

## Case Study, Part 2: The Right to Know Movement in India By Vivek Ramkumar<sup>1</sup>

### The MKSS and the Right to Information Campaign

Section I of this case study follows the development of the organization called the Mazdoor Kisan Shakti Sangathan (MKSS) in rural Central Rajasthan, the largest state in India. In little over a decade, this union of peasants and workers, operating under the slogan *Equality and Justice for All*, has become one of India's most potent social justice movements and is recognized internationally for its right-to-information campaign. While organizing to secure minimum public-sector wages for its constituents, the MKSS realized that official secrecy was the primary obstacle to accessing the project records necessary to establish the legitimacy of the wageworkers' claims. Mohanba, an illiterate wageworker and MKSS member, summed up the rationale behind the right-to-information campaign: "There is some magic in these official records and until we get these records, we won't get our legitimate wages." The link between public records, livelihoods, and basic rights was thus firmly established and 'Right to information!' became the call of thousands of workers in Rajasthan. In 2000, their efforts were rewarded when the Rajasthan State Legislature, in response to increasing public pressure, passed the Right to Information Act providing all citizens with access to public records.

### Struggle for Minimum Wages

In the initial stages of its long-running minimum-wage campaign, the MKSS organized two large demonstrations of wageworkers outside the public agencies that refused to pay the wages owed. The MKSS presented several demands on behalf of the workers to public officials at both the state and central levels. They achieved some successes when the central government ordered the state to pay the wages due to the workers. When the state government still refused to pay the wages, the central government blocked some of the funding due to the state. Later, the MKSS filed a suit against the state government with the Rajasthan High Court. The courts in India are infamous for dragging out cases and it took almost ten years for the high court to rule in favor of the wageworkers.

How did the MKSS achieve this success, both in terms of organizing and outcome? A key strategy was a citizen forum called a public hearing (*Jan Sunwai*).

The MKSS had employed a range of strategies to obtain the wages owed to workers in public projects. When neither the executive nor the judicial institutions were providing redress, sympathetic officials made critical project documents available. To leverage the information for effective advocacy and public mobilization, the MKSS conceived of a forum in which village communities (many of whom were public wageworkers) could discuss public expenditures incurred in their areas. This led to the birth of *Jan Sunwais* (public hearings), also called social audits.

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<sup>1</sup> Vivek Ramkumar was a member of MKSS prior to working with Just Associates where he developed this case study with assistance and editing from Annie Holmes, Cindy Clark and Lisa VeneKlasen. Special thanks to MKSS leadership and members for sharing their vision and their powerful example.

### **What is a Social Audit?**

A social audit is a collective scrutiny by communities of public funds. In India, social audits originated from the public hearings organized by the MKSS on public-project spending and records. A formal panel, consisting of eminent citizens of the region, chaired each forum. Following a systematic procedure, community members were given an opportunity to voice their opinions on selected projects. In turn, the elected and government officials responsible for these projects were invited to respond to community residents' comments. Much as the authorities wanted to discredit the often explosive findings of the public hearings, even a reluctant officialdom acknowledged that MKSS public hearings follow appropriate procedures and principles.

#### **The Origins of 'Audit'**

The term 'audit' owes its origins to the Latin word *audire*, which means 'to hear'. In modern times, people associate the task of auditing with financial accountants who use technical standards to examine the propriety of organizational finances. Social auditing, on the other hand, stays much truer to the original Latin interpretation of *audire* by requiring public officials to *hear* the findings of citizens regarding government programs.

### **Stages in a Social Audit**

There are five distinct stages in the social audit process.

#### ***Stage 1: Gathering Information***

India's government bureaucracy actively preserves secrecy around its public agency functions (as described in Section I of this Case Study). This complete lack of transparency is matched by the bureaucracy's lack of accountability to the citizens on whose behalf it works and from whose taxes it is paid. India inherited from British colonial rule a bureaucracy that was trained to maintain the *status quo* – power in the hands of rulers, sustained in part through exclusivity and elitism in governance.

However, unlike many other developing countries, India also inherited from the British a system of record keeping that provides a detailed paper trail for all public financial transactions. Thus, the history of every bit of money expended in public projects is recorded in a file and in entries in books of accounts. Signatures approving the transactions by the official chain of command will accompany these entries. Maintaining secrecy around this paper trail allows corruption to thrive and public funds to be misappropriated.

#### **Running with the Records ...**

The right-to-information campaign had its share of lighter moments. Shanker Singh, a founding member of the MKSS, went to a project site and asked the official in charge to show him the muster roll (labor roll). This lists the names of wageworkers and the amount due to them for work done on a daily basis. Shanker wanted to establish whether the amount entered in the muster roll matched the amount that a worker had actually received. The worker was illiterate and could not verify the recorded amount for which he had signed with his thumbprint. The amount involved was less than \$5; however, as soon as the official heard Shanker's request, he folded the muster roll and started running from the project site, to the amusement of many bystanders.

A demand for information strikes at the very heart of a system that has over the years developed a cozy nexus among corrupt officials in government agencies such as engineering, accounting, administration, project supervision, auditing and even anti-corruption administration. Kickbacks from project fund misappropriations are shared at all levels of the government chain of command from the lowly clerk all the way to the elected agency head. Billions of dollars are siphoned off through such corruption every year. Corruption is so entrenched that the late Prime Minister of India, Rajiv Gandhi, famously remarked that only fifteen cents in every dollar allotted to public projects actually reaches the intended beneficiaries.

Against this backdrop, one can imagine the challenges in obtaining information from public agencies. In the initial years of the right-to-information campaign, the MKSS depended upon sympathetic officials to provide information. Since a right-to-information law passed, the MKSS uses the provisions of the law to request documents.

**Discussion 5: Why did the official run when asked for the muster roll? What lessons can one draw from this incident about the power of information?**

### *Stage 2: Collating Information*

Having obtained official records, the MKSS faced its next challenge – that of deciphering the details contained in the records. Some of the documents in their possession were relatively easy to understand – cash books, muster rolls, and expenditure voucher files with bills showing materials purchased for project work. Then, there were more challenging records that a layperson seldom encounters, such as the project engineers’ measurement books (MB), and utilization certificates (UC) verifying complete details of the project expenditure. The MKSS took on the task of becoming familiar with the jargon of project documentation. Members were assisted in this process by volunteers (drawn from among friends and well wishers) with experience in official documentation processes. Much to the amazement of officials, semi-literate members of the MKSS would stride into their offices and demand copies of project documents using terms like UC, MB, and ledgers. A heady sense of empowerment accompanied this new knowledge. The ability to pinpoint the exact meaning of scribbles in official records became a source of enormous pride. MKSS members then undertook to transfer this knowledge to villagers, as officials looked on incredulously.

Over a period of time, the MKSS became familiar with project documents and prepared a simple methodology for collating the information into summary matrices. One matrix, prepared from labor rolls, details for each worker the days in a year that s/he was employed at a particular project site. This matrix is very useful as it identifies cases of fraud in which a worker is shown to have been working on two different project sites on the same day. Similarly, a matrix was developed to summarize materials used in a project. Volumes of sand, cement and stones are measured in terms of camel or bullock cartloads rather than metric tons, to make them easier for villagers to verify. The matrix detailing commodity measures enable residents to identify erroneous records.

**Discussion 6: How was research handled by the MKSS? In what ways did this strategy build and use their power as a movement? How is this different or similar to participatory research efforts that you know about?**

### **Camel Dung Forgery**

Misrepresentations in muster rolls are one of the oldest and easiest ways for corrupt officials to camouflage misappropriation of wages. Illiterate workers unwittingly attest by thumbprint on muster rolls that they have received much higher wages than they have actually been given. Names of dead people and arbitrary names from voter rolls are entered into muster rolls as workers, and funds are usurped on their behalf. Corrupt officials use their own thumbprints to 'forge' non-existent workers' prints attesting to receipt of wages. Rather than use his own thumb, one audacious official used camel dung to 'forge' thumbprints.

### ***Stage 3: Distributing Information***

MKSS members and other volunteers involved in public hearings make several copies of the project documents and the matrices developed from them. Teams of volunteers then go from house to house to distribute copies to the residents of relevant villages and to question them on the information in the matrices – whether they worked on a particular site, for example. Projects typically pay people to build roads, schools, and hospitals; dig wells; and plant trees. Residents who worked on project sites become a valuable resource for verifying project documents. The copies of the muster rolls create enormous excitement as residents identify the names of dead or fictitious people. This verification process also reveals under-payment. Bills drawn in the name of a camel cart owner were shown to be false, for example, when the person in question verified that he had never owned a camel in his life.

### **Spies, Lies and Crony Cries**

When local officials observe MKSS teams distributing information to village residents, they usually become agitated and often send 'spies' to observe and report back on these discussions. Sometimes, officials encourage a spy to spread disinformation. MKSS members have become adept at identifying such 'cronies' who, typically, make extravagant statements – "the village head is a great man, projects are being efficiently conducted, funds are being honestly utilized" and so on. A spy might also try to intimidate residents who attempt to provide information. The beauty of the process is its emphasis on organized community involvement – this ensures that committed village residents can counter officials' cronies' claims with the confidence of unified members. The public forum reassures residents about speaking out against the misuse of funds.

The information distribution process can take from one week to a couple of months and provides an opportunity for MKSS members to build momentum leading up to the day of the public hearing. Using creative media such as songs, street plays, banners and posters, MKSS members and community volunteers encourage residents to scrutinize project information and to attend the forthcoming public hearing.

**Discussion 7: Why share information with residents? Why does the MKSS not prepare an 'expert' report based on their own conclusions from project documents?**

#### ***Stage 4: The Public Hearing***

Public hearings sponsored by MKSS have a very festive atmosphere. Anticipation builds up among residents of the village about the day's possible outcomes. The hearing is normally held in an open field in the village – special efforts are made to ensure that the location is convenient and accessible. MKSS volunteers put up a makeshift tent and organize seating for the attendees. A designated space is reserved for the panel adjudicating the hearing, and the rules of conduct are explained to the participants.

#### **Songs and Puppet Shows**

MKSS public hearings normally take up an entire day. To prevent monotony, MKSS volunteers provide entertainment in the form of songs that set campaign lyrics to the tunes of traditional folk songs. These catchy songs go right to the heart of the issues affecting the lives of the poor in India. Using puppet shows, MKSS volunteers also liven up proceedings for the children.

MKSS volunteers control the flow of discussion. Speakers are not allowed to make wild allegations of corruption against public officials, and public are given adequate opportunity to justify their performance in projects. Derogatory and abusive language is prohibited, and traditionally disempowered groups, including women, lower caste members and the poor, are actively encouraged to contribute their points of view.

Often, explosive findings emerge. The testimony of speaker after speaker describes instances of corruption, inefficiency in utilization of public funds, and poor planning within public agencies. Workers and residents identify false information contained in public records. Discussions become especially animated when public officials try to defend the projects that they supervised. Village residents are quick to point out lies in their statements. In some hearings, family members of corrupt officials have testified against them and some officials have admitted their wrongdoings. In front of an audience of between two and three hundred village residents, officials have handed over cash – the proceeds obtained through the corrupt use of project funds – to the panel adjudicating the public hearing.

#### ***Stage 5: Follow-up to the Public Hearing***

Follow-up is critical in leveraging the findings of the public hearing into an effective advocacy campaign to address specific instances of corruption and mismanagement, as well as broader policy considerations around the transparency and accountability of public agencies. The MKSS has used the space created by public hearings to engage the state government in discussions on reforming planning processes so that citizens can proactively engage in governance.

After each public hearing, the MKSS prepares a formal report of proceedings and findings. Copies are sent to senior state government officials, the media, and other groups engaged in the campaign. From the findings, the MKSS makes recommendations to the state government regarding action that should be taken against errant officials.

### **Institutionalizing Social Audits**

Because its public hearings were so effective, the MKSS started examining ways to institutionalize the social audit process. MKSS successfully lobbied the state government to introduce aspects of the public hearing process within local governance processes. The state government now requires that a social audit be held each year in villages. As part of the audit, all village residents must be given an opportunity to vote on a resolution verifying that the projects in their village have been successfully completed. While this process has its limitations, it represents a radical change in the institutional space provided to citizens to *audit* public funds.

The MKSS has successfully leveraged the findings of its public hearings to build momentum around the right-to-information campaign. The tremendous response and participation that public hearings have engendered among residents of villages culminated in two massive public demonstrations – first in the town of Beawer and later in the state capital of Jaipur. Thousands of demonstrators demanded that the state government enact a law giving citizens the right to information. In 2000, the Rajasthan state legislature passed the Right to Information Act. Two years later, in 2002, the national parliament of India passed the National Right to Information law.

### **Impact of Right to Information**

The right-to-information campaign has had a major impact on governance in the state of Rajasthan. Cynics might question the empowerment that citizens receive from a law giving them the right to view official information. However, public officials' response to the enactment of this law is revealing. In 2002, for example, 300 elected village representatives demonstrated in front of the Rajasthan state legislature demanding that the law on right to information be overturned; they argued that the law was being used by citizens to 'harass' them and interfere with their functioning. The law has also affected the conduct of famine relief programs in the years since its enactment. Senior state bureaucrats concede that the number of complaints regarding the denial of wages has been drastically reduced as a result of the law and of other disclosure policies that accompanied it.

### **Cross-cutting Application**

The right-to-information campaign has consistently recognized that its strength lies in its integral relationship with other movements.<sup>2</sup> Today, many other civic groups are using the right to information as a weapon in their respective battles. In October 2004, the second National Convention on the Right to Information was organized by the National Campaign for People's Right to Information (NCPRI). The convention attracted four hundred participants from all over India. Thirty-nine workshops addressed issues ranging from the impact of right to information on essential supplies, to corruption, to the problems of people displaced by large public infrastructure projects, to the adverse impacts of economic globalization, to the disappearance of citizens as a result of state security action. The breadth of topics truly demonstrated the impact of the Right to Information Law on all citizens in the country.

### **Discussion 8: Why are the MKSS-sponsored public hearings so popular with village communities?**

<sup>2</sup> Aruna Roy & Nikhil Dey, Fighting for the Right to Know in India  
<<http://righttoinformation.info/aranapaper.htm>>

**Discussion 9: How does the MKSS strategy differ from other legal rights or right-to-information efforts that you are familiar with?**

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