

# Emerging Politics of Accountability

## Institutional Progression of the Right to Information Act

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The implementation of the Right to Information Act, 2005 in Bihar is studied to examine the progression and deepening of institutional change. The institutional progression is inextricably linked to change in the political regime and the resultant shifts in policy priorities. The RTI Act has opened up a new space for accountability between state and society, its use is often linked to local politics, and a new form of elite agency has emerged, whose practitioners this article categorises as "agents of accountability." These agents are different from the category of elite agency discussed in scholarly literature, such as the "expansive elite," *pyraveekars*, *gaon ka neta*, "political fixers," or *naya netas*.

Until 2005, governance processes in India were shrouded in secrecy, a throwback to colonial times, and authorised by the Official Secrets Act, 1923, the Central Civil Services (Conduct) Rules, 1964, and Sections 1, 2, and 3 of the Indian Evidence Act, 1872. The Right to Information (RTI) Act, promulgated in 2005, provides Indian citizens a legal regime for accessing government information. It represents institutional change on three counts. First, it signifies a rearrangement in norms. Second, the RTI Act marks a complete departure from the previous regime, which was "locked in" (Pierson 2000) at the systemic level and institutionalised through acts that perpetuated the norm of secrecy. Third, the RTI Act, an act promulgated by Parliament, is justiciable, and the judiciary has interpreted the "right to know" as a fundamental right.

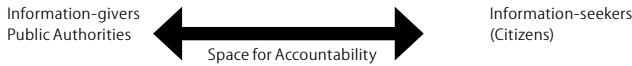
But, has this institutional change in legal norms resulted in related social, political and administrative change? If so, to what extent? I argue that the period after institutional change should be seen as one of "institutional progression." Scholarly work has highlighted numerous problems in the implementation of the RTI Act: lack of awareness among citizens, barriers to the use of law, bureaucratic indifference, rejection of appeals, and rising pendency (Roberts 2010; TAG and RIB 2015).

This article, in contrast, digs deeper to explore patterns of RTI use in terms of the social, political, and administrative changes it has caused (Mukherji 2013). It presents three arguments. First, the RTI regime is directly linked to change in political regimes and, resultantly, in policy priorities. Political will within the state is required for policy progression. Hence, the ideas emerging within the state matter.

Second, as a result of institutional progression, a new space for accountability has opened up between the state and society. A new variant of elite agents has emerged. Popularly known as RTI activists, these agents are different in the manner in which they engage with the state from the category of elite agents discussed in scholarly literature, such as the "expansive elite" (Rosenthal 1977), *pyraveekars* (Reddy and Hargopal 1985), *gaon ka neta* (Mitra 1991), political fixers (Manor 2000) or *naya neta* (Krishna 2006). This article terms this new variant "agents of accountability." Third, the RTI Act has resulted in a new form of "accountability politics" locally, which is inextricably linked to the issue of social and political domination at the local level.

To examine the extent of institutional progression, I study the RTI Act's implementation in Bihar.<sup>1</sup> Bihar is a puzzle. On the one hand, it is regarded as chronically backward in terms

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**Figure 1: RTI Continuum**

of socio-economic indicators, and also as a place where caste divides run deep. The puzzle deepens when one considers Bihar's reputation for bad governance: it is believed that the state is run by a corrupt nexus of bureaucrats, contractors, middlemen, and sociopolitically dominant groups. To be sure, free flow of state information in the public domain through RTI will expose this nexus and will work against their interests.

Yet, the engagement of citizens with RTI in the state is substantial and its use is one of the highest in the country. The extensive use of RTI points towards high levels of sociopolitical consciousness in a chronically backward state. Consider the number of RTI applications received by the state information commissions (SICs) for top five states in 2011–12. The Bihar State Information Commission received 1,29,807 RTI applications in 2011–12,<sup>2</sup> fewer than in developed states like Maharashtra (6,82,286) or Karnataka (2,93,405), but significantly higher than in Andhra Pradesh (1,22,133), Rajasthan (71,243), or Odisha (52,305) in the same year.<sup>3</sup>

What explains the extensive use of RTI in Bihar? And, why and how is RTI used to challenge the corrupt nexus? Bihar presents us with what is called a "tough case" (King et al 1994) or a "least likely case" (Eckstein 1975), where we would expect less RTI in a socially and economically backward state. To unravel this puzzle and with the aim of studying these patterns in RTI engagement on the ground, I undertook fieldwork in two phases in 2014 and 2015. In the first phase, I visited Patna, the capital of Bihar, to examine the macro-patterns of RTI implementation and its use. In the second phase, I examined the patterns in districts and blocks.<sup>4</sup>

If we imagine the RTI regime in terms of a continuum (Figure 1), one end is represented by the information-givers, that is, the administration, and the other end by the information-seekers, citizens who submit RTI applications. Hence, one end of the continuum is the "supply" and the other end is the "demand." The space in between is one of accountability.

### **Political and Policy Shifts**

I will start by discussing the supply side of the RTI regime in this section. A shift in the political leadership resulted in a change in the governance agenda, which, I argue, is directly linked to the evolving RTI regime in the state. To put this argument in perspective, it is pertinent to examine the political and policy shifts that have occurred in Bihar since 2005. The Janata Dal (United)—JD(U), in alliance with the Bharatiya Janata Party (BJP) (as the National Democratic Alliance [NDA]), won the 2005 assembly elections in Bihar. Nitish Kumar became the new chief minister of Bihar, ousting the previous chief minister, Lalu Prasad Yadav, representing the Rashtriya Janata Dal (RJD).

Though the RJD regime (1990–2004) resulted in the empowerment of backward castes, it sacrificed development for caste politics. Additionally, it is argued that the leadership

facilitated the weakening of administrative institutions and public services to strengthen their rhetoric of oppressed backward castes versus the dominant castes (Mathew and Moore 2011: 19–21). Due to this, a significant share of the funds allotted for development programmes were underutilised in Bihar from 1990 to 2005 (World Bank 2005). In contrast, the newly elected NDA government, led by an alliance between the JD(U) and BJP, saw a political shift in Bihar in 2005. The new leadership was convinced that good governance is good politics. In the words of the newly elected chief minister in 2005,

There is a reason why I emphasized governance as my first, second and third priorities. Bihar that we inherited in 2005 was not afflicted by bad governance; it was afflicted by absence of governance. (*Governance Now* 2010)<sup>5</sup>

The new regime focused on four core areas. First, it aimed to strengthen its relationship with the administration.<sup>6</sup> Second, it adopted legal and institutional measures such as fast track courts and created the Bihar state auxiliary police to improve law and order. Third, the state aimed to improve infrastructure such as road connectivity within the state. Fourth, institutional measures such as the Janata ke Durbar mein Mukhiya Mantri (Chief Minister in People's Court)<sup>7</sup> and the public grievance cell were implemented to establish a direct connection with the people.<sup>8</sup>

The enactment of the RTI Act in October 2005 coincided with the swearing in of the JD(U) government in November 2005. The chief minister took an acute interest in the implementation of RTI Act, and the new governance framework was consequential in shaping three RTI-related processes. First, it prompted innovations in the state to process RTI applications more efficiently. Second, it created an incentive structure for the implementers. And, third, the incentives empowered institutions such as the SICs. Notably, we find that RTI implementation in the state was largely pushed by the personal leadership of the chief minister. Hence, the RTI framework that evolved in Bihar was essentially top-down, where political will played a consequential role.

### **Governance Innovations**

One such governance innovation initiated by the state is known as Jankari (literally translates to information), an information and communication technology (ICT)-enabled governance innovation through which people from any part of Bihar can file an RTI application by placing a call to the call centre. As a bulk of the population in Bihar resides in rural areas and is not highly literate, the call centre made it easy for citizens to file applications.

The then principal secretary of the chief minister was put in charge of setting up the call centre. The chief minister in consultation with his principal secretary, Chanchal Kumar, decided to expand the scope and mandate of the existing public grievance cell to include RTI within its ambit. Under the public-private partnership (PPP) model, the state invited tenders from state neutral agencies to operationalise the call centre. The Bharat Sanchar Nigam Limited (BSNL) was involved as a telecom provider and the Bihar State Electronics Development

Corporation (Beltron) was entrusted with the responsibility of organising all the hardware and software components.<sup>9</sup> The state RTI rules were amended to accommodate this arrangement by levelling fees for both the first and the second appeals to ₹10. Two numbers—155311 to register an RTI application and 155310 as a helpline—were widely publicised in the public domain.

Like Jankari, similar governance innovations related to RTI were undertaken by the SIC. For instance, a helpline dedicated to receiving complaints about the harassment of RTI applicants was set up in 2009. Along with the helpline, Phase II of Jankari was launched, which enabled citizens to file RTI applications through email. Yet another innovation in July 2011 was the establishing of a video conferencing facility in the SIC, Patna.

### **RTI and the Bureaucracy**

Did the top-down policy innovations percolate to other administrative departments? To examine this, I visited government departments in Patna. Interviews in these departments revealed a continuity of institutional progression. For instance, the Department of Rural Development proactively put up details about development programmes online, right down to the panchayat level. The department also put up details about monthly review meetings. Information that was frequently requested through RTIs was made available on the website. According to the principal secretary, rural development, “there is no impediment to innovation, a supportive leadership gets the system implemented.”<sup>10</sup>

Administrative innovations were introduced in districts as well. In the Darbhanga Collectorate, I came across an innovative mechanism named Lok Suchna Prashakha or Public Information Branch.<sup>11</sup> The branch, set up in 2007, serves as a single point of contact for RTI users, and makes sure that the RTI applications have been filled out correctly. To educate information-seekers as well as information-givers, 27 training workshops on RTI were organised by the Bihar Institute of Public Administration and Rural Development (BIPARD) between 2008 and 2009.<sup>12</sup>

### **Incentive Structure within Administration**

Emerging policy priorities and innovations also created an incentive structure. For instance, in 2009, during the launch of the RTI helpline and Jankari II, nine public information officers (PIOs) were publicly felicitated by the chief minister for their RTI work. Additionally, the principal secretary to the chief minister was presented with a special award for his efforts in organising the Jankari call centre and the RTI helpline. On the other hand, erring officials who denied or delayed information were penalised.

The incentive structure galvanised RTI-related institutions, such as the SIC, and empowered them. Provisions to initiate inquiries, which were inherent in Section 18 of the RTI Act, empowered the SIC further. For example, in 2007, 262 government officials were booked for not providing information (*Pioneer* 2008). Even higher officials were not spared. For instance, in April 2007, a deputy secretary and an undersecretary from the Department of Agriculture were fined for not providing

information. Additionally, several cases of alleged corruption in flagship development programmes like the Indira Awaas Yojana (IAY) and Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) were brought to the notice of the SIC through RTI applications, and the SIC used its quasi-judicial power to direct officials to investigate them.

However, a shift in policy and political priorities had a direct impact on institutional progression from 2012 onwards. It can be argued that during the latter half of his second term (starting from 2012), Nitish Kumar was experiencing political turmoil, and his politics overshadowed his governance initiatives and policy priorities. As a result, the state experienced lethargic political leadership, which had an impact on RTI implementation. This is made evident through the decline in the number of calls received by Jankari, from 31,389 in 2010 to 12,880 in 2013. Moreover, during my visit to Patna in March 2014, the call centre had been relegated to an inconspicuous place behind the chief minister’s secretariat and had only six employees at the time.<sup>13</sup> Since 2012, the SIC has not published its annual report.<sup>14</sup>

### **A Case of Glass Half Full?**

Many of the administrative innovations during the RTI regime emanated at the level of the political leadership. However, RTI posed a challenge for both the permanent and the political executive, and its use has put considerable pressure on the administration. This can be seen in the amendment of state RTI rules in 2009, where the structure of fees for RTI was amended to ₹10 per question, instead of ₹10 per application. Moreover, it was made mandatory for the applicant to attach a self-addressed stamped envelope. An amendment also proposed that those from the below poverty line (BPL) category could get copies of documents free up to 10 pages, beyond which they would be charged for the photocopying. It can be surmised from these policy steps that the RTI posed an immense challenge to different segments of the bureaucracy and, subsequently, the bureaucracy convinced the chief minister to introduce these amendments in the RTI rules. In a sense, if the innovations flowed downstream from the top to the administration, the idea of amendments flowed upstream from the administration to the chief minister.

The conflict between the norm of secrecy and the new regime has created layers of ambivalence within the administration, which give an impression of a state that is Janus-faced. While the block development officer (BDO) of Baheri block in Darbhanga raised his doubts about the capacity of the staff to deal with RTI applications,<sup>15</sup> the deputy collector in charge of the Public Information Branch, Darbhanga, raised his doubts regarding the existence of this branch itself:

He [RTI applicant] can come and just drop his application here and he knows we will forward [it further]. To go to a particular block for instance he has to make an extra effort. You can call this facilitation right and at the same time also wrong. [emphasis mine]

Information is still considered a privilege by the state administration, and one comes across bizarre incidents of alleged denial of information. In one such instance, in 2009, a farmer who had filed an application asking about the distribution of

kerosene through RTI was asked to pay ₹1 crore to get the relevant documents, towards the cost of photocopying, etc. This reluctance demonstrates that institutional changes have only partially resulted in institutional progression in terms of norms at the informal level.<sup>16</sup>

### New Space for Accountability

A tumultuous narrative emerges between the supply (information-givers) and the demand side (information-seekers). The PIOs in the state capital, and at the district and the block levels, questioned the motives of information-seekers, especially those who habitually seek information from public authorities. According to them, a new category of “middlemen” or “contractors” use RTI as a tool to “blackmail,” “extort money,” or “settle personal scores” in cases of disputes. “Frivolous and vague applications” and “additional workload” were also thought to be hurdles in the operationalisation of the law.

The views of the administration are symptomatic of the churning taking place at the lowest level of implementation—between the nested (or rooted) norm of secrecy on the one hand and the emerging norm of openness through RTI on the other. In the subsequent section, I will discuss the demand side of the RTI regime.

### Agents of Accountability

Who are these “habitual” users of RTI, whom the administration views so unfavourably? Is the motive in reality blackmail or troubling officials? Are they really contractors or middlemen? I probed these issues further and systematically tried to unravel the categories of users. On the basis of my field visit to the district and blocks of Darbhanga and Supaul, I identified the following three categories of information-seekers.

**One-time users:** The first category of people is the one-off users who have used RTI to seek issue-specific information. These RTI users are common citizens who seek information from various government departments, primarily about the services or benefits to which they are entitled, or information related to land or revenue. For example, in 2006, a rickshaw-puller from Machdi village in Jhanjharpur district used RTI to get the benefits to which he was entitled (as an unintended outcome of his RTI query).<sup>17</sup> It has also been used to draw attention to decisions made in panchayats and irregularities in the implementation of development programmes.

**Institutional users:** The second category is the institutional users of RTI, such as non-governmental organisations (NGOs) or research organisations that seek information on specific issues and schemes. For example, an NGO working on water conservation in the district of Darbhanga uses RTI regularly to get information on water issues. Similarly, another NGO working on the Kosi river project seeks information from the government regularly regarding budgetary allocations, expenditure, and progress made.

**Core users:** The third category of users, I term as the “core” of the RTI regime. This category engages regularly with the law.

These users are technical experts on legal provisions, and seek information regularly from public authorities on a range of issues. The quantum of RTI applications filed by this category is large compared to that of one-off users or organisational users.<sup>18</sup> The core’s RTI use has resulted in the emergence of a category of “accountability”-seeking intermediaries who I call “agents of accountability” (popularly known as RTI activists).

Scholars have identified the role of elite agency in the local politics. For instance, Rosenthal (1977) has discussed the role of “expansive elite,” who have used the political and institutional opportunity structures to their own advantage. In a similar vein, Subrata Kumar Mitra (1991), in his seminal study of Gujarat and Odisha, shows a significant role of local village leaders situated at a critical “interface of modern state and traditional society” in what he terms as the *gaon ka neta* (village leader). These *netas* are usually the local elite who engage with the state through various forms of protest and participation, such as “brokers in national, regional and local elections; lobbying and contacting the bureaucracy and the higher political elite; and collective protest” (Mitra 1991: 391).

The state, in turn, consciously provides legitimacy to their activities by providing them room to manoeuvre. By doing so, the state widens its social base, which in turn provides legitimacy to the state and its policy actions. Anirudh Krishna (2006) has identified an emerging category of village-level leaders termed as *naya netas* (new leaders), who act as mediators between the villagers, the politicians, and the bureaucracy. Villagers rely upon these *netas* “for diverse purposes requiring mediation with the state” (Krishna 2006: 143). Yet another category of local agency is the intermediaries at the local level who operate as “political fixers” (Manor 2000) or local *pyraveekars* (Reddy and Hargopal 1985).

The agents of accountability introduced in this article are different from the scholarly work on local leadership discussed above. The RTI in this case has provided the opportunity structure for these agents to seek accountability from the state. Unlike the local elite and the “intermediaries” whose legitimacy stems from their engagement with the state, the legitimacy of these agents of accountability emanates from seeking accountability from the state. By seeking accountability, the agents of accountability often question the state. Further, I have identified two sub-types to this category: Type A (Non-political), and Type B (Political).

#### Type A: Non-political

RTI applications from this category primarily seek information regarding the local development programmes, to stop malpractices and corruption at the local level. This category has the following three characteristics: (i) a large volume of RTI applications are filed by these activists, which puts a constant pressure on public authorities; (ii) their RTI applications are related to multiple issues, in the larger public interest; (iii) as a result of their technical knowledge regarding the RTI law and also their familiarity with government departments, the activists provide advice and guidance to people on filing RTI applications.

Almost every district in Bihar has this kind of information-seekers who act as “whistle-blowers” and have exposed scams and irregularities in the locality. For instance, Nand Kishore Sharma of Kakarhat panchayat in Saran district exposed financial irregularities in the installation of solar lights under the Akshay Urja Scheme. Similarly, in Khagaria district, an RTI application by Amit Kumar revealed that the village *mukhiya* (village head) was installing substandard batteries and solar lights, and embezzling the funds. Similar RTI applications were filed all over Bihar, exposing a scam of over ₹2,600 crore, where substandard batteries and solar panels were installed, instead of government-approved components, without due diligence by inviting tenders for such a purchase. RTIs revealed that the solar lights had stopped working a few months after the installation (*Hindu* 2014).<sup>19</sup> Subsequently, in 2014, a petition was filed by a group of RTI activists in the Patna High Court against the corrupt nexus of mukhiyas and bureaucrats (*Nagrik Adhikar Manch v State of Bihar and Ors* 2016).

Another significant pattern that emerged was that the agents of accountability in Bihar have become more organised, albeit informally. This is evident from the formation of state-wide platforms, such as the Bihar Right to Information Manch (BRIM)<sup>20</sup> and Nagrik Adhikar Manch (Citizens Rights Platform).<sup>21</sup> Apart from addressing the harassment and murder of RTI activists, this platform also investigates the corruption revealed through RTIs.

#### Type B: Political

This category uses RTI extensively to further social and political activities, and primarily to do social and public good. RTI is also used by this category to exert power over the local administration and increase one's social and political presence. This second subtype of the core has the following characteristics: (i) extensive use of RTI in terms of the sheer number of applications; (ii) though the overarching objective is to seek accountability and expose anomalies and malpractices, RTI is also used as a tool to expand their social and political base; (iii) the association of different subcategories to RTI is inextricably linked to their political, social, or professional affiliation; (iv) these RTI users engage in RTI activity to establish connections with the administration due to their abundant RTI use, and to enhance their local presence socially and politically.

Take, for instance, the case of Premnath Singh, whose name invariably came up (always in a negative light) in relation to RTI. According to an official estimate, almost 75% of RTI applications at Baheri block in Darbhanga district were filed by Singh. His name was also mentioned at the district level, as a “habitual” information-seeker.<sup>22</sup> It was clear that Premnath Singh is a politically active individual and harbours political ambitions.<sup>23</sup> He is affiliated to the Congress party formally, and was president of the Prakhand Congress Committee. I could not detect any monetary vested interests, but he himself admitted that he has helped people in the block through the use of RTI, which in turn has helped him build his political base.<sup>24</sup> Singh's engagement with RTI is threefold: (i) he uses RTI to build his political base by seeking accountability in

development projects related to the block; (ii) he uses RTI as a tool to rattle his political competition; (iii) he establishes his power within the local administration through RTI applications, which furthers his political ambitions.

A closer examination of Singh's RTI applications demonstrates that he has sought information about specific panchayat officers. In one of the applications, for example, he has sought details about how a panchayat secretary had got his job and about irregularities during the official's tenure.<sup>25</sup> In another RTI application, Singh sought specific and rather personal information such as the property details and income of the *mukhiya* of Metuniya panchayat (sic, Bihar).

We find yet another variant of the politics–RTI interface in Darbhanga district. Umadhar Prasad Singh was a politician and activist who regularly used RTI to raise public issues.<sup>26</sup> Umadhar Singh was the sitting MLA of the Bihar assembly, who had thrice represented the Hayaghat constituency in Darbhanga district. Previously, Singh had been closely associated with the left movement in north Bihar and was an active central committee member of the Communist Party of India (Marxist–Leninist). Singh's RTI applications reveal that he has sought information on development projects such as roads, rural development programmes, and agriculture. Umadhar's case reveals the use of RTI as a tool to achieve social good by exposing corruption, irregularities, and anomalies in development work at the grass-roots level.

Another variety of the “political” users stands out on at least three counts. First, these RTI users harbour a profound desire to establish an NGO or become civil society leaders. Second, from interviews, I deduced that their RTI Act activity was often motivated by the desire to establish their *vargaswa* or visibility in the locality. Third, their regular use of RTI enhances their ability to access the local administration. In addition, this category shares one common characteristic: outward migration from their native place. These users have either been educated outside Bihar or have stayed outside the state, are educated or literate, and have tried their hand at various professions. Some of them have been to cities, but, having being disillusioned, have returned home.

For example, let us consider Ashok Singh,<sup>27</sup> a lawyer who practises in the local court. Before his legal practice, he had spent time in Delhi and had tried his luck in journalism. Singh was keen to start an organisation that would work on local governance issues. He has played an instrumental role in mobilising groups around RTI to seek accountability and transparency from the local administration and, in turn, he has boosted his own local visibility. Similarly, in Supaul district, I interviewed Durga Prasad Choudhary, who owns an *atta chakki* (flour mill) in Raghpur block,<sup>28</sup> and, before settling down in his native village, had spent a few years in Delhi helping his uncle, an electrician. He has filed several RTI applications on issues that are both local and national.

The extensive use of RTI by these users enables them to put pressure on the local administration and also helps them establish linkages within the administration at the local level. Due to the corruption and anomalies exposed through RTI in

the local development work, their social power also potentially increases manifold.

Three significant points emerge from the use of RTI by both the categories discussed above. First, RTI has opened up a new space for accountability between the state and society. If innovations in the administration facilitate the RTI regime and its use at one end, the involvement of information-seekers strengthens the RTI at the other end. Second, an RTI application filed in one district sparked a chain of RTI applications across districts, revealing a statewide nexus of information-seekers who are connected to each other, as can be seen in the case of the solar light scam. This is evident from the self-organisation of RTI activists, who have come together to form informal platforms. Third, the use of RTI by agents of accountability created “trigger points” within the state. The SIC’s instructions to the district magistrates to form enquiry committees at the district level were triggered by RTI applications from this category of information-seekers. In a sense, concerted RTI use by information-seekers puts pressure on information-givers, deepening the RTI regime further. In this case, state and society constitute each other.

### **The Varchaswa Factor**

I argue that RTI use has led to a new form of politics, which I term as “accountability politics.” Francine Frankel (1989: 2) defines dominance as the “exercise of authority” by the social groups to achieve “politico-economic superiority,” or new forms of social domination by closely aligning with the state (Rao 1989: 39–41). The politics of accountability has led to the new pattern of social and political domination, which does not engage with the state but questions and seeks accountability from the state. I propose that the political shift that took place in Bihar historically lead to the emergence of new forms of social and political power. This is made evident through the use of the Hindi word *varchaswa* (dominance or power) in the narratives of core users while explaining their objectives for filing RTIs. For instance, Premnath Singh (discussed above) repeatedly talked about establishing *varchaswa* locally, and boasted of how everyone in the administration knows him, from the BDO to the chief secretary of the state.

The caste dimensions of RTI applications have not been examined in other studies on RTI implementation. However, caste is an important variable in a state where caste divides run deep, especially in rural areas. One striking feature that surfaced in villages is the close intertwining of RTI with local politics and actors. *Varchaswa* is often a factor that emerges as a result of this close intertwining. Displaced castes who were previously socially and politically dominant have found in RTI a tool to reclaim their power. Seeking accountability is often a proxy for their assertion of power at the social, political, and the administrative levels.

A long history of the socialist movement in the state and the political establishment’s focus on the empowerment of the backward castes has challenged, and to some extent changed, the sociopolitical equilibrium. This is evident in the caste representation in the Bihar legislative assembly over the years. Upper-caste representation declined from 41.8% in 1967 to 29.9% by

2000, while backward-caste representation increased from 24.2% in 1967 to 36.4% in 2000. The political ascendancy of backward castes reached its zenith in the 1995 elections with 45% members of the legislative assembly belonging to the backward caste and only 17.1% were from the upper castes (Kumar 2004: 266).

This is true of village politics in Bihar as well. Formerly dominant social groups belonging to the upper castes have given way to new dominant groups belonging to the backward castes. Power equations have changed as the emergent groups have found not only political power, but economic power as well, for landownership has changed hands from the upper castes to the lower castes. This has created pulls and pressures in villages, and RTI has become a tool in this power struggle. Analysis of solved RTI applications from the districts of Darbhanga and Supaul corroborates this trend. In Darbhanga, 52% of information-seekers and 42% in Supaul belong to the upper castes. In Darbhanga, 19% of RTI applications were filed by minority communities, and in Supaul, 7% of the information-seekers were from minority groups. Together, the minorities and the upper castes constitute a large chunk of RTI users: 71% in Darbhanga and 49% in Supaul.<sup>29</sup>

In the above context I will examine the cases of two villages, Ujan and Nanour.

### **Ujan**

Ujan village is located in Manigachhi block, Darbhanga district.<sup>30</sup> Traditionally, as it holds true for this area, the village has been a stronghold of the Shrotriya Brahmins, or the uppermost category of Brahmins. Interestingly, the power struggle in this region has been historically both “intra” and “inter” caste. Over the years, land has been transferred on a large scale to other categories of Brahmins, locally termed as “lower Brahmins,” who were historically not a part of the landed gentry. Landownership further shifted to the Other Backward Classes (OBCs), many of whom had worked on the land owned by Brahmins. Another factor that strengthened the position of the OBCs was the increase in economic opportunities in the trade, business, and government sectors in cities and metropolitan areas.

Elections to the village panchayat were held every five years and were the main fulcrum around which this socio-economic and political dynamics was organised. The ascendancy of new caste groups in terms of land and power resulted in a power struggle in villages as traditional strongholds did not easily accept the newly ascendant caste groups. In Ujan, the last two decades have seen alternations in power between the Brahmins and the OBCs, but the OBC candidate has been in power for the last decade. In retaliation, the Brahmin candidate (or his group) has filed a series of RTI applications against the OBC mukhiya.

The case of Ujan demonstrates that opposition politics is an instrumental driver of RTI and the new accountability regime. During my field trips in Bihar’s villages, this phenomenon was repeatedly mentioned, often clearly and at times tangentially. While it is true that RTI is being used as a tool in local politics, it has in general enhanced awareness and acts as an empowering tool to question authorities and to ensure transparency

and accountability. Indeed, the mukhiya also clearly stated that these RTI queries have prompted the official machinery to become more alert and cautious about maintaining records. This is not to suggest that these cases are false or imaginary, but are often genuine issues taken up by these village activists (of course with the hope of nailing the mukhiya). In the case of Ujan, this is representative of both changing power equations and the use of RTI as a tool for sociopolitical dominance.

### Nanour

I came across a similar case of RTI being used to gain local power by a minority group in Nanour, a village in Jhanjharpur block, Madhubani district.<sup>31</sup> I decided to pay a visit, as it was a group from a minority community that was using RTI in this village. Shahbuddin is an educated young man in his early 30s. He holds an MA degree and has worked in Kashmir for eight years before coming back and starting a small-scale poultry business. Upon his return, he found that none of his kith and kin had received any benefits under the development programmes meant for BPL families. He took up the matter with the village mukhiya and the BDO, only to be rudely dismissed. In his own words,

This had then become the fight for *varchaswa*. Through RTI, I got the list of beneficiaries under IAY and MGNREGS and escalated the matter from district level to the state department for Rural Development. Meanwhile, at the village level, the mukhiya and the BDO retaliated by booking me under a false criminal case. Finally, with much effort and representations to the higher authorities an investigation was ordered.

This forced the mukhiya and the BDO to implement the schemes properly and pay the BPL families the necessary benefits.

The mukhiya had been the elected representative for the last decade and wielded considerable social and political power. The RTI filed by Shahbuddin, and the resulting investigation, challenged the mukhiya's power. In a sense, Shahbuddin's use of RTI had created an alternate centre of power in the village, located within the minority community. The mukhiya understood this shift in the power dynamics and made amends by improving her relationship with Shahbuddin and his group: "Both power and people have shifted from the mukhiya to us, even mukhiya now comes to us for advice and informs us of all her decisions." Shahbuddin recounts that the subsequent BDOs received him with much *mann-samman* or respect. Nanour is an example of how RTI is used as a tool to gain power in local politics and enhance one's local visibility and identity.

### Conclusions

This article shows that the institutional progression of the RTI regime in Bihar is inextricably linked to the governance agenda

and policy priorities of the new government under the new leadership in 2005. In this light, it can be argued that the institutional progression at the state level is contingent upon the prevailing political regime and the political will of the leader at top. The evidence examined in this article demonstrates that the presence or absence of political will has a direct impact on institutional progression. The case of Bihar demonstrates the significance of political leadership and the top-down flow of ideas. The governance agenda of the chief minister encouraged bureaucratic innovations within the administration and the implementing agencies. In this case, the political leadership was instrumental in convincing and encouraging the bureaucracy to initiate some of these innovations.

The RTI has opened up a new space for accountability between the administration and the citizens, which is inhabited by a new form of elite agency, whom I have termed as agents of accountability. However, this elite agency is different from the earlier scholarly literature dealing with local leadership (Rosenthal 1977; Reddy and Haragopal 1985; Mitra 1991; Manor 2000; Krishna 2006). This is a new form of local leadership which seeks accountability from the state and, hence, the nature of engagement with the state is different from the traditional forms of local leadership discussed in the literature. RTI has been extensively used in Bihar to get responses on entitlements and public services and to methodically expose corruption at the local level. In this sense, the RTI has posed a challenge to the dominant vested interests at the grass roots in Bihar. As our cases have shown, RTI has been used in Bihar to expose both petty and grand corruption.

A new variant of local politics has emerged in the form of accountability politics. Findings from the field study show that formerly powerful social groups use RTI applications to seek accountability regularly from politically and economically emergent social groups. This linkage between RTI and social power is closely related to caste politics in Bihar, where the empowerment of backward castes in the past 25 years has shifted local social, political, and economic power from traditionally dominant castes to empowered backward castes. Interestingly, at the grass-roots level, RTI is used in opposition politics.

However, the institutional progression is partial and still evolving. The culture of secrecy still prevails within the local bureaucracy, and is evident in their hesitancy to share information. Information-seekers are regarded unfavourably, and the RTI Act is seen as only adding to their workload. Indeed, scepticism regarding the RTI Act's potential to deepen democracy and development still persists, more than a decade after its promulgation.

### NOTES

<sup>1</sup> The act was passed centrally at the union government level, but its power extends to both central and state public authorities. State governments need to actualise the act and enact their own statutory rules to provide implementation architecture. This necessitates both horizontal and vertical implementation of the law. The sub-national level probe would reveal whether the change in "formal norms" has

caused a change in the related "informal norms." I examine the implementation of the RTI Act at two levels. One level is the change in bureaucratic behaviour and attitude towards sharing official information. The second level concerns RTI users, of whom I ask the following questions: Who are the users? Why do they use it? What is the nature of RTI use? The two levels would tell us about the RTI regime and about the givers and seekers of information.

<sup>2</sup> The Bihar State Information Commission has published annual reports only until 2011–12. I have used the latest published figures (2011–12).

<sup>3</sup> Annual reports of state information commissions (SICs) of various states, 2012. Also, see CHRI (2013).

<sup>4</sup> To do so, I selected Darbhanga and Supaul, two districts in north Bihar, for their similarities and dissimilarities. The districts are of the same size and flood-prone. They lie in the same

- sociocultural region, are linguistically similar, and have a similar literacy level. However, Darbhanga is more prosperous, has better health indicators and a rich history of social and political movements, and receives more RTI applications than Supaul. I visited these districts in 2014. I conducted open-ended interviews with bureaucrats, RTI users, serving and non-serving state information commissioners in Patna, and public information officers in the two selected districts, blocks, and villages.
- 5 In 2010, during his second term, the political intention and policy priorities of the government were reiterated by laying out a detailed programme on governance (*sushasan*, in Hindi) published in the *Bihar Gazette* on 16 December 2010. Also see Mukherji and Mukerji (2015: 206–07).
- 6 Nitish Kumar handpicked some of his close associates, such as the 1975 batch India Administrative Services (IAS) officer of the Bihar cadre, R C P Singh, as his principal secretary, and a young IAS officer of the 1991 batch, Chanchal Kumar, as his secretary.
- 7 This was usually held every Monday at the chief minister's residence, where he listened to people's grievances from 9 am to 5 pm. Each Monday would be allotted to a specific set of departments.
- 8 There were multiple objectives to this call centre. On the one hand, it enabled the chief minister to be directly in touch with the implementation and monitoring of development programmes at the grass-roots level and, on the other, it registered people's grievances directly with the chief minister's secretariat. Feedback received through the call centre was scanned and directly forwarded to the secretary of the concerned department. The process was reviewed and monitored personally by the chief minister.
- 9 Interview with Chanchal Kumar, former secretary to the chief minister of Bihar, March 2014; visit to Jankari call centre in March 2014.
- 10 Interview, Principal Secretary, Department of Rural Development, Government of Bihar, March 2014.
- 11 Visit to Darbhanga Collectorate in December 2014.
- 12 Visits to BIPARD, Patna, in March 2014. Various interviews with former Director of BIPARD, Sudhir K Rakesh.
- 13 Jankari was previously located in the state government's software technology park. There was a reduction in the staff at the call centre.
- 14 The current state of the SIC website is a symptom of shifting policy priorities of the top leadership. During the peak period of governance initiatives, the SIC website served as a rich repository of RTI-related information, such as the district-wise database of solved RTI applications with an option of tracking the applications under review. When last checked in February 2018, this potent website was inoperative for the past eight months, demonstrating the lack of interest and political will of the top leadership.
- 15 Interview with the BDO, Baheri block, Darbhanga district, December 2014.
- 16 I was exposed to this during my fieldwork. It was ironical that the Jankari officials were reluctant to share basic information with me (contrary to the name Jankari) regarding the number of calls received, when I visited the Jankari office in 2013. I experienced a similar reluctance at the district level. Though, I could procure necessary information after interventions from higher officials.
- 17 Interview with Mazloom Nadaf, Machdi, Jhanjarpur Block, December 2014.
- 18 The negative image of the RTI users within the administration was specifically directed towards this category of RTI users.
- 19 Interview with Shiv Prakash Rai (Nagrik Adhikar Manch), RTI activist, Patna, Bihar, March 2014.
- 20 Parveen Amanullah, who had filed approximately 600 applications between 2007 and 2010, provided the leadership for this platform, which had members from all over Bihar.
- 21 Interview with Shiv Prakash Rai, Patna, Bihar, in February 2014.
- 22 Visits to Baheri block, Darbhanga district, December 2014 and January 2015.
- 23 Interview with Premnath Singh, Baheri block, Darbhanga district, Bihar, January 2015.
- 24 For example, the information he procured through RTI revealed corruption regarding the building of the block hospital. As a result, a senior block health official was suspended and the new public health centre (PHC) was built in the block.
- 25 In yet another application, Singh sought similar information regarding a panchayat assistant (*panchayat sahayak*).
- 26 Umadhar Prasad Singh died in June 2014.
- 27 Interviews with Ashok Singh during number of visits to Jhanjharpur block, Madhubani district, December 2014–January 2015.
- 28 Interview with Durga Prasad Choudhary, Raghopur block, Supaul district, January 2015.
- 29 Apart from the field interviews, I examined RTI applications filed in the districts of Darbhanga and Supaul. These applications from 2007 to 2013 could be accessed from the SIC database (the database is also an indication of the robust RTI system which was created within the state; [http://www.biharonline.gov.in/sic/common/pio\\_district.aspx](http://www.biharonline.gov.in/sic/common/pio_district.aspx)). I used the "systematic random sampling method" to select 10% of the applications that were appealed at the State Information Commission (SIC), with Patna, as the "representative sample." I discerned the caste patterns from the representative sample of RTI applications. Even though caste is not mentioned in the RTI application, I ascertained the caste from the surnames or family names of the applicants. Obvious surnames related to the upper castes and the minority could definitely be weeded out from the RTI applications. For instance, family names like Jha, Mishra, Singh, etc., were definitely from the upper castes. Similarly, Mohammad, Yaqub, etc., were surely from minority communities. It was, however, impossible to identify the backward castes and SC or ST groups according to surnames, as they can often be misleading or surnames could be dropped. Hence, the rest of the applicants were put together in the "other" category. For the upper castes and minority communities, only those applicants were selected for the respective category whose surnames unambiguously represented their caste; any ambiguity would put them in the other category.
- 30 Visits to Ujan, Manigachi block, district Darbhanga, Bihar, December 2014–January 2015.
- 31 Visits to Nanour, Jhanjharpur block, Madhubani district, December 2014.
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