>
<td>608</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1172</td>
<td>285</td>
<td>89</td>
<td>1845</td>
<td>337</td>
<td>3738</td>
</tr>
</tbody>
</table>

Source: MIS Report of RTI Call Centre, State Information Commission of Bihar

Table 10.2 Call details of the RTI call centre - Bihar (01st January- 30th June 2009)

<table>
<thead>
<tr>
<th>Months</th>
<th>Application</th>
<th>1st Appeal</th>
<th>2nd Appeal</th>
<th>Query</th>
<th>Others</th>
<th>Total Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan 2009</td>
<td>328</td>
<td>169</td>
<td>95</td>
<td>626</td>
<td>12</td>
<td>1230</td>
</tr>
<tr>
<td>Feb 2009</td>
<td>753</td>
<td>267</td>
<td>116</td>
<td>1885</td>
<td>66</td>
<td>3087</td>
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<tr>
<td>March 2009</td>
<td>600</td>
<td>343</td>
<td>137</td>
<td>1360</td>
<td>12</td>
<td>2452</td>
</tr>
<tr>
<td>April 2009</td>
<td>406</td>
<td>271</td>
<td>150</td>
<td>820</td>
<td>17</td>
<td>1664</td>
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<tr>
<td>May 2009</td>
<td>407</td>
<td>346</td>
<td>229</td>
<td>984</td>
<td>20</td>
<td>1986</td>
</tr>
<tr>
<td>June 2009</td>
<td>496</td>
<td>236</td>
<td>160</td>
<td>1294</td>
<td>23</td>
<td>2209</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2990</td>
<td>1632</td>
<td>887</td>
<td>6969</td>
<td>150</td>
<td>12628</td>
</tr>
</tbody>
</table>

Source: MIS Report of RTI Call Centre, State Information Commission of Bihar

Table 10.3 Department-wise Management Information Service (MIS) report - RTI call centre (29th January - 07th August 2009)

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Departments</th>
<th>Application</th>
<th>1st Appeal</th>
<th>2nd Appeal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Health</td>
<td>415</td>
<td>204</td>
<td>110</td>
<td>729</td>
</tr>
<tr>
<td>2</td>
<td>Human Resource</td>
<td>2140</td>
<td>1124</td>
<td>606</td>
<td>3870</td>
</tr>
<tr>
<td>3</td>
<td>Personal and Administrative Reforms</td>
<td>799</td>
<td>409</td>
<td>235</td>
<td>1442</td>
</tr>
<tr>
<td>4</td>
<td>Revenue and Land Reforms</td>
<td>438</td>
<td>187</td>
<td>87</td>
<td>712</td>
</tr>
<tr>
<td>5</td>
<td>Rural Development</td>
<td>1806</td>
<td>821</td>
<td>307</td>
<td>2934</td>
</tr>
<tr>
<td>6</td>
<td>Social Welfare</td>
<td>595</td>
<td>259</td>
<td>110</td>
<td>964</td>
</tr>
</tbody>
</table>

Source: MIS Report of RTI Call Centre, State Information Commission of Bihar

There have been some logistical constraints in the call centre’s operations as citizens complain that the phone lines are often jammed and it is not possible to call from all the districts in Bihar. It is also seen in some cases that the questions are not framed with
the applicants’ information needs in mind. Hence, wrong information is furnished to the applicant. These must be seen as small operational bottlenecks which can be easily sorted out if the call centre is expanded. This model has won the appreciation of several quarters. Sonia Gandhi, United Progressive Alliance Chairperson had urged Congress-led state governments to adopt this model. It has also won the National Award for E-governance 2008-09 for the project and this award is to be granted by the Department of Administrative Reforms under the Ministry of Personnel, New Delhi. Evidence and community-based research had highlighted the issues which drew the government’s attention in both the provinces. They also suggested the mechanisms for facilitating access to information, which was accepted by the governments of both the provinces, though in varying degrees.

11 Factors that Led to Successful or Unsuccessful Policy - Influencing

Several factors determine the success or failure of policy influencing. The political context, quality of research, stakeholder analysis, communication strategies, advocacy strategies and partnership are important factors in policy-influencing. What works would entirely depend on the specific context. We shall probe the process of policy-influencing in these two provinces and try to find out how these factors have influenced policies.

As seen above, the socio economic context in both the provinces is largely similar. What varied to some extent was the political context. Both the provinces had a newly-elected government. The government in Bihar was formed by Nitish Kumar, the leader of the coalition of two parties. He had formed the government on the promise of providing ‘good governance’ to the people of the province. He was compelled to cater to a constituency which was tired of corruption in the government and wanted action which would lead to good governance, making the political context for administrative reform conducive in Bihar. The pro-reform attitude of political leaders enlarged the stakeholders who were pro-reform. Some bureaucrats and elected representatives who were fence-sitters also joined the pro-reform group. It made the task of community-based organisations, activists, and media easier as the number of stakeholders who were pro-reform in the province had become quite large.

In contrast, the new government in the province of Uttar Pradesh was not very concerned about good governance. It had won the elections on the slogan of “empowerment of the marginalized”, so it assumed that reforms in governance do not fall under their agenda. Once in power, all their slogans evaporated and they were more interested in ‘ruling’ than in ‘governing’. Reluctance on the part of political leaders to

take a position on reforms in governance made bureaucrats and elected representatives sceptical of the reform process, making them keep away from any reform agenda. It made the task of community-based organisations, activists, and media difficult as they had to deal with a governance system where everybody was against reforms.

It can be said that to some extent the political context determines the communication strategies of the policy-influencers. They usually use dialogue, consultations, lobbying, campaigns, online methods like petitions, voting, blogs, and press releases to approach policy-makers. In Bihar, the activists used the print media to build pressure on the government for creating mechanisms for facilitating access to information. The various stories of problems faced by people in accessing information, which had been highlighted in research, were regularly published in the print media. Sometimes, selected leaks to the media about the performance of different departments on RTI also made headlines. In India, political leaders are very concerned about what is being written in the media as it affects the people's perception about governance. So press releases on RTI created pressure on Bihar's 'image'-conscious government to create facilitating mechanisms on RTI.

In this context, some pro-reform bureaucrats were willing to experiment with the RTI call centre idea when policy-influencers approached them with the suggestion that the call centre can solve the problems faced by people in filing RTI applications. These bureaucrats also helped policy-influencers in fixing an appointment with the chief minister. Ultimately, the suggestion for the RTI call centre was appreciated by the chief minister who ordered the officials to work on the modalities for its operation. Good media communication, interested actors such as officials and the political context led to the establishment of mechanisms which provided easy access to information to the common person in Bihar.

In Uttar Pradesh, despite the hostility of officials towards reforms in governance, the advocacy campaigns for establishing mechanisms for easier access to information i.e. the establishment of a RTI call centre, rules for the efficient functioning of State Information Commissions SICs and flexible mode of payments, have been launched by various actors. Various research and field-based activity of community-based organisations highlighting gross deficiencies in the implementation of RTI also called for some action. To strengthen the voice for policy influence, AGRI was formed in 2007 in the province. It consisted of a number of community-based organisations and activists from the province. Other prominent networks like Uttar Pradesh Voluntary Action Network (UPVAN) and NAPM also joined the campaign demanding reforms in the RTI system in the province. A number of consultations, workshops and seminars were organised at the district and provincial level for the mutual sharing of experiences, raising community awareness and strategy-building. These initiatives broadened the campaign involving community and community-based organisations from remote corners of the province. These actors sent a number of petitions and made personal
representations to the provincial government and Information Commissions for changing the RTI system in the state.

These networks provided the media, especially print media, with regular press releases and stories related to problems faced by the common citizen in accessing information and deficiencies in functioning related to Information Commissions and government departments. The print media created pressure on the government to make changes in RTI functioning. However, the bureaucracy and political leaders did not accept any of the suggestions; instead, they tried to formulate rules which further restricted information to people. It created a furore in the province resulting in protests by the networks and the print media condemning the government for making the RTI system complex and difficult. It made the government withdraw the orders for amending the rules.

It can be said that the huge mobilisation by the network has not achieved anything substantial. Despite the odds, they continued their efforts, ultimately forcing the Information Commission to make rules for improving its functioning. Though rules were framed for the Commission, they have not been implemented yet. Uttar Pradesh, despite having good partnerships and networks and a huge advocacy campaign, could not achieve much and Bihar showed substantial results with a comparatively smaller campaign. The factors which made the policy-influencing successful in Bihar were the presence of pro-reform stakeholders in the bureaucracy and among political leaders. The focused strategy influencing these actors worked and helped in gaining access to the chief minister. The chief minister’s consent to the idea ultimately removed all procedural hurdles, ultimately paving the way for the establishment of the RTI call centre.

12 Conclusion

These two cases from India highlight the fact that the political context for policy influencing can assume tremendous importance in some locations. The case of Uttar Pradesh shows that despite sound research, grassroots movement, networks and communication strategies, significant changes could not be brought about in the RTI system. Yet, some policy changes for increasing access to information could be brought about in Bihar as the stakeholders were slightly different.

The failure of evidence-based advocacy in one state and success in another emphasises the fact that advocacy for reforms in specific sectors of governance may not yield results in the context of extremely poor governance. Hence, a better strategy in the context of poor governance, which is largely true of South Asian countries, would be to take up holistic reforms in all sectors of governance. People should demand participative,
transparent, accountable and citizen-centric governance which delivers effective public services. It also means a system of governance where everybody has equal entitlements and can live a life with dignity. Sectoral reforms can only be successful when pressure for comprehensive reforms in governance is created by people. It does not mean that ‘small battles’ for sectoral reforms should not be launched, but it should be remembered that sectoral reforms would only be effective if there is simultaneous pressure for comprehensive governance reforms. Otherwise, even a good law like RTI can be made ineffective by poor governance systems as has been the case of Uttar Pradesh.

One important way of launching advocacy for reforms in governance can be by conducting research on specific themes. Yet, in the South Asian context, many actors do not have the capacity to conduct research. This constraint can be overcome by leading research organisations or NGOs (Actor 1) involving small community-based organisations or community leaders (Actor 2) in the research. The engagement of Actor 1 and Actor 2 in the research process has two advantages; firstly, the research is considered to be credible as Actor 1 adheres to robust methodology in undertaking research; secondly, the close involvement of Actor 2 means that the research reflects the true opinion of people. Credible research makes the processes of policy-influencing slightly easy as policy-makers tend to trust figures more than the opinion of people. The close involvement of Actor 2 also results in training the CSOs in undertaking research, which might strengthen community-based research, urgently required in remote areas of South Asia. It can also decrease their dependency on lead organisations or NGOs to undertake all the research carried out in the province or country. Moreover, Actor 1 suggesting policy changes for the province or for the country, based on exhaustive research, often covering the whole province, is seemingly more convincing to policy-makers whose frame of reference is also the province or country.

Yet, research alone cannot bring about policy change. In South Asia, research must be matched with community mobilisation, communication strategies, advocacy strategies and partnerships. The scale of each of these actions would entirely depend on the political context. One more actor who has gained prominence in policy influencing in South Asia is the international donor or aid-provider. For example, it’s noteworthy that the ordinance of the Freedom of Information Law in 2002 in Pakistan was passed by President Musharraf, head of the dictatorial regime, under pressure from the United States of America who had included certain binding clauses for providing military and economic aid. Similarly, in Bangladesh, the government was forced to enact the Right to Information Act in 2009 under pressure from an international donor. Sometimes, important policy changes can be made in South Asia if lobbying is done with international donors or aid-providers. These cases might be isolated examples, but it enables us to understand which actors can play an important role in policy influencing in the South Asian context. It underlines the fact the policy influencing must be planned carefully after analysing political context, various stakeholders, suitability of communication, advocacy strategies and partnership building.
References

• RTI ASSESSMENT AND ANALYSIS GROUP (RaaG) AND NATIONAL CAMPAIGN FOR PEOPLE’S RIGHT TO INFORMATION (NCPRI), July 2008. Safeguarding The Right to Information - Report of the People’s RTI Assessment, India New Delhi
• The Right to Information Act 2005, India.
Web sites:
www.cic.gov.in
www.kabir.org
www.pria.org
www.parivaratan.com
http://www.humanrightsinitiative.org/default.htm
http://www.indopia.in/India-usa-uk-news/latest-news/593035/UttarPradesh/1/20/1
http://www.indiarti.blogspot.com/
http://www.rtiindia.org/forum/3835-right-information-empowerment.html
www.timesofindia.com/india/RTIactivism